

**Buckingham Township Planning Commission**  
**Approved Meeting Minutes**

The regular meeting of the Buckingham Township Planning Commission was held **Wednesday, March 5, 2008** in the Township Building, 4613 Hughesian Drive, Buckingham, Pennsylvania.

Present:	Andrea Mehling	Chairperson
	Ann Sutphin	Member
	Glynnis Stone-Tihansky	Member
	Daniel Gray	Township Engineer
	Lynn Bush	Bucks County Planning Commission
	Marc Sandberg	Member
Absent:	Patrick Fowles	Vice-Chairman
	Rebecca Fink	Member
	Tom Baldwin	Member

Ms. Mehling noted that the Planning Commission did not have a quorum and inquired with the attorneys' present to see if they wanted to proceed with the reviews. Consensus was to proceed.

Ms. Mehling called the regular meeting to order at 7:33p.m.

**1. SA2008-01 "Bonargo Subdivision" 3461 Durham Road, TMP #6-6-62, 7.439 Acres, AG-2 Zoning, Preliminary Plan of a 3 Lot Major Subdivision. Review expiration date May 6, 2008.**

Representing the applicant were Mr. Joe Bonargo, owner and Mr. Scott Camburn, Engineer. Mr. Camburn provided an overview of the plan. Mr. Camburn explained that they would work through the review letters within the next 30 days and resubmit plans.

Ms. Carol Manicone, Landscape Consultant announced that she had a meeting schedule with the applicant on Monday, March 10, 2008 at 2:00pm. Ms. Mehling noted that she would like the Planning Commission (PC) to do a site walk. Mr. Bonargo agreed to lead the PC on a site walk. Ms. Mehling will coordinate the site walk with Mr. Bonargo.

Ms. Mehling and Ms. Sutphin expressed concern about the two extra driveways on Route 413 and asked whether they had considered shared driveways. After discussion it was determined that it would be difficult to combine any of the driveways but that it would be examined at the site visit. Ms. Sutphin asked if the site lines on the driveway work with embankment to which Mr. Camburn responded that they do. Mr. Bonargo noted that one of the waiver requests dealt with not creating a tunnel for the driveway. Mr. Bonargo also expressed concern about creating a walkway because of the width of the road and the elevation change. Mr. Gray requested that the applicant stake out the locations of the proposed driveways before the PC site visit.

**Dr. Sandberg entered the meeting at 7:42pm.**

The waiver requests were reviewed. The following waiver requests were discussed:  
9.5B Ms. Mehling noted that the Township did not allow sump pumps.

9.18.B&C Consensus was to hold discussion until the site visit.

9.22J Grading on building envelope. Mr. Camburn explained that the driveway would have to encroach into the side yard setback on both lots and 2. After discussion, PC consensus was that this waiver was a better solution than interfering with slopes.

Ms. Mehling asked the applicant to work out the outstanding engineering issues and return with an updated waiver list. Ms. Mehling reiterated that she would coordinate the site walk.

Ms. Manicone noted that some tweaking of the landscape buffers was required and noted that PECO was removing trees and wanted to make sure the applicant was not penalized for this removal.

*Ms. Mehling made a motion, seconded by Ms. Tihansky to table consideration of SA2008-01 "Bonargo Subdivision" 3461 Durham Road, TMP #6-6-62, 7.439 Acres, AG-2 Zoning, Preliminary Plan of a 3 Lot Major Subdivision. The motion carried unanimously.*

**2. SA2006-05 "Lindenmeyr Tract aka Sotter Hill", 2855 Ash Mill Road, TMP# 6-14-63, 29.25 Acres & 6-14-29 15.17 Acres, AG-2 Zoning, 5 Lot Subdivision with one existing lot, Revised Preliminary of a Major Subdivision, Review expiration date June 30, 2008.**

Representing the applicant were Mr. Robert W. Gundlach, Jr., Attorney and Mr. Matthew L. Williams, Project Engineer.

Mr. Gundlach explained that since the last meeting with the Planning Commission, the applicant had appeared before the Board of Supervisors to discuss the layout as well as the roads on an adjacent property owned by Mr. Lindenmeyr (property across the street from this proposed five lot subdivision). He explained it was a vacant lot that at one time had a swimming pool (that has since been filled in) that serviced the main house. He further explained that Mr. Lindenmeyr had been marketing that lot for sale and the question arose at the Township level as to whether it was an existing building lot. The Township took the position that the lot was not subdivided, but Mr. Lindenmeyr took the position that it was subdivided by virtue of the construction of the public road years ago and that he did not need to go through the subdivision process. That dispute was discussed before the Board of Supervisors to try to come up with a compromise position. The compromise position was that the lot across the street would be included as part of these pending subdivision plans and Mr. Lindenmeyr would agree to put a note on the plan specifying that the lot would not be further subdivided. Mr. Gundlach explained there was further discussion concerning waivers and disturbance for lots in the rear (lots 4 and 5 in previous plan). After discussion it was agreed that those lots would be consolidated to one building in order to necessitate less tree disturbance and stormwater relief and other issues. Mr. Gundlach added that the Supervisors also requested that a portion of the lot across the street stay with the existing farmhouse. The farmhouse would be identified as Premises A (land around farmhouse) and Premises B (area across street at former pool location). It was noted that this would not be a

building lot, but it could be used as swimming pool, tennis court, etc. Lot 5 would be a building lot and would be deed restricted against further subdivision. Mr. Gundlach summarized that the plans were revised based on the discussions with the Supervisors, they were resubmitted and the review letters to be discussed are based on the revised plans. The following issues were discussed:

Landscape Review Consultants Letter dated February 27, 2008

The applicant agreed to comply with all issues other than those discussed below.

1a. Mr. Gundlach noted that they had also discussed with the Board of Supervisors the Texas Eastern clearing. The applicant agreed to provide an aerial survey, but they would not do a tree inventory.

Page 5 to end of review letter: Mr. Gundlach explained that Ms. Manicone had identified new issues with respect to the new parcel that was added into the plans (parcel across the street). He explained that it was the position of the applicant based on conversations with the Supervisors that all those items would not be done because this is not being subdivided; this is an existing lot that the applicant is deed restricting against further subdivision. This subdivision was requested by the Supervisors to make this portion part of lot 1. Mr. Gundlach referenced the Knight Engineering Review letter in which there were comments about a note being added to the plan that before a home would be built, an applicant would return to the Board. Mr. Lindenmeyr expressed a preference to take care of everything now so the applicant was proposing to show a proposed home with driveway, grading, stormwater information and erosion and sediment control information. They will put a conservation easement on the balance of the site. The applicant will meet with Ms. Manicone to designate an area that comprises approximately 15%-20% for building envelope and everything else would be deed restricted. Mr. Gundlach summarized that the applicant would meet halfway and provide engineering but not comply with all Subdivision and Land Development (SALDO) requirements.

Ms. Manicone asked about the possibility of reducing the building envelope so as not to infringe on trees at all. After discussion it was decided that the issue would be examined in the field and the applicant would agree to consider changing the location to provide less disturbance.

Mr. Gray commented that the main concern would be if the property owner came in and wanted to do something significantly different than what was on the plan. In that case, Mr. Gray requested that a lot grading plan would be submitted and that would apply to all lots on the site.

Knight Engineering Review Letter dated February 29, 2008

The applicant agreed to comply with all issues other than those discussed below.

I. 1.1 Mr. Gundlach suggested that they submit a reconfiguration of the Zoning Data tabulation.

1.2 The item was discussed earlier. Mr. Gray reiterated that a note would be required to address significant changes. Mr. Gray recommended that when designing for stormwater, the applicant provide additional impervious surface. Mr. Gundlach inquired about lot 5, which had a septic permit issued (and is shown on plan) prior to the Township amending the ordinance to require

reserve for all parcels. He asked if they would need to show a reserve system for that lot. Mr. Williams indicated that it would be a sand mound system. Mr. Tom Kelso, Township Water/Wastewater Consultant responded that the lot could be looked at individually.

1.3 Mr. Gray explained that he wanted to make sure that where the trees are located and where the drip system is proposed, there would not be problems like encountered at Surrey Hill. Mr. Gray requested that copies of the plan be provided for Ms. Manicone, the Township and Knight Engineering.

2.2 Mr. Gundlach indicated that they had requested a waiver for 9.20C1. Mr. Gray noted that the waiver request was to not provide plant material, but he was asking for them to build the envelope as the ordinance required. The applicant understood.

5.1 Mr. Gundlach asked for an explanation of what was requested. Mr. Gray responded that they needed to show a building envelope that complied with the natural resource protection standards. The applicant will comply. The waiver was to be removed.

#### Waivers

Mr. Gundlach noted that the waiver requests were updated on February 6, 2008 to add tax map parcel 6-14-29. Mr. Gray mentioned that the applicant had significantly reduced the stormwater management on the site and asked for an explanation. Mr. Williams explained that the code requires any development on a property must detain the whole property. He explained that their plan proposed 3.5 acres of development out of 30 acres and since they were not proposing a larger basin, it was impossible to conform to all codes. He explained that they had included individual on-lot stormwater management at each development site and that they were preserving 26 acres in a conservation easement. He commented that he felt this was one of the best stormwater management solutions. Ms. Mehling asked about one long driveway. Mr. Gray responded that it would remain a rural roadway and that all areas being disturbed would be mitigated in terms of stormwater. The Planning Commission agreed with the approach.

Ms. Lynn Bush commented that the Bucks County Planning Commission did not get a submission on this round but that she was present for Board discussion and felt the applicant had followed the direction.

*Ms. Sutphin made a motion, seconded by Ms. Tihansky to recommend preliminary approval for SA2006-05 "Lindenmeyr Tract aka Sotter Hill", 2855 Ash Mill Road, TMP# 6-14-63, 29.25 Acres & 6-14-29 15.17 Acres, AG-2 Zoning, 5 Lot Subdivision with one existing lot, Revised Preliminary of a Major Subdivision with the following provisions*

- The applicant will comply with all issues raised in the February 27, 2008 Landscape Review Consultants review letter up to the middle of page five wherein the developer is stating the requirements do not apply to this development and they are requesting a waiver*
- The applicant will show stormwater, grading, erosion and sedimentation controls and tree disturbance for lot 5*

- *The applicant will comply with all items on the Knight Engineering February 29, 2008 review letter with the clarification on item 2.2 that side and rear building setback lines would be provided in addition to the perimeter buffer yards and clarification on item 1.2 that in final plan submission a note would be added that required review by the Township Engineer for any changes to the plan.*  
*The motion carried unanimously.*

**3. SA 2001-16 “Victoria Park”, Smith Road, TMP# 2-23-8,107.79 Acres, AG-1 Zoning, 3 Lots, Preliminary/Final Plan of a Major Subdivision. Review expiration date June 3, 2008.**

Representing the applicant were Mr. Ed Murphy, Attorney and Mr. Greg Glitzer, Project Engineer.

Mr. Murphy summarized that in December the applicant (Toll Brothers) entered into an agreement of sale for conveyance of a conservation easement to the Township. The agreement specified that the closing would be scheduled by the end of March and it has been scheduled for March 27, 2008. Mr. Murphy further explained that the agreement provided that there would be two building lots (lots 3 and 4). Mr. Murphy added that because of the compressed timeframe, they expected to present the plan to the Board of Supervisors at the March 12, 2008 meeting. Mr. Murphy acknowledged receipt of the Knight Engineering March 5, 2008 review and noted that the majority of items were “will comply” other than the items discussed below.

I. 1.1 Mr. Murphy commented that a note would be added to the plan that would require submission of a plan showing the two proposed Building Envelopes prior to the submission of any Zoning or Building Permit Plans for Lot 2. Mr. Murphy noted that the location would be dependent on soil quality for siting the septic system and the preference of the purchaser.

1.2 Mr. Murphy commented that they would add a note specifying that the owner of lot 2 would provide stormwater management facilities when Zoning or Building Permit Plans were submitted for the future “Building Envelope Areas.” Mr. Murphy also noted that it was not their intention to provide escrow for that purpose at present, but that it would be provided by the purchaser. Mr. Gray asked for a note to be added to that effect.

II. 1.1 Already addressed.

2.3 Mr. Murphy commented that Ms. Manicone was comfortable with the previous survey and that the 36-inch caliper trees had already been identified.

3.1 Waiver added.

4.3 Ms. Sharon Dotts, Design Engineer, explained that a large portion of the watershed comes down and impinges on Mr. Michel’s property line. They have looked at the drainage pre (5cfs) and post development (3cfs) there. She explained that a lot of water would be intercepted in the proposed bioretention facilities. Ms. Dotts noted that improving the swale would require

significant regarding down to the culvert and the result would be a 30'-40' incursion onto the properties. Ms. Dotts felt the proposed solution was better.

Mr. George Michel, Pineville, commented that the applicant had done a good job with stormwater management, however he expressed concern about the erosion that had already occurred. He noted that there were a couple of black walnuts in the area. Mr. Michel asked whether a culvert to the driveway would add additional stormwater to which Ms. Dotts responded that the driveways were located at a highpoint in the road. Mr. Gray noted that it was important to make sure that the grading was appropriate if they were swaling the driveways. Mr. Glitzer indicated that he understood the concern. Mr. Gray noted that another concern was that if not providing a culvert, then all the water would get stuck at the driveway at lot 3. Ms. Tihansky asked why there were two driveways to which Mr. Glitzer responded it was the owner's preference. Mr. Michel asked if porous paving could be used for the driveways to which Mr. Glitzer responded that it could not be used because the area had limited infiltration basins; there was not good soil. Mr. Gray requested that a note be added to address the existing erosion condition with minimal disturbance of existing trees in that location. The issue will be discussed with Mr. George Michel.

II. 3.4 Mr. Murphy explained that this item would be added to the waiver list. Mr. Glitzer summarized that they were having trouble making mid-construction calculations and keeping a low-impact bioretention area; to make it work they would have to be oversized into larger traps. Mr. Gray requested that when looking at modifications that they provide the pre to post release rates for the majority of storms and maybe let the 50-100 year storms go through a little higher for during construction and put in a note for immediate stabilization of the lot so that there are not lots sitting in a disturbed condition for an extended period of time.

4.1 Mr. Murphy commented that they would post escrows when they were ready to do lots 3 and 4 and that a note would be added to that effect. Mr. Gray noted that the agreement would be worked out with Solicitor Smith.

#### Other Public Comments

Ms. Carol Manicone noted that some revisions needed to be made to the tree inventory calculations. She noted that the tree protection and woodland disturbance was not quite right. Ms. Manicone asked about a note to replant an area behind Mr. Michel's property because of disturbance for a well. She noted that a list of species had been provided for that space, but she was concerned that the note was no longer on the plan. Mr. Glitzer said he would get the list and add the replanting back into the plan. Mr. Glitzer asked Ms. Manicone if there had been a plan or just a list to which Ms. Manicone responded it was just a list.

Mr. Gray asked Ms. Sharon Dotts to add a note that the location of outlet pipe would be field located with Knight Engineering and Carol Manicone to avoid specimen trees.

Mr. Rich Washburn, Smith Road, noted that there was a typo on page one and that his tax parcel number was listed. Mr. Glitzer responded that it would be corrected.

Mr. George Michel provided a handout to the PC and applicants regarding landscaping. He thanked the applicant for the abundant buffering. He noted that letter B in the aerial photographs were old oak trees that had a much larger canopy than shown on the plan sheets and he was concerned that they would kill the newly installed buffer plantings. Ms. Manicone responded that they typically field locate the plantings.

Mr. Michel asked whether the well depletion agreements for the neighboring properties would be obsolete to which Mr. Kelso responded yes. Mr. Michel asked who would maintain the lot 3 and 4 spillway spreaders since they were in the conservation easement. Mr. Glitzer responded that there was not an easement on there and there was a maintenance obligation for those owners. Mr. Gray noted that on-lot facilities typically had a lengthy easement agreement. George asked for an explanation of what a spreader was. Ms. Dotts explained that it was a perforated pipe surrounded by geotextile fabric and stone. Mr. Michel asked what the giant rectangle at the rear of lot 4 was. Ms. Dotts responded that it was a replacement septic system in case the primary system failed.

Ms. Manicone asked how the area would be protected long term. Mr. Kelso responded that it would go into the Township database and if someone came in for a permit to do work there, the Township would stop it.

Mr. Michel asked how the existing 4' well casings would be retired? Mr. Tom Kelso will make a recommendation. Mr. Michel asked about VP1 and VP2 and the Board discussion. Mr. Kelso responded that no decision has been made. Mr. Murphy responded that the Township wanted to maintain flexibility to make an easement now so that if in the future the Township wanted access to those wells they could have it from whoever bought lot 2. Mr. Michel noted that VP2 had to be abated for arsenic. Ms. Mehling responded that the Board of Supervisors would address the issue.

Mr. Bill Kates asked for the status of the existing house. Mr. Glitzer responded that the Watchtower house was isolated on its own 5-acre lot.

Mr. Michel asked for confirmation about the Board discussion regarding which ordinance the plan would fall under. Mr. Murphy responded that the Board had suggested that they comply with the new ordinance, but the application was filed with the ordinance in place at the time of filing.

Mr. Rich Washburn asked about an earlier discussion for a proposed easement that would allow him to use a corncrib on the edge of the property. Mr. Murphy responded that Mr. DeLuca did not want to ease the corncrib. Mr. Washburn responded that he was told at the last meeting where the issue was discussed that it would be eased to him. The Planning Commission recommended bringing it up at the Board meeting.

*Ms. Sutphin made a motion, seconded by Ms. Tihansky to recommend approval of SA 2001-16 "Victoria Park", Smith Road, TMP# 2-23-8, 107.79 Acres, AG-1 Zoning, 3 Lots, Preliminary/Final Plan of a Major Subdivision with the recommendation that the waiver list be approved and with the following contingencies:*

- *The developer agrees to revise and update the existing tree inventory and comply with all other issues raised in the February 28, 2008 Landscape Review Consultants letter*
- *The applicant will comply with all issues raised in the March 5, 2008 Knight Engineering review letter*
- *The tax parcel for Mr. Washburn's lot will be corrected on all paperwork,*
- *The owners will maintain stormwater facilities on lots 3 and 4*
- *Waiver requests will be added for Section I 3.1 driveway separation and Section III 3.4 Mid-Construction calculations*

*The motion carried unanimously.*

#### **4. Comprehensive Plan - Presentation by Tom Kelso, Castle Valley Consultants, on Water and Wastewater Planning and Policies.**

Following the presentation the following questions were asked:

Mr. Paul Martissa noted that it looked like the Township was trying to limit development in Buckingham through the water and wastewater plan. Mr. Martissa asked if there was expansion capacity with the current facilities. Mr. Kelso responded that there were not really any capabilities until more land was acquired. Mr. Kelso explained that it was the component that helped manage growth. Mr. Martissa asked how spray fields were located on a property. Mr. Kelso responded that it depending on a variety of factors such as soil drainage classification, depth of groundwater table, etc.

Mr. Joel Nace asked if streams play a role to which Mr. Kelso responded only indirectly.

Mr. George Michel asked if there were other pieces of legislation other than the Clean Water Act that could help with the Comprehensive Plan. Mr. Kelso responded that the Environmental Protection Agency would be starting to implement Total Maximum Limits to take effect in 2010 on what could be discharged to streams.

**Ms. Sutphin made a motion, seconded by Ms. Mehling to adjourn the meeting at 10:20p.m. The motion carried unanimously.**

*Minutes respectfully submitted by Suzanne Safran*