

BUCKINGHAM TOWNSHIP

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PLANNING COMMISSION

AGENDA

NOVEMBER 6, 2024

Call to Order 7:30 p.m.

1. Consideration of approving draft Planning Commission minutes of May 1, 2024.
2. Consideration of recommending approval of the Conditional Use Application submitted by David Flack to permit an A10 Accessory Farm Business Use in the AG-2 Zoning District, at 5046 York Road (TMP #06-014-021), 5056 York Road (TMP #06-014-020) and 5043 Anderson Road (TMP #06-014-099). The 60 day review period expiration date is December 14, 2024.
3. Review of the Pre-Submission Sketch Plan submitted by Lisa and Matthew Braud for property located at 3352 Dark Hollow Road, Tax Map Parcel #06-017-085. Proposal to rebuild onto existing structures of the property and restore the barn to better serve the community with locally grown products and share knowledge and passion for agriculture utilizing sustainable climate smart farming practices.

Buckingham Township Planning Commission
Meeting Minutes

The regular meeting of the Buckingham Township Planning Commission was held November 6, 2024, in the Township Building, 4613 Hughesian Drive, Buckingham, Pennsylvania.

Present:	Andrea Mehling	Chairperson
	Frank Ripp, Jr.	Member
	Dr. Marc Sandberg	Member
	Louis Spadafora	Member
	Glenn Thomson	Member
	Dan Gray	Township Engineer
	Jeremy Stoff	Bucks County Planning Commission

Not Present:	Rebecca Fink	Vice-Chairperson
	Erling Salvesen, Jr.	Member

Mrs. Mehling called the regular meeting to order at 7:30 p.m.

Consideration of approving the draft Planning Commission minutes of the May 1, 2024 meeting.

Mrs. Mehling made a motion, seconded by Mr. Thomson, to approve the draft Planning Commission minutes of the May 1, 2024 meeting. The motion carried unanimously.

Consideration of recommending approval of the Conditional Use Application submitted by David Flack to permit an A10 Accessory Farm Business Use in the AG-2 Zoning District, at 5046 York Road (TMP #06-014-021), 5056 York Road (TMP #06-014-020) and 5043 Anderson Road (TMP #06-014-099). The 60 day review period expiration date is December 14, 2024.

Mr. David Flack, property owner for all three parcels listed on the application, was present to discuss the Conditional Use Application. Mr. Flack said he submitted the application due to the township recently informing him that an A10 permit is required to hold the festivals.

Mr. Gray explained that in September the zoning officer saw publications or heard that some of the township farms were having this A10 use, so he issued letters to the property owners. Mr. Gray explained that if the Board of Supervisors grants a Conditional Use approval for the A10 use on the property, it will run with the property for as long as the owner wants to run a farm festival covered by the township decision to be consistent with the township ordinances.

Mr. Gray explained that Buckingham Township ordinances have restrictions and conditions for the A10 Use in the zoning ordinance, and the township needs to make sure the applicant is compliant with the zoning and determine if any variances are needed. Mr. Gray said the requirements are there to protect the township, and the Board of Supervisors have the set conditions regarding specific items when they review the Conditional Use application.

Mr. Gray asked Mr. Flack to confirm that the two properties along York Road are residential, and the A10 use is only for the farm parcel. Mr. Flack confirmed that one of the lots is in residential use, and the other is vacant and is used for access to the rear farm parcel.

Mr. Gray said the ordinance requires a minimum lot area of 25 acres for the A10 Use, which is met. It also permits through the Conditional Use process educational tours and seasonal festivals selling products grown on the farm.

Mr. Flack said the 25 acre property is located beside his business Bountiful Acres, off Route 202, and is used to grow pumpkins and cornstalks for their annual fall festival, which they have had for the past 3 years. He said the field is agricultural, and they have hay rides, sell pumpkins and corn stalks, have some games for younger kids, and this year they had a couple of food trucks present. He said they also have a corn maze. He explained the fall festival is held on October weekends. Mr. Flack said pumpkin picking is available the entire month, but the festivals are only on weekends.

Mr. Flack said that he would like to also consider having a holiday festival on one weekend in December to sell Christmas trees (which they grow on another property leased on Upper Mountain Road in Buckingham Township), have a hayride and petting zoo, most likely from 10am-4pm each day.

Mr. Gray explained that per the ordinance under use A10, there can be no more than nine events per farm, per calendar year, and each event cannot exceed four continuous days.

Mrs. Mehling asked if there are carnival rides or a carousel at the festivals, and Mr. Flack replied “no, but they do have self-propelled pedal cars for the little kids”.

Mr. Ripp asked how large the corn maze is, and noted the plan that was submitted did not have a layout of the event, but showed the Bountiful Acre retail property, two residential lots and a 25 acre lot in the back. Mr. Flack said the events are held completely on the 25 acre parcel in the back, and the corn maze is two acres. Mr. Flack said they switch it up each year because they have to rotate the pumpkin crop placement, but it’s all in the same field. Mr. Ripp asked if there were any sinkholes as the area is in limestone, and Mr. Flack said they haven’t noticed any. Mr. Ripp asked how many people normally come because his concern is if the event grows and all of a sudden they have a five acre maze and 500 people it would also present a traffic concern. Mr. Flack said it’s not that many people who attend the festival. Mr. Flack said about five acres of the 25 acre lot are pumpkins and Indian corn, field corn and gourds. Mr. Spadafora asked at its most crowded how many people would you say were there? Mr. Flack replied around 150 or so at one time.

Mr. Gray asked if it would be safe to say the A10 accessory festival acres are limited to about 10 acres on the site and are closer to the Bountiful Acres side (more in the front 10 acres than the back 10 acres)? Mr. Flack replied “yes”.

Mr. Gray noted that per the zoning ordinance, no A10 activity, event, or structure used shall be within 150' of the property line, except for parking which may be within 50', and asked if any of the corn maze or hay ride route are within 150' of the property boundary? Mr. Flack said he can make sure they are not.

Mr. Gray said it looks like the vehicles enter the property from York Road, through the residential lot and park somewhere on the larger parcel. Mr. Flack said some park on the lot closest to York Road and some in the field. Mr. Gray also asked if there was enough parking area to accommodate the all of the visitors to the festivals, and Mr. Flack replied "yes". Mr. Gray asked Mr. Flack to mark the parking area on the plan before they come to the Board of Supervisors for review, to show there is enough land to meet the setback requirement from the neighboring residential properties or to show that a variance may be required. Dr. Sandberg asked if there was a size of the parking lot required? Mr. Gray said it depends on the number of people, adding that these types of venues usually park in a grass field and if it rains not as many people come out. Mr. Gray said after the rain is why the gravel driveway access to the main road is recommended to clean the tires. Mr. Flack said they close the event if it rains. Mrs. Mehling added that it's not just one person per car, but probably are families, and Mr. Flack confirmed that to be true. Mr. Ripp added that the traffic is spread throughout the day, not all at one time. Mrs. Mehling said her concern is the traffic which already exists on York Road, so if they have somebody to manage the ins and outs, that is helpful, to which Mr. Flack agreed.

Mr. Gray asked if the driveway was paved as the ordinance requires for Farm Businesses to be paved 150' at the entryway, and then can be gravel. Mr. Flack said the driveway is all gravel. Mr. Gray suggested that with a limited number of attendees and events only 4-5 times a year, the gravel driveway may be acceptable as long as it is maintained and not dragged onto York Road. Mr. Thomson said he preferred the gravel for drainage as well, rather than pavement. Mr. Gray explained the purpose is not to create a large entrance, just to make sure that the access is not impacting the adjacent roadway, in this case York Road.

Mr. Gray said the zoning requires a water supply, sewage facilities, restrooms, etc. per the Bucks County Department of Health, and that if he were to suggest that appropriate sanitary sewer facilities are provided, would that be acceptable? Mr. Flack replied "yes". Mr. Gray asked what is the expected attendance on a daily basis, as there usually is a breakdown of the number of people per port-a-potty and a required interval of cleaning. Mr. Flack said throughout a day there are probably about 200-300 people. Mr. Ripp asked how many people are spillover coming from the store? Mr. Flack replied most people come just for the festival, so maybe a couple are spillover from the store.

Mr. Gray confirmed there may be no activities past 9:00pm on weekdays and 11:00pm on Friday/Saturday. Mr. Flack replied the event is from 10am-4pm.

Mr. Gray asked if there were any outdoor concerts or amplified sound, and Mr. Flack replied "no".

Mr. Gray confirmed there were no mechanical rides or amusements, that there were non-motorized items only, and Mr. Flack confirmed that to be true.

Mr. Gray asked if there was a flea market? Mr. Flack replied “no”. Mr. Spadafora asked if they are selling honey or other products? Mr. Flack said “no, just corn stalks and pumpkins”. Mr. Gray clarified that they could sell honey or other locally grown products, just not hold a flea market as it is defined in the Zoning Ordinance. Mr. Gray noted this appears to be a farm enterprise selling products grown in Buckingham Township, which Mr. Flack confirmed

Mr. Gray asked Mr. Flack to put into writing how they intend to manage traffic, typically called a traffic control plan, for the Buckingham Township Police Department to review. Mr. Flack said their personnel directs the traffic within the site. Mr. Gray requested that to be in the plan with the suggestion that, if needed, they would hire off-duty police to assist in the traffic control. Mr. Gray questioned the days of the event, and Mr. Flack said they had only been Saturday and Sunday, but maybe they would like to add Friday to the application for consideration, with the hours of 10am-4pm each day. Mrs. Mehling noted that the events end before it gets dark, so no outdoor lighting is needed. Mr. Gray asked Mr. Flack to confirm that there is no outdoor lighting or temporary lighting proposed, to which Mr. Flack confirmed that no lighting was proposed.

Mr. Gray stated that access must be from an arterial or collector road, and noted that Anderson Road is a collector. Mr. Flack confirmed that the proposal is just to access the site from York Road, adding that it is not their proposal to allow any access from Anderson Road. Mrs. Mehling asked if there was an emergency could access be gained from Anderson Road? Mr. Flack replied “Yes.” Mr. Gray added there must be two connections to comply with the Zoning Ordinance requirements, so the proposal is for the primary access to be provided from York Road with the secondary emergency access from Anderson Road.

Mr. Gray noted that if there were fireworks, that would be a different zoning use, and Mr. Flack confirmed there were no fireworks.

Mr. Gray asked if there were advertising signs, as there is a requirement of 32 square feet of sign area total, which would be a 4x8 size sign. Mr. Flack said they do have signage and will make sure they comply.

Mr. Gray said per a comprehensive plan requirement, the proposed use must be in the best interest of the Township, the community and the public welfare, and which shall not be a detriment to the properties in the immediate vicinity. The Planning Commission agreed that that the proposed use was consistent with the A10 Use and did not believe that it would be a detriment to the properties in the immediate vicinity of the site.

Dr. Sandberg made a motion, seconded by Mrs. Mehling to recommend approval of the Conditional Use Application submitted by David Flack to permit an A10 Accessory Farm Business Use in the AG-2 Zoning District, at 5046 York Road (TMP #06-014-021), 5056 York Road (TMP #06-014-020) and 5043 Anderson Road (TMP #06-014-099), with the following conditions recommended:

- *To permit the month of October pumpkin picking festival and two December winter festivals which may be held on Friday, Saturday and Sunday from 10am-4pm on each day;*

- *The festivals shall be held on approximately 10 acres of the 25 acre farm parcel with all activities be located closest to York Road, and may include a two+/- acre corn maze, pumpkin patch, parking, etc.*
- *The township shall be assured there is no active carbonate activity on the parcels for the safety of the attendees.*
- *The applicant shall provide an appropriate number of restroom facilities based on expected occupancy, with the number of attended not to exceed 200 persons per day.*
- *It shall be noted if more than 200 persons per day attend and event, the applicant shall inform the township and an updated plan shall be required including the number of port-a-potties and an updated traffic management plan for the increased number of visitors.*
- *York Road shall be the primary access to the site, and the existing gravel driveway shall be properly maintained. The Planning Commission notes that additional asphalt paving is not required for this limited use as the applicant agrees not to operate the events during or immediately following inclement weather.*
- *The applicant shall provide a traffic management plan to be reviewed by the Buckingham Township Police Department prior to the Board of Supervisors public hearing which is tentatively scheduled on December 11, 2024.*
- *There shall be no amplified music.*
- *There shall be no outdoor lighting.*
- *Signs shall be in accordance with the A10 use and shall not exceed 32 square feet.*
- *There shall be no motorized or mechanical rides, other than a tractor to pull the hayride or an amusement such as a tractor pulled cut out train ride for children.*

The motion carried unanimously.

Review of the Pre-Submission Sketch Plan submitted by Lisa and Matthew Braud for property located at 3352 Dark Hollow Road, Tax Map Parcel #06-017-085. Proposal to rebuild onto existing structures of the property and restore the barn to better serve the community with locally grown products and share knowledge and passion for agriculture utilizing sustainable climate smart farming practices.

Property owners, Lisa Briegal-Braud and Matt Braud were present, along with Scott Mill of VanCleaf Engineering, to discuss their pre-submission sketch plan. Mr. Mill said that he had received review comments from the Fire Marshal, Zoning Officer and Bucks County Planning Commission.

Mr. Mill explained the plan is a 8 sheet set, with the first sheet showing the 11.8 acre property located at the corner of Swamp and Dark Hollow Roads, along with other properties shown in red which are properties his clients have leases to farm, comprising a total of 84 acres.

Mr. Mill said the second sheet of the plan set shows existing features and explained the Swamp Road frontage is heavily wooded with the woods extending ½ way back into the site. Mr. Mill noted the drainage runs in the same direction, with some pockets of wetlands along Swamp Road and in the back southwest corner. Mr. Mill said there are existing barn and house ruins/foundations and his clients want to renovate/reconstruct the barn and house in the same locations. Mr. Mill said

the property is zoned AG-1 and is being used to grow crops and products his clients sell as an agricultural retail use, and they want to add an A10 use for educational tours.

Mr. Mill said sheets 3 and 4 are aerial and site photos, with sheet 3 showing the view from the streets, and sheet continuing with onsite photos showing the existing agricultural uses and existing parking area, the stone driveway, some greenhouses and pavilions, and the last standing wall of the former house. Mrs. Mehling asked what happened to the house, and Mr. Braud replied “time and neglect”. Mr. Gray asked if the walls were still standing? Mrs. Briegal-Braud said no, that is why it is called Hollow House farm. Mr. Mill explained the foundation is still there.

Mr. Mill said the next page is the resource conservation plan with proposed features shown. He explained 2/3 way back on the property is the proposed reconstructed barn and behind that is the proposed reconstructed house, both on existing foundations. He said the existing driveway may shift just a bit for parking, and then extend back to access the home.

Mr. Mill said other notable features include: a proposed stormwater management facility at the lower end of the site to accommodate impervious additions; an area to the right of the midway point with 9 rectangular boxes which are high tunnels (hoop houses) for growing products, which would be made of loose metal post frame and plastic sheet or geotextile to provide shade and allow rain to come through; parking in front of the reconstructed barn based on re-use, with 22 paved parking spaces for retail use (where only 20 are required). Mr. Mill noted there is a fair amount of elevation difference from the parking to the retail area, so some ramping would be required.

Mr. Thomson asked if the retail use is for products grown on the property? Ms. Briegel-Braud replied yes, they currently have a farmstand that they stock each day and they would like to make it bigger. She said they have chickens and ducks on the property.

Mr. Mill explained the last 2 pages of the plan set are renderings of the proposed barn, showing high quality improvements. He explained the three photos on the left are of the dwelling that had been there, and how they want to reconstruct. He said to the right is a photo of the barn that was there. Mr. Braud noted the pictures were taken in the 1960's, and Mrs. Briegel-Braud said Mr. Kimbell had lived there and they were his photos.

Mrs. Mehling asked what the barn would be made of, and Mrs. Briegel-Braud said fieldstone. She said the family used stones from the property in their buildings and that the plan even shows the historical size of windows. Mr. Braud noted there is a nice viewshed over the hill and they have the responsibility to represent that corner.

Mr. Spadafora asked if there are height restrictions. Mr. Gray said there is a 35' height restriction, and the cupola's are not included. Mr. Gray said the building must be setback 1-1/2 times the height of the cupola, and that didn't appear to be an issue. Mrs. Briegel-Braud noted the larger the building is the more money it costs to heat and cool.

Mrs. Mehling asked if anybody would be living in the barn, and Mrs. Briegel-Braud replied “no”.

Dr. Sandberg asked if the barn would be used as a store. Mr. Braud replied it would be a mixed use of storage, processing and retail.

Mrs. Mehling asked how they would use the professional kitchen as noted on the plan. Mrs. Briegel-Braud explained that currently they work with the Bucks County Department of Health and Department of Agriculture to sell their products at the Wrightstown Farmers Market, and if they want to prepare something such as salad dressing, they would need to rent from a certified kitchen. Mr. Braud said that even covers honey. Mrs. Briegel-Braud said they want to ensure they can make a jam or tomato sauce and sell it as a value-added product. She said they would bring the produce from the field into their own processing and sale point providing sustainability and connection to the farm products while people are shopping for them. The consumer will see the product grown. Mrs. Briegel-Braud said they are not going for the hay festivals, rather they see themselves as providing the community with local food, education and sustainable agriculture. Mrs. Briegel-Braud said this is the future of farming, to be engaged in CSP programs and the USDA. She said they have riparian buffers on the properties, cover crops, caring for the soil and leaving it better than when they found it, and they need to educate people on this and want to provide the space to do that.

Mrs. Mehling asked if they would hold weddings on the property, and Mrs. Briegel-Braud said no, no way.

Mr. Gray recommended prior to making a formal Land Development Application the applicants should have a staff meeting with the Zoning Officer to work through the allowed use, as the farm and house are allowed, but adding the kitchen takes them into a different commercial type of use with sprinklers, bathroom facilities and utilities which are all higher in pricing. He said they should have all of the information well before they have their formal plans prepared so they know what they are getting into. Mr. Gray said if variances are needed, they will need to apply for those prior to submission of formal Land Development plans. Mr. Gray continued that the building code requires specific compliance depending on uses such as a wedding venue or a restaurant use.

Mr. Spadafora asked the hours of operation, and Mrs. Briegel-Braud said at this point this is a dream. Mr. Gray suggested that it may be further down the road, and right now we are just trying to understand what the use would be. Mr. Braud reiterated this is also to state what they are not intending to do, like the wedding activities.

Mr. Braud explained that onsite currently they have eggs, honey and lettuce that is grown aquaponically, meaning a soilless environment and recirculated water. He said they grow flowers to feed the bees, and the greenhouse operation is value added product available year-round, by also growing radishes, carrots and other seasonable crops. He explained that hoop houses extend the growing season by adding diversity during Thanksgiving which is a hot time in the market where they currently sell out in an hour due to lack of production.

Dr. Sandberg asked if lights power the greenhouses and if they had considered solar panels? Mr. Braud said they supplement with lights this time of year, but also use clear cover. He said they have red and blue LED lights as the tomatoes need light all night. Mr. Braud said the NRCS has funded a 5-year program to convert some of the water well pumps, some lighting and heating into

a solar system. Mr. Gray confirmed there would not be a solar field installed, and Mr. Braud said no, it's just to run LED lights and pool pumps. Mr. Braud said the heaters use the most electricity, but they purchased some used propane heaters from Hortulus. Dr. Sandberg questioned why propane instead of electricity, adding that geothermal is efficient. Mr. Braud said they do incorporate geothermal to a point, adding that they would love to get off propane. Mr. Ripp asked if the barn would have a southern exposure as he has had 2 systems installed on his barns, and Mrs. Briegal-Braud replied that would be great to educate people.

Mrs. Mehling asked how long the greenhouse produces, and Mr. Braud said 365 days a year.

Mr. Gray asked the proposed timing start to finish, and the timeframe for each area as an approval of a plan expires after 5 years. He said if there is a staged land development they could post escrow for certain improvements at a time. Mrs. Briegal-Braud said phase 1 would include the barn, and Mr. Braud clarified that the project includes high tunnels, parking barn and then house. Mrs. Briegal-Braud said they have been working on bringing this property back to life for 4 years and have a lot of family support.

Mr. Ripp asked if they had perc testing done yet for septic, and Mr. Mill said yes, that was done prior to his involvement in the project. Mrs. Briegal-Braud said they have a septic permit for the house. Mr. Mill clarified at one time the property owner intended to subdivide the property with single family homes, and the barn proposed at this time may need additional testing. Mrs. Briegal-Braud said there will be a bathroom in the barn, but it will not include a shower. Mr. Braud said the permit equated to gallons per day, and they were closer to the top of the range, adding that the permit was good for two years. Mr. Gray said they should clarify that the permits are still good and are for the particular use as they are different for commercial uses.

Mr. Gray said since they are changing the driveway location and that it may go from the existing minimum use driveway to something bigger due to widening and paving, and may require a Highway Occupancy Permit Application for the expanded use.

Mr. Thomson clarified that they intend to restore the barn to share knowledge and passion about the local grown products, and asked for details about the proposed educational programs and parking. Mr. Mill confirmed the educational tour may fall under the A10 use. Mr. Gray said that's the part they need clarification from the zoning officer as AG Retail use is more for the existing farmstand use and it seems this project will expand beyond those limitations. Mr. Gray said if it is a classroom setting with cooking, that may be a different use than A10 as it's more like festivals and witnessing farm operations. Mrs. Briegal-Braud said there would not be 100 people coming. Mr. Braud said even farm-to-table dinners aren't slotted into zoning. Mr. Gray said we need to find a similar use.

Mr. Gray asked if they would be capturing the stormwater for reuse, and would there be an above ground lagoon or cistern. Mr. Braud explained they would have a larger scale rain capturing from the greenhouses. Mr. Gray recommended the soil may not be good for infiltration, and if not, they could capture reuse in cisterns for credits.

Mr. Gray noted that any impervious surfaces added to the property since 2001 would need to be calculated and included in the stormwater calculations.

Mrs. Mehling clarified that the other properties highlighted in red on the plan are not involved in this project? Mr. Braud replied “no”.

Mr. Stoff explained the township bike and trail plan shows a proposed trail along Dark Hollow Road, and asked if they would consider allowing that to happen as a shared use trail. Mr. Gray said there also is a horse trail along the back of the property that Bucks County Planning Commission requested be maintained as a natural feature to be shown on the plan. Mrs. Briegal-Braud said the horses do come through their property from the Harris farm.

Mr. Stoff questioned the stormwater management shown in the setback area, and Mr. Gray said the buffer requirement would depend on the use, and agreed that the stormwater facility is not permitted in a buffer yard per the SALDO, however, they would work with the landscape architect to overlap the buffer with the stormwater improvements if the landscaping met both sets of requirements.

Mr. Mill said as far as any required road improvements, both roads are PennDOT, and asked about requesting waivers of such. Mr. Gray said the required improvements would be up to PennDOT but waivers from the Township would also be required as part of the LD application.

Mrs. Mehling summarized that they now have their marching plans on what to do, and Mrs. Briegal-Braud said this was the first piece for clarity. Mr. Gray suggested that the next steps should include a meeting with the zoning officer, and then continue by submitting a sketch plan to the Board of Supervisors who would see and comment on the zoning. Mrs. Briegal-Braud said for the A10 use there is a requirement of 25 acres, so they know a variance is needed for that purpose. Mr. Gray suggested they could move forward with limited improvement and come back in the future to review the A10 use.

Mrs. Mehling made a motion, seconded by Dr. Sandberg, to adjourn the Planning Commission meeting at 9:16 p.m. The motion carried unanimously.

Minutes respectfully submitted by Lori Wicen.

Minutes approved by Planning Commission on December 4, 2024.