

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

The regular meeting of the Buckingham Township Planning Commission was held **Wednesday, September 3, 2008** in the Township Building, 4613 Hughesian Drive, Buckingham, Pennsylvania.

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

Absent: Rebecca Fink Member

Ms. Mehling called the regular meeting to order at 7:40 p.m.

**1. Consideration of Approving Planning Commission Meeting Minutes of August 6, 2008.**

Ms. Tihansky noted that on page 3 Mr. Tihansky should be changed to Ms. Tihansky. *Ms. Tihansky made a motion, seconded by Ms. Mehling to approve the minutes of the August 6, 2008 Planning Commission meeting as amended. The motion carried unanimously with Mr. Baldwin abstaining.*

**2. Consideration of Application by Mike and Suella Wass for the addition of Tax Parcel 6-21-70-1, containing 12+ acres, to the Agricultural Security Area of Buckingham Township.**

*Ms. Sutphin made a motion, seconded by Mr. Fowles to recommend approval of the application by Mike and Suella Wass for the addition of Tax Parcel 6-21-70-1, containing 12+ acres, to the Agricultural Security Area of Buckingham Township. The motion carried unanimously.*

**3. SA 2006-08 "Trayer Tract", 4820 Anderson Road, TMP# 6-10-109 & 6-10-109-1, 3.828 acres, AG-2 Zoning, Revised Preliminary/Final Plan of Lot Line Change (plan dated Rev. 7/9/08), with an extended review period expiration date December 4, 2008. Tabled from August 6, 2008 meeting.**

Representing the applicant was Mr. Richard Kempes, Attorney and Mr. Rod White, Horizon Engineers. Mr. Kempes noted that the Zoning Hearing Board (ZHB) did grant the variances requested. Mr. Kempes noted that regarding the Subdivision and Land Development Ordinance (SALDO) issues and the waiver requests for stormwater and impervious surface ratios the two engineers could work out the issues.

August 1, 2008 Knight Engineering Review Letter Comments

I. 2.3 Mr. Kempes requested that the conservation easement be limited to the site on which construction would take place (the rear lot). Mr. Kempes explained that they objected to putting a conservation easement on an existing lot of record on which no construction would take place. Mr. Kempes added that the applicant did not have a problem with protecting trees that were 36” caliper or larger. Ms. Manicone noted that if a new owner decided they wanted to cut down the trees, they could and this was an opportunity to provide protection for those trees. Mr. Gray noted that there was a note on the plan that specified that whatever the applicant did, they must comply with the zoning ordinance. Planning Commission (PC) consensus was that it was not necessary to ask for the conservation easement on the existing lot.

Mr. Jim Gassert, Church Road, asked for the definition of a large tree to which Mr. Gray responded that it was 36” caliper or larger.

II. 2.2 Mr. Kempes noted that the isolation distance from the backup sand mound area did extend 10’ onto the adjoining property. He noted that they would certify that no well exists there and added that it was possible that the actual sand mound could be shifted so that it would not encroach at all. Mr. Kempes noted that locating the existing septic on Ms. Trayer’s property could be problematic because no Department of Health records existed for it and they were not sure where it was.

**Dr. Sandberg entered the meeting at 8:00pm.**

Ms. Trayer commented that she knew where the tank was and could approximate the location of the drain field. Mr. Gray noted that the applicant was to check with the Department of Health.

2.7 Mr. Kempes noted that he had requested a wavier of the tree inventory requirement. Ms. Manicone commented that the larger trees down by Anderson Road had been inventoried and that they had done a representative sample, but the decision was really up to the Board.

4.1 Mr. Kempes explained that the calculations were done for lot 2 only, but that they had inventoried trees on lot 1 if they were close to lot 2.

4.2 Mr. Kempes explained that there was a temporary disturbance for construction and that they would shift it back a few feet. Mr. Gray commented that he was concerned with where the disturbance crossed into lot 6-10-110 and wanted them to reduce the disturbance there. Mr. Rod White responded that the limit of disturbance and the 15’ buffer was on the property.

6.2 Mr. Kempes noted that the lot was in the woods and the assumption was that they would provide acceptable wind breaks and shading. In terms of orientation, the preference was to place the house in conformance with the existing house. Other orientations would increase tree disturbance.

6.3 The engineers will work together on spot elevations.

III. 44. Mr. Kempes requested that the applicant not be required to submit a *bona fide* bid for the proposed site improvements, but instead put a note on the plan that prior to issuance of any permits the applicant would be required to get *bona fide* bids. The PC agreed this made sense.

Ms. Lynn Bush asked if this plan had come before the Bucks County Planning Commission review process and noted that in order to record the plan it must do so. Mr. Kempes was not sure, but agreed to check and submit if they had not done so.

Ms. Manicone noted that regarding her July 21, 2008 Landscape Review letter, there were no outstanding issues that would not be addressed through waiver requests and engineering discussions.

The PC reviewed the August 8, 2008 Waiver Request letter submitted by Horizon Engineering. The following items were discussed:

7. Mr. Gray noted that they still needed to provide tree protection and stabilization so this was more a partial waiver.
13. The applicant will provide a note that no trees 36" or larger would be removed. Ms. Mehling and Mr. Fowles noted that they would like to see the conservation easement on lot one as well.
15. Topsoil removal will be discussed with the Board of Supervisors.
- 17-20. Issues will be addressed to Mr. Gray's satisfaction.
27. Ms. Mehling noted that the Board would comment on the requirement that the developer enter into a written agreement with the Township to guarantee construction and installation of all improvements at the developer's expense.

*Ms. Sutphin made a motion, seconded by Ms. Tihansky to recommend approval of SA 2006-08 "Trayer Tract", 4820 Anderson Road, TMP# 6-10-109 & 6-10-109-1, 3.828 acres, AG-2 Zoning, Revised Preliminary/Final Plan of Lot Line Change (plan dated Rev. 7/9/08), with an extended review period expiration date December 4, 2008 and to recommend approval of all waiver requests as written with the exception that stormwater issues (request numbers 17-20) to be addressed to the engineer's satisfaction, the Board of Supervisors would decide upon topsoil (request number 15), no trees over 36" caliper to be removed from lot 1 (13) and no bona fide bid was necessary at this time (27), however a note was to be placed on the plan requiring the bid prior to issuance of building permits. Ms. Mehling added that the written decision from the Zoning Hearing Board (ZHB) was to be included and if the conditions of zoning were not met, then the approval would not apply. The motion carried unanimously.*

**4. SA 2007-01 "McKernan Tract", New Hope & Durham Roads, TMP# 6-18-91-2, 16+ Acres, AG-1 Zoning, Final Plan of a Major Subdivision (3 Lots). Review expiration date is October 27, 2008.**

Removed from agenda.

**5. CU 2008-01 "American Tower Corp.", 4776 Lower Mountain Road, TMP# 6-18-152, 2.0 Acres, AG-1/Communication Overlay District 1, Install a Wireless Communications Service Facility on the existing structure. Review expiration date September 20, 2008.**

Representing the applicant was Mr. Richard J. Lemanowicz, Attorney and Mr. Michael L. Bohlinger, Engineer. Mr. Lemanowicz explained that Cricket Communications, a licensed provider of wireless communication services, was proposing the installation of additional communications antenna at Lower Mountain Road onto an existing structure. The total elevation of the antenna was to be 128' (similar to those currently at the location). Mr. Lemanowicz noted that they had identified this silo as the least intrusive location for installation of antennas and noted that if the antennas were installed at a lower elevation, there would be a gap in coverage requiring the installation of an additional tower elsewhere. Ms. Mehling asked if any cutting (of the ground) would be necessary to which Mr. Lemanowicz answered it would not. Dr. Sandberg asked if a simulated photograph was available. Mr. Lemanowicz responded that because the tower already had multiple antennas, he thought the elevation drawing would be sufficient. Mr. Gray noted that he thought the zoning ordinance required the provision of a simulated photograph. Mr. Gray recommended that the applicant have that photograph for the Board. Ms. Mehling asked if the antenna made noise to which Mr. Lemanowicz responded it did not.

Ms. Tihansky asked if the structure was sufficient to support the additional antenna. Mr. Bohlinger responded that the structure was surveyed and determined to be sufficient.

Mr. Fowles noted that he would have preferred to have seen a photograph. Mr. Lemanowicz responded that the ordinance requires a photograph for new structures but that they were willing to provide the photograph in this case for the Board.

*Ms. Tihansky made a motion, seconded by Mr. Baldwin to approve CU 2008-01 "American Tower Corp.", 4776 Lower Mountain Road, TMP# 6-18-152, 2.0 Acres, AG1/Communication Overlay District 1, Install a Wireless Communications Service Facility on the existing structure with the provision that a photograph of the tower be provided at the time of the Board meeting.*

Mr. George Michel, Pineville, asked if neighbors within 500-1000' were contacted. Ms. Mehling responded that she had a copy of addresses of neighboring properties who were contacted. Mr. Lemanowicz added that property owners within 1000' would be contacted for the public hearing at the Board meeting. *The motion carried unanimously.*

**6. SA 2003-02 "Toll Brothers/Feeney's Nursery", 3190 Durham Road, TMP# 6-10-66, 95.1 Acres, R-1 Zoning, B2 Cluster w/TDR's, 89 Lots + 1 existing dwelling, Revised Preliminary Plan of Major Subdivision. Review expiration date 12/31/08.**

Representing the applicant was Mr. Steve Harris, Attorney, Mr. Jim Takacs, Engineer, Mr. Dave Anderson, Toll Brothers and Mr. Tom Imperato, Toll Brothers.

Mr. Harris provided an overview of the plan noting that there were no waiver requests. The following issues were discussed:

Connection with Hampton Drive

Consensus was that the connection was desired but they wanted it done with traffic calming in mind. Mr. Gray noted that he had listed some ideas in his review. A roundabout with a center planter was discussed.

Concrete vs. Belgium block curb

Mr. Gray noted that the Township was looking to convert all curb to Belgium block. The PC requested Belgium block. Mr. Harris responded that Toll Brothers would give the Township whatever they wanted with regard to curb.

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1.5 Mr. Harris indicated that Toll Brothers did not want to install speed humps.

1.6 PC consensus was to have one street light at Durham Road and one at Mechanicsville Road. Mr. Harris indicated that the applicant could work with Mr. Gray to come up with a light fixture that was typical of a Buckingham street light.

Mr. Harris expressed opposition to fencing the open space. PC consensus was that it was necessary to fence off the open space to prevent homeowners from encroaching on the open space with play equipment, etc. Ms. Tihansky recommended putting in a bike/hike path to delineate the open space.

1.10b Mr. Harris commented that a permanent pool was appropriate for the recreational area and met the requirements of the ordinance. Mr. Gray noted that the 3:1 slope from the rear of the properties to the basin could not be included. Mr. Harris responded that they would regrade that area.

Other issues discussed:

Ms. Mehling commented that she felt the traffic study was more optimistic than she would have expected. Mr. Harris noted that he had not yet received comments from Mr. Gray. Mr. Harris asked for recommendations. Ms. Mehling responded that she would like to see improvements between Mechanicsville Road and Route 413 especially in the morning because there were already problems with the school and morning commuters. Mr. Harris responded that Toll Brothers was only required to deal with the additional impacts as a result of this development. Ms. Bush noted that the BCPC recommendation was left turn lanes so there would not be back-ups at the entrances. Mr. Harris noted that the traffic study did not show that left turn lanes were warranted but that would be dependent on the Pennsylvania Department of Transportation (PennDOT) review.

Ms. Tihansky asked why Old Gale Road and New Gale Road were lined up to create a 4 way intersection and expressed concern about the safety of the intersection. Mr. Harris agreed to look at the intersection and see if any modifications could be made. Dr. Sandberg suggested the elimination of the entrance. Mr. Gray responded that it would create additional traffic into Wellington Estates.

Ms. Sutphin commented that reverse frontage was not compatible with village zoning. Mr. Gray noted that their engineer had talked about the introduction of a berm to address the reverse frontage issue. PC consensus was that it would be nicer to look at a landscaped berm but even better to not look at backs of houses so close to road. PC consensus was that they would like to

see a heavily planted berm. They noted that the ideal would be something like the Reserve at Holicong. Mr. Harris responded that they would consider the recommendation.

Public Comment:

Ms. Carol Cook, June Meadow Drive, expressed concern about the number of houses and potential for redistricting Buckingham Elementary School and capacity of other schools. Ms. Cook was also concerned about traffic and speed on Burnt House Hill Road. Ms. Mehling explained that according to the plan this community would add 46 students to the district. Mr. Gray noted that those concerns were school district issues.

Mr. Paul Martissa, Hampton Drive, expressed concern that he had not seen the engineering report to see what the property could sustain and questioned how the plan could be evaluated. Mr. Martese expressed concern about the traffic impact and asked about the location of the spray field. Mr. Martissa did not believe this plan differed from the original plan in 2003 and did not feel it fit into the area.

Ms. Jill Gombosi, Mechanicsville Road expressed concern about water supply noting that everyone in the area was on well water.

Mr. John Richards, Hampton Drive, asked if the development would have sidewalks to which Mr. Harris responded it would. Mr. Richards expressed concern that this development would channel excess traffic into his neighborhood (without sidewalks) thus changing the character of his neighborhood. Mr. Richards recommended closing the connection. Ms. Bush expressed support for the PC in terms of their planning approach to connect communities. Mr. Richards suggested a pedestrian connection. Ms. Bush explained that these concerns have been expressed in the past and once the project was done, there have never been complaints. Mr. Richards commented that if his neighborhood had sidewalks, he would not be as upset. Mr. Gray commented that he was not aware of a case where the Township has gone back and put sidewalks into older neighborhoods.

Ms. Alyssa Nace, Hampton Drive, asked if their development was not there, would this exit exist. Mr. Gray explained that SALDO required developers to plan for connections to future communities and so the end of Hampton Drive has always been a temporary cul-de-sac.

Ms. Jean Charlesworth, Hampton Drive, expressed concern about traffic and stormwater. Ms. Mehling responded that the issues would be addressed.

Mr. Joel Nace, Hampton Drive, expressed concern about how excess traffic would change the character of his neighborhood. He noted that there were many blind corners in the neighborhood. Mr. Nace commented about the fast traffic speeds at the Durham Road entrance. Mr. Nace expressed several concerns about rainwater and wash areas: pond C will put more water longer into wetland stream area (upper part of Watson Creek, which is collapsing), location of many of the homes and spray field are under water, location of infiltration basins and spray fields, and mosquitoes and West Nile Virus. Mr. Nace questioned counting Pond C as open space. Mr. Nace asked about double loading lots with regards to the reverse frontage lots

and suggested that they be looked at more closely. Mr. Nace noted that all lots were not rectangular. Ms. Mehling noted that no decisions would be made that evening.

Mr. Foxhill, Durham Road, commented that the proposed entrance was only 22' north of his driveway and noted that it already took him 5-8 minutes to exit his driveway. Mr. Foxhill also noted stormwater concerns with water washing out his driveway. Mr. Foxhill noted that when he purchased his home he was told that the property in question was under preservation. The PC thought someone had lied to him.

Mr. Roland Christy, asked about the results of the drinking water study. Mr. Takacs responded that they were in the process of doing the water study. Mr. Takacs added that if the sewer did not support 90 homes then there would not be that many homes.

Mr. Andrew Dunn, 4812 Church Road, requested that there be a buffer around pond B so that he did not have to look at it. Ms. Manicone explained that there was a requirement for a 50' perimeter buffer. Mr. Dunn expressed concern about excess traffic and supported the idea of the berm. Mr. Dunn asked if Toll Brothers would consider building fewer homes at a higher price.

Tova Burger, 4562 Church Road, expressed concerned about water supply.

Mr. Rob Tanke, Gail Circle, commented that he did not like looking at the back of homes.

Mr. Robert Shaff, Watson Drive, expressed concern about traffic on Watson Drive and water run-off and its impact on septic system and well water.

Mr. Jeff Charlesworth, Hampton Drive, inquired about maintenance requirements for the infiltration basin. Mr. Harris explained that they were required to enter into a stormwater maintenance agreement as a condition of the approval of the plan.

The Planning Commission expressed disappointment that very little had changed with the plan and the belligerent nature of the attorney representing Toll Brothers.

Mr. Harris requested that the PC send the plan onto the Board for review.

*Mr. Fowles made a motion, seconded by Ms. Sutphin to recommend rejection of SA SA 2003-02 "Toll Brothers/Feeney's Nursery", 3190 Durham Road, TMP# 6-10-66, 95.1 Acres, R-1 Zoning, B2 Cluster w/TDR's, 89 Lots + 1 existing dwelling, Revised Preliminary Plan of Major Subdivision on the basis that from a planning point of view it is a bad plan inappropriate for the area and the applicant has stated explicitly that any plan brought back in the future will be similar in nature. The motion carried unanimously.*

**Mr. Fowles made a motion, seconded by Mr. Baldwin to adjourn the meeting at 10:20p.m. The motion carried unanimously.**

*Minutes respectfully submitted by Suzanne Safran*