

BUCKINGHAM TOWNSHIP

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PLANNING COMMISSION

AGENDA

MAY 3, 2023

Call to Order 7:30 p.m.

1. Consideration of approving draft Planning Commission minutes of February 1, 2023 and March 1, 2023.
2. Consideration of recommending Preliminary/Final Approval of the "Walsh Tract" Minor Subdivision Plan dated Rev. March 24, 2023, Township File SA 2019-01, Tax Map Parcel #06-021-053-001, 5087 Lower Mountain Road, 2 Lot Subdivision, 5.340 Acres, located in the AG-1 Zoning District, with an extended review period expiration date of October 1, 2023.

Buckingham Township Planning Commission
Meeting Minutes

The regular meeting of the Buckingham Township Planning Commission was held May 3, 2023 in the Township Building, 4613 Hughesian Drive, Buckingham, Pennsylvania.

Present:	Andrea Mehling	Chairperson
	Patrick Fowles	Vice Chairperson
	Rebecca Fink	Member
	Erling Salvesen, Jr.	Member
	Dr. Marc Sandberg	Member
	Louis Spadafora	Member
	Glenn Thomson	Member
	Dan Gray	Township Engineer
	Luke Rosanova	Bucks County Planning Commission

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

Consideration of approving the draft Planning Commission minutes of the February 1, 2023 and March 1, 2023 meetings.

Mr. Fowles made a motion, seconded by Mr. Spadafora, to approve, as most recently presented, the draft Planning Commission meeting minutes of the February 1, 2023 and March 1, 2023 meetings. The motion carried unanimously.

Consideration of recommending Preliminary/Final Approval of the “Walsh Tract” Minor Subdivision Plan dated Rev. March 24, 2023, Township File SA 2019-01, Tax Map Parcel #06-021-053-001, 5087 Lower Mountain Road, 2 Lot Subdivision, 5.340 Acres, located in the AG-1 Zoning District, with an extended review period expiration date of October 1, 2023.

Steve Rovner, Esq., Mr. John Medendorp and Mr. Jonathan Ringenbach, Pennoni, were present to discuss the revised preliminary plan.

Mr. Rovner explained this plan is for a 5.34 acre lot at Lower Mountain and Holicong Road to be subdivided into two conforming lots. He said there is an existing residence and barn on the property, and the owner wants to subdivide and sell the second lot where somebody could build a home in the future. Mr. Rovner said they are requesting some exceptions (waivers), because the lot is not being developed at this time.

Mr. Medendorp displayed the plan, and explained that it was submitted in 2019, then Covid hit, and since then they have been working out details with Knight Engineering and the Landscape Review Consultant. Mr. Medendorp said they are aware that the township historically has had issues with persons subdividing their property, selling, and unbeknownst to the new buyers who are not sure what they have bought, presenting a problem.

Mr. Gray clarified the townships’ concerns are that the new owner expects an approved plan, however they would not be purchasing an “improved” lot, and would need to spend money

unexpectedly. He said the township will require security to be posted for the necessary improvements to be made, in order for the subdivision to be approved.

Mr. Medendorp said the majority of the consultant review letters are “will comply”, with some technical issues to be resolved, and some plan clean-up required. Mrs. Mehling asked to discuss the “do not support” items in Knight Engineering’s April 28, 2023 review letter.

Knight Engineering, Inc. – April 28, 2023 Review
Development Concerns

- 2.5 SALDO § 3.3.C.2.r requires subdivision Plans be prepared to provide renderings of the proposed building and photographs of similar construction.

Mr. Medendorp said there is no rendering or proposed building at this time. Mr. Gray asked the Planning Commission if they wanted to see a fictitious rendering, and Mr. Spadafora thought it would be waste of time and money. The other Planning Commission members agreed. Mr. Gray changed his comment to “will support”.

- 2.6 SALDO § 3.3.D.1.i requires subdivision plans to include an analysis of the project carbon footprint for the proposed development.

Mr. Medendorp said they did not have an analysis of the project carbon footprint for the proposed development. Mr. Gray recommended they provide what a typical residential house for the lot size would generate as far as energy costs; how much heating, cooling, solar panels proposed or not, etc. Mr. Gray said this is a requirement of the Site Analysis Resource Conservation (SARC) plan and shows how energy resources are being protected. Dr. Sandberg asked that it be provided for the largest house possible. Mr. Gray asked the Planning Commission if they needed to see the results or just know it was calculated and submitted for review by the Board of Supervisors. Mrs. Fink said she was comfortable just knowing it would be required for submission before coming to the Board of Supervisors. Mr. Gray changed his comment to “will comply”.

- 2.7 SALDO §§ 6.2.A and 5.1.G.2 requires the Buckingham Township Board of Supervisors to receive and review the reports generated for the proposed subdivision plans from the Township Planning Commission, Township Engineer, Township staff, Township Departments designated by the Township, Bucks County Planning Commission, and other agencies who have submitted a report. The Applicant’s engineer is requesting a partial waiver from providing reviews from Castle Valley Consultants, Inc., Bucks County Health Department, Bucks County Conservation District, PADEP – Sewage Facilities, Buckingham Township Police Department and Buckingham Township Fire Marshal.

Mr. Medendorp questioned the need for an Erosion & Sediment / NPDES Permit from the Bucks County Conservation District as they are not disturbing the earth, or the septic permit from the Bucks County Health Department as that is determined by the number of bedrooms, which has not been determined. Mr. Gray said the township will most likely not approve the plan without a septic permit approval.

Mr. Medendorp said that just under one acre would be disturbed, so the NPDES permit would not be necessary. Mr. Gray suggested if they can get under one acre, they should get the Erosion & Sediment control plan approved, as that permit approval is good for two years. Mr. Medendorp asked what if the lot is not sold within those two years; Mr. Gray said the permit can be refreshed.

Mr. Gray said having the permits in place is beneficial to the township as the homeowner will not have the surprise cost and process of having to get the permits. He said if the homeowner opts for more bedrooms or to regrade the lot, then any change to the permits is their responsibility.

Mr. Medendorp explained they have completed tests based on a 5-bedroom home, and have two sites approved for septic. He said if the future buyer wanted 6 bedrooms, they would need to get an update. Mr. Medendorp agreed that nobody wants to buy a lot without perc, and they will have a Letter of Sustainability from Bucks County. Mr. Gray asked for that information to be provided to Castle Valley Consultants so they can provide a recommendation to the Board of Supervisors, and add it as a condition of a future building permit.

Mr. Gray said the township would prefer to have an Erosion & Sediment control “adequate” letter on file, and reviews from the township fire marshal and police department of “no comment”.

Mr. Medendorp said this all makes sense.

- 2.8 SALDO § 11.1.A requires the applicant of subdivision or land development plans enter into a written agreement with the Township in a manner set forth by the Township Solicitor, to guarantee the construction and installation of all improvements, engineering inspections, insurance, reimbursement of expense to the Township, procedure upon default, and other subjects related to the development of the land at the Applicant’s expense required by the SALDO. All required improvements will either need to be installed prior to the recording of the subdivision plans or adequate financial security will be required.

Mr. Medendorp said they are requesting a waiver of this item because they are not planning to build, and asked for a deferral until the lot is developed. Mr. Gray explained there is no difference between a waiver and a deferral. Mr. Gray said the Board of Supervisors will most likely require a development agreement and security as they are for improvements to develop the property for the house, not for building the house itself. He explained the development agreement and security ensure that the work gets done according to the plan being approved.

- 2.9 SALDO § 9.33 requires that the applicant of any subdivision and land development attend a pre-construction meeting prior to the start of any work.

Mr. Gray explained that the pre-construction meeting is required for whoever develops the property and is a requirement that will not be waived. Mr. Medendorp changed the request to “will comply”.

- 2.10 SALDO § 9.22.D requires all land development applicants not remove topsoil from the development site and to provide cut and fill calculations for topsoil and subsoil within the initial submission of the Final Development Plans.

Mr. Medendorp changed the request to “will comply”.

- 2.12 SALDO § 9.23.J
- 2.13 SALDO § 9.23.K.1.f
- 2.16 SALDO § 9.23.H.3

Mr. Gray said these are all stormwater items that are not difficult to comply with. Mr. Medendorp said they will discuss the items and change them to “will comply”.

Knight Engineering, Inc. – April 28, 2023 Review

III. Technical Review Issues

- Item 1.8 SALDO § 11.1.A Prior to the execution of any development agreements, a bona fide bid for the proposed site improvements shall be submitted to the Township Engineer. The bid shall be prepared by the contractor responsible for the site improvement work. The Township Engineer will use the contractor’s bid to prepare the Escrow Cost and Quantity Estimate.

Mr. Gray explained if the Board of Supervisors denies the waiver request for not providing financial security, they would need to submit a bonafide bid or estimates cost to complete the improvements from an engineer for site improvements.

Landscape Review Consultants – April 18, 2023 Review

Mr. Jon Ringenbach said he has been involved with this project from the start, and is familiar with the SALDO Landscape requirements. He said that he and Ms. Manicone, Landscape Review Consultant, had walked the site on April 13th. Mr. Ringenbach explained that all of the technical items in the review letter are “will comply”. Mr. Ringenbach explained in general the site itself has existing buffers that will be supplemented, and they intend to plant 100 trees on site to meet various requirements.

Ms. Manicone said they did meet on site, but she had not received a paper plan, so there is not an approved plan at this time. She explained the SALDO language is very specific about accepting existing quality vegetation. Mr. Rovner said the owners will inspect the vegetation, and were aware that the wrong trees were proposed as they would grow too tall into the power lines, and intend to substitute and plant the required trees. Mr. Rovner said a plan would be submitted following the field meeting.

Mrs. Mehling commented they can’t really plant trees without knowing where the house will be placed. Mr. Ringenbach asked if security could be posted for the street tree plantings and environment to shelter the proposed house and stormwater basin, since they are not to be constructed at this time.

Mr. Gray clarified that following plan approval, the current owner of the property will install all of the perimeter vegetation prior to selling the lot; and Mr. Rovner confirmed “yes”. Mr. Rovner also confirmed the owner lives in the house on the property. Mr. Rovner said the buffer plants would be installed, however the environmental shade trees for the home would not. Mr. Gray said those can

be separated into the escrow for improvements. Mrs. Mehling asked what if the driveway comes in where the trees are planted? Mr. Gray explained the ordinance requires a plan to show the township that the lot can sustain a house, and the developer has to provide a plan to prove they can build a house according to the layout. He explained if someone wants to build in a different location, they may need to remove and replace trees. Mr. Gray noted the Pennsylvania Municipal Planning Code requires that the developer must build the improvement or post security.

Ms. Manicone said there are a number of steps to go through before finalizing the landscaping plan. Mr. Rovner said they would make all recommended revisions to the plan prior to meeting with the Board of Supervisors.

Mrs. Mehling noted there are too many questions and unknowns at this time to make a recommendation for approval or not, adding that this plan has been in process for 3 years within a year in between each appearance. Mr. Thomson added there were residents in attendance, which is another good reason to have the applicant return in the future.

Mr. Gordon Roberts, Holicong Road, asked what testing had been done and was it on the new lot proposed? Mr. Medendorp said the testing was infiltration for stormwater and septic perc testing on the newly proposed lot, and the tests were approved.

Mr. Casi Prajzner, Mountain Top Road, said there are artisanal wells spewing water 24/7 on this property, as well as other properties in the area, and he was concerned about it running his water source dry. Mr. Gray explained artisanal wells mean there is an abundance of water coming up from the ground. Mr. Prajzner asked if there was a way to cap them, and Mr. Gray said the water will just come out somewhere else through holes in the ground.

Mrs. Dottie Farr, Holicong Road, said they live kitty corner from the property, and this is the first time they have received notice of this plan, as the previous notice required postage due and they did not pay it. She said they did not know what to expect to be built on the property, or what the house would look like. Mr. Gray said there are standards for B1 single family detached dwellings, that the township requires a minimum building envelope area but no minimum building house requirement, only maximums. He explained the township cannot regulate taste or appearances due to state law. Mr. Gray said the plan is generally compliant with site, location and layout, and is made to prove that they can put a house on the property. He explained stormwater management is also required for increased impervious surface.

Mr. Gray explained that the plan shows the existing house on the corner staying, and the larger farm field would have the new second house. Mr. Rovner confirmed they are just cutting the existing lot in half with one proposed new house. Mr. Gray explained the notification process is that the applicant must notify the neighbors before first appearing at a Planning Commission meeting, and thereafter interested residents can let the township know they would like to be notified when the topic is scheduled on a meeting agenda.

Mrs. Susan Roberts, Holicong Road, confirmed this is a 5.6 acre parcel being cut approximately in half (approximately 2-1/2 acres each), and asked what is the minimum lot size? Mr. Gray said 1.8 acres is the minimum lot size in this zoning district. Mr. Rovner confirmed the lots are 2.558 and

2.72 acres. Mrs. Roberts confirmed then that they cannot further subdivide the property, and Mr. Gray said “no”.

Mr. Gray asked the applicant if they would rather the Planning Commission table the plan so they can make revisions and reappear with the issues ironed out, or if they would prefer a motion that may be positive to move them forward to the Board of Supervisors. Mr. Rovner said they would make the plan revisions and reappear before the Planning Commission.

Mr. Fowles made a motion, seconded by Mrs. Mehling, to table the “Walsh Tract” Minor Subdivision Plan dated Rev. March 24, 2023, Township File SA 2019-01, Tax Map Parcel #06-021-053-001, 5087 Lower Mountain Road, 2 Lot Subdivision, 5.340 Acres, located in the AG-1 Zoning District, with an extended review period expiration date of October 1, 2023. The motion carried unanimously.

Mrs. Mehling made a motion, seconded by Mr. Spadafora, to adjourn the Planning Commission meeting at 8:54 p.m. The motion carried unanimously.

Minutes respectfully submitted by Lori Wicen.

Minutes approved by Planning Commission on August 2, 2023.