

Buckingham Township Planning Commission
Approved Meeting Minutes

The regular meeting of the Buckingham Township Planning Commission was held **Wednesday, March 4, 2009** in the Township Building, 4613 Hughesian Drive, Buckingham, Pennsylvania.

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

Ms. Mehling called the regular meeting to order at 7:41 p.m.

1. Consideration of Approving Planning Commission Meeting Minutes of January 7, 2009 and February 4, 2009.

Mr. Fowles made a motion, seconded by Ms. Sutphin to approve the minutes of the January 7, 2009 meeting. The motion carried unanimously with Dr. Sandberg abstaining.

Ms. Mehling made a motion, seconded by Dr. Sandberg to approve the minutes of the February 4, 2009 meeting. The motion carried with Ms. Mehling and Dr. Sandberg voting aye and the remainder of the Planning Commission members abstaining.

2. SA 2009-01 "Ramsden Subdivision", Durham Road, TMP# 6-18-144, 14.831 Acres, AG-1 Zoning. Preliminary/Final Plan of a Minor 2 Lot Subdivision. Review expiration date is May 5, 2009. Tabled from February 4, 2009.

As the applicant was not in attendance, no action was taken on SA 2009-01 "Ramsden Subdivision."

3. Sketch plan submitted by Scott & Susan Miller for a 1250 sq. ft. pole barn, parking and stormwater improvement for 4203 Stony Lane.

Representing the applicant was Mr. Steve Jensen, Land Surveyor and Mr. Scott Miller. Mr. Jensen explained that the applicant was planning to construct a 1250 square foot pole barn with a parking area for the purpose of landscape storage. Mr. Jensen noted that they had received variances from the Zoning Hearing Board (ZHB) and that they did have several waiver requests. Ms. Mehling asked the applicant to provide waiver requests in a letter.

The following issues were discussed:

- The width of the parking and driveway with Mr. Gray noting that the width could likely be reduced but asked for information about the trucks and the space required for turns.
- Waivers were needed for buffer yards.
- The rental property on the parcel. The existing house would be completely separated from the pole barn.
- Mr. Gray asked for depiction of the trash collection area if the storage area was not to be fenced. Mr. Miller noted that there would be a gate at the entry way.
- There would be no exterior lighting.
- In terms of toilet facilities, the applicant planned on using port-a-potties. The issue of whether port-a-potties could be used indefinitely was discussed. The applicant was advised to discuss sanitary issues with Mr. Kelso. The Planning Commission (PC) recommended that the applicant look into composting toilets. Mr. Miller explained that they had talked about putting in a cistern, which would be used for any water/washing needed.
- Parking in front rather than in back. Mr. Gray asked if the three spots could be configured into the yard or if they have to be up front. Mr. Miller responded that they were better up front so that they were away from vehicles/trailers. Mr. Gray asked Ms. Manicone to look at the parking and consider more screening.
- It was decided that Mr. Miller and Ms. Manicone would meet to discuss landscaping prior to the applicant's next appearance at the PC. Discussion followed about the applicant's desire to install a "wall of shrubs" to block wind and the Township's desire not to create walls.
- Mr. Jensen asked about the 4% grade from the 20' right-of-way. Mr. Jensen reported that they were now at a 4% grade from the 25' right-of-way. Mr. Gray advised that they try to achieve 4% from the legal right-of-way rather than the ultimate right-of-way.

Ms. Mehling reminded everyone that the applicant was putting in a pole barn and not a development.

Mr. George Michel, Pineville, ZHB, reiterated that the ZHB had found that the property had unique physical conditions with the distributor and airport across the road so that they had to stand back and think about this parcel remaining a residence.

No action was taken on the sketch plan submitted by Scott and Susan Miller.

4. SA 2001-05C "Smith Pfeiffer Tract" aka "Estates at Forest Grove" aka "Mill Creek Ridge", Dark Hollow Road and Forest Grove Roads, TMP# 6-23-1, 4, 13, 14 & 17, 183.1 Acres, AG-1 Zoning. Revised Final Plan of a Major Subdivision (71 lots). Review expiration date is April 7, 2009.

Representing the applicant was Mr. Steve Harris, Attorney, Mr. Jim Matticola, Project Engineer, Mr. Dave Tomko, Traffic Engineer and Ms. Beth Abramovitz, Engineer.

The following issues were discussed:

Road Improvements

Ms. Mehling noted that residents of the proposed development would utilize both sides of the road and questioned why the plan called for improvements only on the development side of the roadway. Mr. Harris responded that the Pennsylvania Department of Transportation (PennDOT) only required half width repaving where the development fronts Forest Grove Road on one side and noted that Dark Hollow Road would be completely rebuilt. Mr. Harris noted that this was one of the legal issues under discussion. Mr. Harris reiterated that it was his belief that the applicant was only required to improve the frontage along the development itself.

Mr. Baldwin asked for the specifics of the improvement. Mr. Harris explained that it would be a 12' cartway with a 2' shoulder with full depth reconstruction. Mr. Baldwin asked if there would be a height difference in the two sides of the road. Mr. Harris explained that the surface would be the same and only the base would be different.

Ms. Sutphin asked how wide the lanes were now and how the transition from wide to narrow to wide would be handled. Mr. Harris responded that the road would be tapered back. He added that the applicant would be happy to do base repairs and overlay the full width (leave road same width as now) across the entire frontage. He explained that the issue was the Township's interpretation that since these roads did not meet current Buckingham Township standards the developer was required to completely rebuild the road to the Township standard or pay the Township the difference. Mr. Harris noted that Toll Brothers had proposed (and was prepared to do) the base repairs and full width overlay and then they got into the fee-in-lieu-of discussion and ended up here. Mr. Harris explained that they were not prepared to do the base repairs and full width overlay and pay the \$600,000 fee-in-lieu to the Township.

Mr. Gray explained that a full road overlay was usually sufficient but in this case road testing showed the road to be of inadequate construction and so required more extensive roadwork. He explained that Toll Brothers was now looking to do what was required by ordinance rather than what makes sense.

Construction Traffic Issues

Discussion followed about keeping truck traffic off the Wycombe Bridge. Mr. Harris explained that Toll Brothers would police the bridge and would fine truckers violating the rule.

Mr. Baldwin expressed concern about the proximity of the entrance to the bridge. Mr. Matticola noted that there would be construction warning signs on both sides of Forest Grove Road at either end of the intersection. Mr. Harris assured the PC that the entrance would be wide enough for trucks to enter without swinging into road.

Mr. George Michel, Pineville, Smith Road, asked about Mr. Harris's inference that Toll Brothers would police the Wycombe Bridge. He recalled that Mr. Harris had previously stated that it was the Township police department job to police the bridge. Mr. Harris responded that Toll Brothers could not fine someone or issue a citation, but they would sign that intersection and would take steps with someone habitually violating the rule, giving a warning and then

terminating for continued violations. Dr. Sandberg asked if it could be included in contracts with subcontractor. Mr. Harris responded that all contractors would receive something in writing and the signs would be installed. Enforcement would be the job of project managers or someone on site.

Ms. Muriel Gordon, Wycomb, asked if neighbors would be able to have the name of the project manager. Mr. Harris responded that the name and contact information would be made available.

Mr. Baldwin expressed concern that there was not a lot of room for mistakes on the bridge and urged Toll Brothers to put the bridge restriction into the contracts. Mr. Harris responded that they could put it into a contract, but it still may not stop a truck from going over the bridge. The issue was vigilance.

Mr. Baldwin reported to Mr. Gray that the “no truck crossing” sign on the bridge was falling down. Mr. Gray reported that there were specific bridge limitations.

Ms. Tihansky asked about the site distance at Forest Grove and Dark Hollow Roads in relation to the entrance. Mr. Tomko responded that the site distance was examined at that intersection. Mr. Harris noted that the Connelys had denied a request for an easement. Mr. Harris explained that because it was an existing intersection, it would be dealt with through signage. Mr. Tomko noted that when site distance improvements could not be done, PennDOT typically found signage to be sufficient. Mr. Tomko noted that they were 42’ short of what was required based on the grade of the road and the speed limit. Mr. Tomko felt that existing signage was insufficient and that a speed limit sign and an intersection warning should be added. Mr. Tomko noted that the posted speed limit was 45mph. Mr. Gray asked if that was the speed limit used in the site distance calculations. Mr. Tomko responded that it was. Mr. Gray commented that there were advisory speed signs out there. Mr. Tomko noted that the new intersection had adequate site distance. Ms. Tihansky questioned whether the new intersection and an existing problem with site distances at the intersection were items that could support a speed limit reduction. Mr. Tomko explained that it was a State highway so the reduction would be done in accordance with a speed study through PennDOT. Mr. Gray asked for the number of additional cars at that intersection at the peak hour. Mr. Tomko reported that when the study was done (assuming post-development in 2006) the projection was that there would be nine additional cars making a left in the AM, 10 additional cars making a left in the PM, zero additional cars making a right in the AM and five additional cars making a right in the PM. He noted that they projected the majority of traffic would come out of Dark Hollow Road and the new intersection.

Mr. George Michel asked about the claim that there would be no truck traffic on Smith Road. Mr. Gray explained that there were limitations on the plan that Smith Road could not be used either in front of the project or out toward Route 413 so they will have to up to New Hope and go down New Hope. Mr. Michel noted that there would be trucks on the upper part of Smith Road.

Mr. George Michel asked when accident abstracts were taken. Mr. Tomko did not have the information available. He noted that the October 2008 supplement showed no accidents. Mr. Michel noted that the original accident abstracts were taken when the Wycombe Bridge was closed. Mr. Michel raised the issue of the viability of the accident abstracts. Mr. Harris noted

that the road was restudied after the bridge was open. Mr. Tomko noted the original traffic study was done in March 2002 and was revised in 2003. He noted that there were no additional accident investigations conducted for the October 2008 supplement. He added that the 2003 revision was done when the bridge was open; however he was not sure if accident abstracts were updated.

Other Discussion

Mr. Harris noted that this plan has preliminary plan approval with the cul-de-sac road open and that Toll Brothers was entitled to final plan approval based on the preliminary plan. He noted that the change to close the road was based on the PC recommendation.

Mr. Baldwin noted that he appreciated the change, but felt this was a massive development for Wycombe. Mr. Baldwin expressed frustration that the traffic study did not show an impact while everyone living in the area knew there would be an impact. Mr. Baldwin summarized that he would like to see the following three items addressed: 1) A speed limit reduction because he was concerned about visibility at the Connelys and Dark Hollow Road. 2) A full width road repair. Mr. Harris reiterated that Toll Brothers was willing to do base repairs and a full width overlay. Ms. Sutphin asked the cost to totally rebuild the road. Mr. Harris explained that if they rebuilt the whole road and the whole culvert it would be \$1.2 to 1.3 million. Discussion followed about the chain of events that led to the current impasse. Mr. Harris noted that the preliminary plan did not indicate Toll would pay a fee-in-lieu, but instead said it would be discussed at final plan stage. 3) Mr. Baldwin asked if money could be put aside in case trucks did go across the bridge and cause damage. Mr. Harris responded that if construction traffic damages the road or bridge Toll Brothers and the contractor(s) would be responsible and that was why they had to provide 110% of the cost of public improvements. He explained that the Township would hold the 10% until the road was dedicated and then they were required to put up 15% for additional 18 months. Mr. Baldwin asked Mr. Gray if that would be sufficient. Mr. Gray responded that because of the phasing of the project, there might not be enough to repair the Wycombe Bridge. Mr. Gray advised that they would need to discuss how to secure the guarantee that the trucks would not use the bridge.

Mr. Fowles noted that he did vote in favor of the plan at preliminary approval; however, as he heard more about the development he felt it would destroy this part of Buckingham. He noted that he would now like to vote against it. Mr. Fowles expressed his feeling that the PC should think more about how the developments fit in the Township rather than reviewing only consultants' letters. Mr. Fowles noted that if the PC feels something is bad for the Township regardless of whether it meets requirements, then the PC should vote against it. Mr. Fowles remarked that he would be happy to leave final decisions to the Supervisors.

Ms. Muriel Gordon asked the location of the construction entrance for the second phase. Mr. Gray responded that it would be on Forest Grove Road and Dark Hollow Road. Ms. Gordon asked how trucks would have an adequate turning radius on little unimproved Dark Hollow Road. Mr. Harris explained that Dark Hollow Road would be improved and that had been agreed upon.

Ms. Sutphin expressed support for Mr. Fowles sentiments about the role of the PC.

Ms. Mehling commented that she also voted for this plan at preliminary approval partly because she had known the Smiths expressed support for this development. Ms. Mehling asked if the Smiths still lived there. Ms. Gordon responded that they do.

Dr. Sandberg asked specifically to what Mr. Fowles objected. Mr. Fowles responded that it was primarily the density. Mr. Fowles elaborated that it took the beautiful village surroundings and created suburbia that was out of character with the village.

Mr. George Michel thanked Mr. Fowles for his comments. Mr. Michel commented that there could be a Living Community (LC) there which might be of greater density but would fit with the character better.

Mr. Baldwin added that he kept hoping Toll Brothers would come back with something more creative. Mr. Harris responded that Toll Brothers did do that with Feeney and it did not work. Mr. Harris opined that planning was done through ordinances and this plan met the requirements of the ordinance. He noted that a landowner was entitled to develop in accordance with the ordinances of the Township. Mr. Harris felt that the PC task with regard to plans presented to them was to determine whether or not the plan complied with the ordinance. PC members expressed disagreement. Mr. Fowles commented that the only way the PC would develop ordinances that somehow did not allow bad developments was if somewhere along the line when something bad happens the PC specifies why it is bad and the Supervisors get the appropriate recommendation.

Ms. Mehling noted that the PC was not party to the Feeney negotiations.

Ms. Bush noted that the PC has been effective in transforming some plans. Devonshire was cited as an example.

Mr. Harris noted that this plan has preliminary plan approval and if these discussions had happened at preliminary plan phase, then the Township would be getting a different response from Toll Brothers. Mr. Fowles acknowledged that Mr. Harris was correct and he noted that he did not believe the Supervisors would turn down the plan because the PC did not recommend it.

Ms. Tihansky asked when architectural concerns were considered. Mr. Harris responded that the Subdivision and Land Development process did not include design. If it had been requested, it could have been provided. Ms. Bush noted that since this plan was submitted the subdivision ordinance has been modified to minimize grading and site disturbance so that the land is not completely reformed. Mr. Harris noted that it was not an issue in this development. Ms. Tihansky commented that she would find the development more acceptable if the houses were going to look like old farmhouses.

Mr. Baldwin reiterated that the development was to be a suburbia of Wycombe and announced that he would vote against it.

Dr. Sandberg clarified that the PC had full freedom to change their mind from preliminary to final plan. Ms. Bush said they could.

Mr. Fowles commented that it would be nice if a developer came in and challenged the Township's zoning ordinance to do something that was more fitting with the community.

Ms. Muriel Gordon commented that from the beginning neighbors have asked Toll to make the development more village-like and there was not a good response.

Ms. Manicone noted that she had discussed the buffer planting and split rail fence around Muriel Gordon's property with Mr. Harris. Mr. Harris reported that they had agreed to put in a buffer and fence around Ms. Gordon's property. Mr. Harris had previously indicated that they could not put a buffer next to lots 41 and 42 because of a detention basin; that was incorrect. Toll Brothers will put a buffer initially down the west side of Ms. Gordon's property behind lots 41 and 42 and will extend the fence around the entire boundary of Ms. Gordon's property. They could not do it behind lots 39 and 40 because of the detention basin. The buffers were to go in at the completion of construction of the detention basin.

Mr. Gray noted that the plan in front of the PC was not the same plan that was resubmitted two weeks ago. Mr. Gray said that Toll Brothers would return on April 1, 2009 with the newly submitted plan. Mr. Harris explained that they were asked to return with their Traffic Engineer so they did in February. He reminded the PC that because of the lack of a quorum in February they returned in March. In the interim a new plan was submitted. He explained that if they return on April 1, 2009, the PC will see a new plan with a new basin but everything else will be the same.

Consensus was that the applicant would return on April 1, 2009 with the correct plan.

Mr. Baldwin made a motion, seconded by Ms. Sutphin to table discussion of SA 2001-05C "Smith Pfeiffer Tract" aka "Estates at Forest Grove" aka "Mill Creek Ridge", Dark Hollow Road and Forest Grove Roads, TMP# 6-23-1, 4, 13, 14 & 17, 183.1 Acres, AG-1 Zoning. Revised Final Plan of a Major Subdivision (71 lots). The motion carried unanimously.

Dr. Sandberg left the meeting at 9:28pm.

5. Continued review of Comprehensive Plan.

The Planning Commission continued their review of the Township Comprehensive Plan. Mr. Mike Roedig, Bucks County Planning Commission Planner, and Mr. Paul Gordon, Environmental Planner were in attendance.

Mr. Baldwin made a motion, seconded by Ms. Sutphin to adjourn the meeting at 10:15p.m. The motion carried unanimously.

Minutes respectfully submitted by Suzanne Safran