

**Milford Township
Planning Commission**

Meeting Minutes of January 25, 2023
7:00 P.M.

Planning Commission Members Present: Fran Murray, Chair; Edwin Bolton, Vice Chair; Susan Edwards, Secretary; Merv Afflerbach, Member; and Malcolm Vinger, Member.

Staff Present: Devan Ambron, Secretary.

Mr. Murray called the Milford Township Planning Commission meeting to order at 7:00 p.m.

Mr. Murray made a **MOTION** to approve the meeting minutes of December 28, 2022. The motion was seconded by Mrs. Edwards and passed unanimously.

Re-Organization:

Edwin Bolton nominated Fran Murray to serve as Chairman, the nomination was seconded by Susan Edwards. Following a unanimous vote, Mr. Murray was appointed to Chair.

Fran Murray nominated Edwin Bolton to serve as Vice Chair, Mr. Afflerbach seconded the nomination. Following a unanimous vote, Mr. Bolton was appointed to Vice Chair.

Fran Murray nominated Susan Edwards to serve as Secretary, Edwin Bolton second the nomination. Following a unanimous vote, Mrs. Edwards was appointed as Secretary.

Plan Acceptance:

The Moyer Milford Square Preliminary Plan of Subdivision for the property located at 2060 Allentown Road, TMP 23-010-081 in the VC-2 (Village Center) Zoning District was accepted for review.

Conditional Use

Adina Roland, 2100 Quaker Pointe Drive, TMP 23-010-022, Use D2-Medical Office. The application proposes to open a Medical Office, namely an orthodontic office in the existing building. The Planning Commission stated there will be no adverse conditions or negative impact created with the proposed use.

Mr. Murray made a **MOTION** to recommend approval of the Conditional Use Application, for the property located at 2100 Quaker Pointe Drive, TMP 23-010-022, as presented. Mrs. Edwards seconded the motion. The motion passed unanimously.

Special Exception

Particle Size Technology, 1930 Kumry Road, TMP 23-010-061, Section 804.a. Expansion of Nonconforming Uses and Structures. The applicant proposes to construct a 1,852 square foot addition to the existing building.

Mr. Bolton made a **MOTION** to recommend approval of the Particle Size Technology Special Exception Application for the property located at 1930 Kumry Road, TMP 23-010-061. The motion was seconded by Mrs. Edwards and passed unanimously.

Kevin Willauer, 2000 John Fries Highway, TMP 23-010-090, Agricultural Retail. The Applicant, Kevin Willauer, seeks a Special Exception to allow an Agricultural Retail Use, 404.A7, on the property located at 2000 John Fries Highway in the RA Zoning District, along with an Interpretation/Appeal, and/or a Variance, to allow an agricultural retail store exceeding 750 square feet to sell local produce under section 404.A.7 and a variance from Section 404A7.b that requires products sold at the Agricultural Retail establishment to be grown, raised and produced on the property. Mr. Gavin Laboski, Laboski Law, was in attendance to present the proposal. Mr. Laboski stated the business has been in existence for some time. This application is a clean-up operation. Permits have been issued for the project. Mr. Laboski stated Mr. Willauer is in attendance to answer

any questions the Planning Commission members may have. Mrs. Edwards asked if the use demonstrates compliance with the regulations. Mr. Laboski stated the use must be subordinate to the agricultural use. The products sold must be grown raised and/or produced on the property. The applicant has requested a variance from this regulation. Mr. Laboski stated he has seen other municipal ordinances that allow 50% of products to be raised or grown on the property and 50% off site. Mr. Laboski stated this regulation is not possible for every farmer to comply with. Mr. Laboski further stated Mr. Willauer's intent is to sell locally grown products and he does not want it to turn into a supermarket. Mr. Laboski stated relief is also needed from subsection c. which states when proposed on lots of more than two acres, the maximum floor area shall be limited to 750 square feet. The existing building, which was constructed with a permit is 1,000 square feet. Mr. Laboski stated a site plan is being made and there may be an issue with the required front yard setback and if that is the case the applicant will have to ask for another variance. The site complies with the required parking regulations, 1 off-street parking space for each two hundred square feet of sales area. Mr. Laboski stated there are two other issues to be address, land development and highway occupancy. A permit has been received from PennDOT and the surveyors were on site today to address stormwater and any possible impact it may have on the surrounding properties. Mr. Bolton stated to be clear, this building is already in existence. Mr. Murray stated it is. Mr. Laboski stated the property itself is over 64 acres and a portion of the property has been placed in a conservation easement. The portion being discussed this evening is not part of the easement. Mr. Murray asked if the application is scheduled to be heard by the Zoning Hearing Board. Mr. Laboski stated the hearing is scheduled for Tuesday, February 14, 2023. At this time Mr. Glenn Weiss, neighbor to Mr. Willauer distributed a statement from attorney, William Oetinger from Grim Biehn & Thatcher. The letter addresses products sold on the property not being produced on the property, stormwater management, roadway improvements, and the need for a fully engineered site plan. The letter further stated there has been substantial earthmoving activity on the site and impervious surface added without permits. Mr. Murray stated Mr. Laboski noted several of those items are being addressed and those that are not will be addressed. Mr. Laboski further stated it is the job of the Planning Commission to review plans from a planning standpoint, not for zoning relief, that is the duty of the Zoning Hearing Board, and his client is entitled to some relief. Evidence to be presented to ZHB. Mr. Laboski there is 2 years of history with the site and there have been no concerns with traffic and PennDOT has approved the entrance. While he respects Mr. Weiss's position, he will address the concerns before the Zoning Hearing Board. Mr. Murray stated it is not for this body to address the concerns listed in the letter and he is confident when present to the Zoning Hearing Board there will be a solid basis to make a decision. Mr. Bolton asked if there have been issues with the neighboring property. Mr. Laboski stated there has been some friction back and forth and Mr. Willauer has reached out. Mr. Laboski said if there are specific things to address now is the time. There seems to be an issue with the ditch on Route 663, which is a PennDOT issue, and an engineer will do an evaluation. If there is an issue Mr. Willauer will address the issue. Mr. Vinger asked what the grievance is. Mr. Laboski stated he thinks it's personal and there has been family friction prior to Kevin Willauer owning the property. Mr. Bolton said thinking back there isn't much close to the building. Mr. Laboski stated the farm has been in the family for 70 years. Mr. Bolton asked if the structure had a building permit at the time. Mr. Willauer stated it did and it would be hard to build on Route 663 without a permit.

Mr. Bolton made a **MOTION** to recommend approval of the Willauer Special Exception for the property located at 2000 John Fries Highway, granted the applicant ensure compliance with stormwater management, compliance with the required parking regulations, and compliance with all setback regulations. The Commission further recommends there be some relief granted regarding Section 404.A7.b, products sold must be grown, raised and produced on the property. The motion was seconded by Mrs. Edwards and passed unanimously.

With there being no further business at this time, Mrs. Edwards made a **MOTION** to adjourn the January 25, 2023 meeting of the Milford Township Planning Commission at 7:21 p.m. The motion was seconded by Mr. Afflerbach.

**Milford Township
Planning Commission**

Meeting Minutes of February 22, 2023
7:00 P.M.

Planning Commission Members Present: Edwin Bolton, Vice Chair; Susan Edwards, Secretary; Merv Afflerbach, Member; and Malcolm Vinger, Member.

Staff Present: Jeffrey Vey, Manager; Devan Ambron, Secretary; Bryn-Erin Kerr, Bucks County Planning Commission.

Mr. Bolton called the Milford Township Planning Commission meeting to order at 7:00 p.m.

Mr. Afflerbach made a **MOTION** to approve the meeting minutes of January 25, 2023. The motion was seconded by Mrs. Edwards and passed unanimously.

Mr. Bolton made a **MOTION** to amend the agenda to add the review of the application of Dan Gallagher/Milford Township for a Special Exception. Mrs. Edwards seconded the motion. The motion passed unanimously.

Plan Acceptance:

Rotenberger Preliminary Plan of Subdivision, 2230 Milford Square Pike, TMP 23-010-172. Mr. Mease stated the Planning Commission has the opportunity to entertain action on the proposed plan. The plan has been before the Commission as a Sketch Plan. Reviews by the Township Engineer and Bucks County Planning Commission are pending. Mr. Scott Mease of Mease Engineering, P.C. was in attendance to present the proposed subdivision. Mr. Mease stated the applicant proposes to subdivide the property into three lots and construct two single-family dwellings with the existing house remaining on lot one. Mr. Mease stated all proposed improvements are along Milford Square Pike. Proposed lot two will be a flag lot with an easement running through lot one. None of the proposed lots will access to 663 access will be gained from Milford Square Pike. The lots will be served by public water and public sewer. Mr. Mease stated the 10.2-acre parcel is located in the RD zoning district with a minimum lot size of 1-acre. Lot one will consist of 6.276 acres, lot two 1.703 acres and lot 3 will consist of 2.223-acres, all of which are larger than the minimum requirement. Mr. Mease stated the plan presented tonight is identical to the Sketch Plan. Mr. Wolf stated the plan will be accepted for review. Mr. Vey asked if the Planning Commission would entertain recommendation of approval contingent upon compliance with reviews. Mr. Bolton stated he doesn't think a recommendation is appropriate if plan just walked through door. Mr. Mease presented the waiver request letter dated February 8, 2023. A waiver is being requested from planting street trees along Milford Square Pike and Route 663 as there are existing trees along Milford Square Pike and no development is proposed along Route 663. A waiver is requested from roadway improvements, curbs, and sidewalks for Milford Square Pike and Route 663. Curbs and sidewalks are not characteristic of this area of the Township. A waiver is requested to allow for the Record Plan and the Natural Resource Plan to fulfill the requirements of the Existing Site Context Map. A waiver is requested to allow the Record Plan and the Natural Resources Plan to fulfill the requirements of the Existing Resources and Site Analysis Map. A waiver is requested from locating all features within 400 feet of the property. An aerial plan is submitted showing existing features within 400 feet of the property. And lastly, a waiver is requested to allow for the Record Plan, Natural resources Plan, and Erosion & Sediment Control Plan to fulfill the requirements of the Preliminary Resource Impact and Conservation Plan. The submitted plans show all natural resources potentially impacted by the proposed development. All natural resources, protected areas, and proposed improvements have been shown and impacts tabulated on the plans. Mr. Bolton stated it is his understanding this proposal has had a lot of back and forth with staff and Supervisors. Mr. Vey stated there has been a lot of discussion regarding access to Route 663 and the applicant will grant a covenants and restrictions along with the installation of a berm. Mr. Bolton stated all the requested waivers are straight forward and in the event

information is not shown on the various sheets the engineers will work it out. Mr. Bolton further stated he does not have a problem with allowing the aerial plan to show existing features within 400 feet as this has been waived numerous times in previous proposals.

Mrs. Edwards made a **MOTION** to recommend Preliminary/Final approval of the Rotenberger Subdivision Plan for the property located at 2330 Milford Square Pike, TMP 23-010-172, along with granting the requested waivers, with the following conditions: Compliance with all Andersen Engineering Review comments and all outside agency approvals be obtained. Mr. Afflerbach seconded the motion. The motion passed unanimously.

Geissinger Preliminary Plan of Subdivision, Allentown Road, TMP 23-005-050. The Planning Commission accepted the Geissinger Preliminary Plan of Subdivision, for the property located on Allentown Road in the RA (Rural Agricultural) Zoning District, for review.

Subdivision/Land Development Review(s):

Moyer Milford Square, Preliminary Plan of Subdivision, 2060 Allentown Road, TMP 23-010-081. Mr. Mease was in attendance to present the proposed plan. Mr. Mease gave a brief description of the plan which is the same basis as the previously reviewed Sketch Plan. The applicant proposes to subdivide the property into 3-lots. The property is located in the VC-2, Village Center District with a minimum lot size of 15,000 square feet. Lot 1 will consist of 26,770 square feet and contain the existing single-family dwelling, lot 2 will consist of 26,934 square feet with a proposed single family dwelling, and lot 3 will consist of 26,912 square feet with a single family dwelling. The property is located on the west side of Allentown Road south of Milford Square Pike. The existing house is served by public sewer and an on-lot well. The applicant proposes the same for lot 2 and lot 3. The property is located in the public water district with the closest water facility approximately 800 feet away at the intersection of Milford Square Pike and Allentown Road. Mr. Mease stated the applicant went to the water authority where they understood the cost would be too expensive that subdivision could not carry. The Water Authority discussed the applicants request to waive the required connection to the public water system at their December Board Meeting. The Authority recommended a waiver be granted since the distance to the existing water main is 450 feet from the Moyer property there is no justification to the expense to provide water service to the subdivision. Mr. Bolton stated a waiver may be granted with the caveat that if public water is brought in in the future, the lots will have to hookup. At this time Ms. Kerr presented the comments found in the Bucks County Planning Commission review letter dated January 31, 2023. The comments address the requested waivers which include a waiver from roadway improvements, curbs and sidewalks; to allow for the Aerial and Existing Features Plan to fulfill the Requirements of the Existing Site Context Map; to allow for the Record Plan and Existing Features Plan to fulfill the requirements of the Existing Resources and Site Analysis Map; from locating all features within 400 feet of the property as an aerial plan displays existing features within 400 feet of the site; from providing a Preliminary Resource Impact and Conservation Plan. The applicant is requesting waivers from providing sidewalks and curbs, stating that these features are not characteristic of the western side of Allentown Road. The site is located in the VC-2 district where the Quakertown Area Comprehensive Plan identifies sidewalks and curbs as key features for a pedestrian-oriented community. Ms. Kerr stated the comprehensive plan stated that sidewalks should be provided on both sides of the existing and proposed streets and there should be compelling reasons for the waiver or modification of sidewalk standards. Ms. Kerr stated Section 525 of the SALDO requires the applicant to dedicate recreation land and facilities unless the board of supervisors determines that a contribution of a fee in lieu is acceptable. The proposed landscaping on the site is shown on Sheet 3, the Grading and Erosion/Sediment Control Plan. Section 701.h.8 of the SALDO requires a landscape plan with preliminary plan submission. It is recommended the required landscape plan be prepared, signed, and sealed by a registered landscape architect. Ms. Kerr stated the applicant must submit a Sewage Facility Planning Module Application Mailer to DEP to determine if an Act 537 Planning Module must be submitted for the proposed subdivision. Mr. Mease stated in regard to the requested waiver for curbs and sidewalks, sidewalks are present on the east side of the road and there is a number of lots on the west side that do not have curbs and sidewalks down to the intersection, at least 4 parcels. Mr. Vey stated in looking at the aerial view of the area, it looks like the parcel just north of the site has sidewalk connection and a sidewalk along the corner. Mr. Mease stated that appears to be the radius coming around Milford Square

Pike. Mr. Vey stated a sidewalk always has to start somewhere and there may be some difficulty with right of way. Mr. Vinger asked if everyone was going to be told they needed to install a sidewalk. Mr. Vey stated with a proposed subdivision and/or land development a sidewalk an improvement that should be installed if warranted. Mr. Vinger replied no other subdivision can take place in that area, there is no more property available as it is all built up. Mr. Vey stated a discussion with the township should be had to come up with a possible cost share to help do the public part. There is a community well that got abandoned due to water issues. Mr. Vinger stated that should not be entered into this review. Mr. Vey stated he is not sure if there will be spring boarding due to the installation of sidewalks and the township will not be forcing anyone to hook up to public water. Mr. Bolton asked the Commission how they felt about the installation of sidewalks. Mr. Vinger stated if no one else is required to install sidewalks then there will be floating sidewalks that go nowhere. Mr. Vey stated another potential could be a fee in lieu of the installation of sidewalks. Mr. Bolton stated he recommends voting in favor of the installation of sidewalks. Mrs. Edwards stated she is in favor of recommending a fee in lieu of sidewalks. Mr. Bolton tabled the discussion on sidewalks. Mr. Bolton asked how the Commission feels about the need for recreation. Mr. Mease stated the lot is small in size and stated a fee in lieu would be found acceptable. The Planning Commission felt the proposed landscaping can be reviewed as presented and there is no need for a separate plan. At this time Mr. Wolf of Andersen Engineering discussed the comments found on the Andersen Engineering Associates, Inc. review letter dated February 3, 2023. Mr. Wolf stated comment Z-1 states the plan complies with the requirements of the Zoning District. Comment Z-2 stated a detail for the clear-sight triangle required under Section 523.b appears on Sheet 3 of 4, but it would be better if it appeared on Sheet 1 of 4 instead, since it is unlikely that Sheet 3 of 4 will be recorded. Mr. Mease said he will make the change. Zoning comment Z-3 stated a table appears on Sheet 3 of 4 regarding parking requirements. This table should appear instead on Sheet 1 of 4 for the same reason. Mr. Mease stated he will make the change. Mr. Wolf stated comment SALDO-1 stated the plan does not propose any improvements to Allentown Road. Comment SALDO-2 states Section 503.b.3 requires dedication of right-of-way. The plan offers an easement for right-of-way widening. The Township should determine if this acceptable. Comment SALDO-4 states the plan is proposing on-lot wells as the closest public water facilities are about 800 feet away. SALDO-5 states Section 517.a.7 states that garages that are used to meet the minimum parking requirements must have deed restrictions in a form approved by the Township Solicitor and shall be recorded. Mr. Wolf stated it would probably be a good idea to add a note stating the same on Sheet 1 of 4. Mr. Mease said a note would be added to the plan. SALDO-6 states Section 525 addresses Park and Recreation requirements. This has not been noted on the plan. SALDO-7 states Section 603 requires as-built plans. The plan indicates that lot 1 contains the maximum permitted impervious ratio, while lots 2 and 3 are very close to the maximum. Mr. Wolf said it is a good idea to have as built for lot 2 and 3 to ensure they do not exceed maximum impervious. Comment SALDO-8 states the applicant's engineer submitted a Waiver Request letter dated January 11, 2023. The Township should decide if the waivers should be granted. Mr. Wolf stated there are no objections to waivers from Section 701.c, 701.e, 701.e.2 or 701.g. Mr. Mease stated all comments are will comply. Mr. Bolton stated it all boils down to the sidewalks and curbs at this point. Mr. Afflerbach noted there are no sidewalk located on the side of the road. Mr. Vinger stated it would be the same as Faith Christian installing sidewalks, there is nothing there now and nothing to connect to. Mr. Afflerbach stated he does not see the need for installing curbs and sidewalks unless it is a zoning requirement for the VC zoning district. Mr. Wolf said it looks like there is an old sidewalk on the lot adjacent to the park. Mr. Bolton called for comments. Mr. Bolton stated the motion could recommend the installation of sidewalks or fee in lieu of to be determined by the Board of Supervisors. Mrs. Edwards recommends the installation of curbs and sidewalks or a fee in lieu of. Mr. Wolf stated the roadway improvements consist of roadway widening and a waiver for roadway improvements will also be needed. Mr. Bolton asked why the roadway needs to be widened. Mr. Wolf stated the ordinance calls for 30' roadway and the roadway is currently 26' wide. The widening cannot be added due to the existing storm sewer system and a fee in lieu of cartway widening, curbs and sidewalks could be recommended. He does not see saddling the applicant with the fees to relocate the storm sewer system to widen the roadway. An option could be sidewalks without curbs. Mr. Vey asked where we are at with sewer capacity and the sidewalk could be done as a township improvement. Mr. Moyer stated he went to the Board of Supervisors meeting and the engineer stated it was well over \$300,000 to run the mainline. With the stormwater in front of the property, there are rolling blacktop curb so the inlets work. The system is working now, and he cannot see requirement for widening the

roadway or installing sidewalks. Mr. Wolf stated the Board of Supervisors will make the final decision. Mr. Vinger stated the applicant is not changing the environment in the area and everything will look continuous. The frontage will look like all the other houses on the street. Mr. Bolton replied you have to start somewhere such as making accommodations for pedestrians on that side of the street. With there being multiple views on sidewalks there was not a unanimous recommendation. Mr. Vinger asked if sidewalks are really needed on both sides of the road and noted there is not a place to put a sidewalk. Mr. Vinger said if the rules say they have to install we can give a waiver. The proposal is for 2 lots everything existing is contiguous and there are currently no sidewalks. If ten lots were being put in then yes, lets require sidewalks. Mr. Vinger stated there can be no further development in the immediate area, there are three houses already on the other side. Mr. Vey stated there is not a proposed subdivision down there and development carries its own impact. The sidewalks have to start somewhere. Mr. Vinger stated there is no more development going in. Mr. Vey stated the zoning district is village center and there are certain things that must happen like sidewalks. Mr. Vinger noted those are the only two lots that can be developed. Mr. Vey said there were no sidewalks on the other side of the street, the township required them. Mr. Bolton said unless there is something to be learned, we should move on. Mrs. Edwards said in an ideal world a Village Center should have sidewalks. Mr. Vinger stated a waiver should be given.

Mrs. Edwards made a **MOTION** to recommend Preliminary/Final Plan approval along with the requested waivers with the exception of a waiver from the requirement to install curbs and sidewalks. Mrs. Edwards recommends a fee in lieu of the installation of curbs and sidewalks, along with compliance with the comments found in the Andersen Engineering review letter dated February 3, 2023 and the Bucks County Planning Commission review letter dated January 31, 2023.

There was no second to the motion. Mr. Bolton asked if there was another motion someone would like to make.

Mr. Vinger made a **MOTION** to recommend Preliminary/Final plan approval along with the requested waivers including a waiver of the installation of curbs and sidewalks and compliance with the comments found in the Andersen Engineering review letter dated February 3, 2023 and the Bucks County Planning Commission review letter dated January 31, 2023.

As there were multiple views, the Planning Commission was unable to come to a unanimous recommendation on the waiver request from roadway improvements, curbs and sidewalks for Allentown Road. Some members recommend installation of some type of pedestrian walkway while others recommend the installation of curbs and sidewalks, and some recommend a fee-in-lieu of installation of curbs and sidewalks, while others recommended a full waiver. A waiver of roadway widening is recommended. The Planning Commission also recommends a fee in-lieu of providing recreation land facilities. The Planning Commission recommends Preliminary/Final approval, along with granting the above listed waiver and a fee in-lieu of providing recreation land facilities, with the following conditions: Compliance with the Andersen Engineering Review letter dated February 3, 2023; All outside agency approvals be obtained.

Special Exception:

Milford Township/Dan Gallagher, 1975 Trumbauersville Road, TMP 23-020-058-001. Mr. Vey presented the Special Exception Application on behalf of Milford Township and Mr. Gallagher. The Applicant is seeking a Special Exception to change and extend a nonconforming use under Section 808 and 804 of the zoning ordinance, to permit a woodworking operation. This operation involves material storage, sawing, sanding, assembly and finishing. Mr. Vey stated Mr. Gallagher has interest in the Wonsidler Tractor Building located at 1975 Trumbauersville Road. Mr. Gallagher would like to rent out the rear portion of the building which has been used for storage. Mr. Gallagher has looked at the Shelly Hay Barn and the Milford Square Garage, neither of which have enough square footage to fit his needs. Mr. Vey stated the space is currently vacant and the township would like to fill the space for a return for taxpayers. The application also includes an extension of the non-conforming use, to permit dust collection to be installed on a concrete pad along the rear wall. A bathroom will also be installed, and the Township will be dealing with the Health Department for the installation. Mr.

Bolton stated he feels the proposed use is an appropriate use in regard to zoning. Mr. Vey stated Application is on the Zoning Hearing Board Agenda for the second Tuesday of March.

Mr. Vinger made a **MOTION** to recommend approval of the requested Special Exception Application for the property located at 1975 Trumbauersville Road, TMP 23-020-058-001, as there will be no adverse conditions or negative impact created with the extension of the non-conformity as found in Section 804 of the Milford Township Zoning Ordinance. Mr. Afflerbach seconded the motion. The motion passed unanimously.

With there being no further business at this time, Mr. Afflerbach made a **MOTION** to adjourn the February 22, 2023 meeting of the Milford Township Planning Commission at 7:57 p.m. The motion was seconded by Mrs. Edwards.

**Milford Township
Planning Commission**

Meeting Minutes of March 29, 2023
7:00 P.M.

Planning Commission Members Present: Fran Murray, Chair; Edwin Bolton, Vice Chair; Susan Edwards, Secretary; Merv Afflerbach, Member; and Malcolm Vinger, Member.

Staff Present: Devan Ambron, Secretary; Bryn-Erin Kerr, Bucks County Planning Commission.

Mr. Murray called the Milford Township Planning Commission meeting to order at 7:02 p.m.

The Meeting Minutes of February 22, 2023 were approved and passed as presented.

Subdivision/Land Development Review(s):

Geissinger Preliminary Plan of Subdivision, Allentown Road, TMP 23-005-050. Mr. Mease was in attendance to present the Geissinger Preliminary Plan of Subdivision. Mr. Mease gave a brief description of the proposal. Mr. Mease stated the plan was previously before the Planning Commission as a Sketch Plan. The applicant proposes to subdivide the 30.7-acre parcel into 2 lots. Proposed lot 1 will consist of 28.454-acres and lot 2 2.28-acres. The lots will be served by on-lot water and sewerage systems. Mr. Mease stated a Sewage Facility Planning Module has been submitted to DEP for approval. Mr. Mease noted the parcel is currently used for agriculture and lot 1 will continue to be used as such. A review was done by Andersen Engineering the plan was revised to address the concerns noted and resubmitted for a final review.

Ms. Bryn-Erin Kerr presented the Bucks County Planning Commission review letter dated March 28, 2023. Ms. Kerr stated the applicant is requesting waivers from the following SALDO requirements: roadway improvements, curbs and sidewalks for Allentown Road, as these features are not characteristic of this area of the township; from street trees along Allentown Road, the property only has 50-feet of road frontage and will be used for the driveway; installing streetlights, as the subdivision does not propose a new road; providing a Site Context Map, an aerial photography plan was submitted; to allow the Record Plan to fulfill the requirements of the Existing Resource and Site Analysis Map; and relief from locating all features within 400 feet of the property, as the aerial plan displays these features. Ms. Kerr stated the final plan should note all granted waivers. Ms. Kerr stated Section 525 of the SALDO requires the applicant to dedicate recreation land and facilities and the Board of Supervisors should determine if a fee in lieu is acceptable. There were no comments on the requested waivers.

Mr. Bolton made a **MOTION** to recommend approval of the Geissinger Preliminary/Final Plan of Subdivision for the property located on Allentown Road, TMP 23-005-050 along with the requested waivers. The motion was seconded by Mr. Afflerbach and passed unanimously.

With there being no further business at this time the Milford Township Planning Commission meeting of March 29, 2023 adjourned at 7:14 p.m.

**Milford Township
Planning Commission**

Meeting Minutes of April 26, 2023
7:00 P.M.

Planning Commission Members Present: Fran Murray, Chair; Edwin Bolton, Vice Chair; Susan Edwards, Secretary; Merv Afflerbach, Member; and Malcolm Vinger, Member

Staff Present: Devan Ambron, Secretary

Mr. Murray called the Milford Township Planning Commission meeting to order at 7:00 p.m.

The Meeting Minutes of March 29, 2023 were approved and passed as presented.

Conditional Use:

Michael Orlic, Suburban Hearing Aid, 2115 Allentown Road, TMP 23-011-024 for a proposed 404.D2-Medical Office Use located in the VC-2 Zoning District. Mr. Orlic was in attendance to present the proposal. Mr. Orlic said Store #3 is currently vacant after a photographer ended her 7-year lease. The usable space is approximately 800 square feet. Following several interviews with potential tenants he feels he found the proper tenant and use of the space, Suburban Hearing Aid Center. Mr. Orlic stated the owner travels to four different offices, and he works by appointment and visits each office approximately three times per week. There would be two employees on site and there is ample parking. Mr. Murray stated the proposal is a good change in use. There were no questions or comments at this time.

Mr. Bolton made a **MOTION** to recommend approval of the Conditional Use for the property located at 2115 Allentown Road, TMP 23-011-024, for a D2. Medical Office Use. The motion was seconded by Mr. Afflerbach and passed unanimously.

With there being no further business at this time the Milford Township Planning Commission meeting of April 26, 2023 adjourned at 7:05 p.m.

**Milford Township
Planning Commission**

Meeting Minutes of May 31, 2023
7:00 P.M.

Planning Commission Members Present: Fran Murray, Chair; Edwin Bolton, Vice Chair; Susan Edwards, Secretary; Merv Afflerbach, Member; and Malcolm Vinger, Member

Staff Present: Jeffrey Vey, Township Manager; Devan Ambron, Secretary; Kevin Wolf, Pennoni

Mr. Murray called the Milford Township Planning Commission meeting to order at 7:00 p.m.

The Meeting Minutes of April 26, 2023 were approved and passed as presented.

Special Exception:

Morgan Creek Farms, Adam Klein & Stephanie Zimmermann-Schmidt, 2565 Tollgate Road, TMP No. 23-021-084. The applicants seek a Variance, Special Exception, and/or Interpretation/Appeal from Sections 403.E1, E10, and E12 to permit a retail shop, indoor and outdoor entertainment to supplement a permitted use under Section 404.A7, Agricultural Retail. Mr. Klein stated the farm has been a small family farm since the 1930's. Morgan Creek Farms raises heritage grade pigs which are fed the grains grown in the fields, as well as some beef and some chicken. Mr. Klein stated their intent is to supplement the primary activities of farming with on-farm events including weddings, farm days, food truck festivals, live music, and other promotional events. They would also like to sell goods that complement the products produced on the farm. Mr. Vey stated he researched the process taken with The Farm on Zionhill Road which hosts weddings. The owners went to the Zoning Hearing Board for an interpretation and a variance under entertainment, an outside venue was not addressed. Mr. Vey further stated Morgan Creek has had events in the past hosting weddings of family friends' where fireworks were set off and no complaints were received. The property shares a driveway with the North Penn Club where you can hear gunfire from the range along with noise from the quarter midget races, which is not particularly loud. Concerns were raised with a portion of the property being located in Richland Township. Mr. Klein stated they have a great relationship with the gun club as well as the neighboring property owners, who help with the growing and grinding of the feed used to feed the animals on his farm. Mr. Vey stated there is a lot of hidden acreage and he likes the Agra-Entertainment use. There was some monitoring of noise levels with the Farm and there may be a condition imposed to limit the times for shooting off fireworks. Mr. Klein said it is tough funding a small farm, it is an expensive business, and they would like to do more than raise animals and grow vegetables. Mr. Klein further stated the main barn, and the house are located in the middle of the property so there are no neighbors in eyesight. Mr. Murray asked if the overflow parking would be in the field. Mr. Klein stated yes, and the ground is fairly firm. Mr. Murray asked if tents would be utilized for weddings. Mr. Klein stated yes, if it was an outdoor wedding. Mr. Vey stated Milford Township supports and will continue to support family farming in the Agricultural District.

Mr. Vinger made a **MOTION** to recommend approval of the Morgan Creek Farms Special Exception as there will be no adverse conditions or negative impact created with the request. The motion was seconded by Mr. Afflerbach and passed unanimously.

Subdivision/Land Development Review:

Swartley 3-Lot Subdivision, Revised Preliminary Plan, 1450 Allentown Road, TMP No. 23-021-050. Mr. Mark Smith of Horizon Engineering was in attendance to present the proposed plan. Mr. Wolf presented the Pennoni review letter dated May 23, 2023. Mr. Wolf stated he spoke with Ms. Cynthia Smith upon initial review and a revised plan, post construction stormwater plan, and waiver request letter was submitted for review. Mr. Wolf stated zoning comments Z-1 and Z-2 were addressed. Z-3 states the Applicants Engineer recognizes the need for a GP-7 Permit from PA DEP and has made application to obtain the permit. A copy of the permit should be provided to the Township before final approval of the plan is considered. Zoning comment Z-4 has been addressed. Mr. Wolf stated SALDO-1, SALDO-2, SALDO-3, SALDO-4, SALDO-6, SALDO-7, and SALDO-8 comments have been addressed. Regarding SALDO-5 there is an emergency spillway located on

lot 2, adjacent to the driveway of lot 3, which has the potential to cause damage to the driveway. Mr. Smith stated the flow is extremely small and is insignificant in volume. Mr. Wolf stated SALDO-9 states legal descriptions should be provided before final plan approval is granted. Mr. Wolf addressed the comments regarding the Post Construction Stormwater Management Plan. PCSM-1 states the PCSM report and plan shall be revised to show pipe profiles for the outfalls of both Basin A and Basin B, in accordance with Section 512.e. These profiles should demonstrate the pipe size, slope, and material, as well as the depth of cover below the driveway and the depth and location of the proposed forcemain and other utilities relative to the driveway cross-pipe. Mr. Smith stated the profiles will be added. Mr. Wolf stated PCSM-2 states the minimum top width of the detention basin top berm shall be 10 feet, per Section 512.k.2. The plan needs to be revised to address this requirement. Mr. Smith replied since these aren't detention basins or water quality structures, the applicant would like to request a waiver and will update the waiver request letter. Mr. Wolf said he sees no problem with a waiver request. Mr. Wolf stated PCSM-3 states all outfall pipes through the basin berm shall be reinforced concrete pipe with water-tight joints, per Section 512.k.8. PCSM-4 states a minimum of two anti-seep collars shall be installed on each outlet pipe and PCSM-5 states the design standards listed in the Managed Release Concept Technical Guidance Document from PA DEP should be followed to design a BMP as a MRC basin and provide supporting calculations for the total runoff volume generated during the 1.2 inch/2 year event and the design calculation for the underdrain pipe where the designs accomplish the minimum flow rate of 10 gallons per minute per lineal foot of underdrain pipe not considering the flow control orifice or up-turned elbow. Mr. Smith stated these are very minor revisions and they will be made. Mr. Murray stated the overall lot width appears to be slightly under 50' at the street frontage, 45' each. Mr. Wolf said if the lot is big enough 56' is required and the applicant is creating a self-imposed restriction to further subdivide the lot. Mr. Vey said that can be explicitly stated and the open space and deed restriction should be looked at. Mr. Vey asked Mr. Smith what is involved as far as maintenance for the post construction stormwater. Mr. Smith said each lot has a water quality basin which will be mowed and be made sure the outlet structures don't clog. The basin is designed to hold the 2-year storm without outflow. Mr. Wolf confirmed there is post construction stormwater maintenance in the plan and the essential design is so trivial it won't look like a facility.

Mr. Bolton made a **MOTION** to recommend Preliminary/Final plan approval, along with granting the requested waivers, for the Swartley Subdivision for the property located at 1450 Allentown Road, with the following conditions: Compliance with all Andersen Engineering/Pennoni comments addressed in the May 23, 2023 review letter, All outside agency approvals be obtained. The motion was seconded by Mrs. Edwards and passed unanimously.

Trumbauer Motor Sports, Conceptual Sketch Plan, 2110 Milford Square Pike, TMP No. 23-010-096, 23-11-002 & 23-11-003. Mr. Bob Irick of Irick, Eberhardt & Mientus was in attendance to present the plan on behalf of the applicant. Mr. Irick gave a brief overview of the existing site. Mr. Irick stated the applicant proposes a motor sports sales/service facility. The proposal includes a showroom, workshop/garage, and warehouse/storage buildings. Mr. Irick stated the plan proposes a building coverage of 21.8%. Some of the existing structures are to be removed and replaced with new construction. The proposed impervious surface coverage is 57.5%, a good bit over the existing coverage. A 5,200-sf showroom is proposed to replace the existing showroom. The applicant is in need of more storage capacity. The plan proposes a 7,500 square foot pole building in the front, which is the existing mill building. Mr. Irick stated the proposal requires 105 parking spaces. There are currently 84 parking spaces on site with 21 spaces in reserve. Mr. Irick further stated per Zoning Ordinance 517.A, the Governing Board may permit a conditional reduction of parking for other uses where it deems appropriate. Mr. Murray asked if stormwater management will be proposed at the Land Development phase. Mr. Irick said the stormwater management facility would be located out the back of the property. Mr. Wolf said the plan notes most of the proposed structures will be built over existing impervious surface. Mr. Irick stated there will be a decrease in impervious surface and most of the site is currently covered with impervious surface. Mr. Irick addressed the Pennoni Engineering review letter dated May 22, 2023. Mr. Irick said comment G-1 states it appears that three separate tax parcels will be merged into one lot, and then the resultant lot will be developed as the Trumbauer Motor Sports facility. Mr. Irick stated the property received a Conditional Use approval on May 17, 2006. One of the conditions of approval states a Deed of Merger and Consolidation shall be executed consolidating the five parcels into one. Mr. Irick said comment G-2 can be an issue. The combined parcels straddle the zoning boundary

of the PC and the VC-2 Zoning District. The existing house and parking area are located in the VC-2 district. The proposed showroom will encroach on that line. Mr. Irick stated he is not sure how to address the issue and said a rezone may be needed. Mr. Wolf asked if there is enough room to create a lot around the single-family dwelling. Mr. Irick said a good bit of that area is currently parking and comment G-2 would need to be readdressed. Comment G-4 states, because of the scale of the plan and the complexity of the proposal, it is impossible to determine compliance with the Zoning Ordinance and Subdivision and Land Development Ordinance. Mr. Irick stated the applicant will submit a complete Land Development Plan for compliance review. Mr. Irick stated comment G-5 and G-6 are will comply, and Comment G-7 states the lot contains an existing residential use and the Township Solicitor should determine the legality of two uses on a single lot. Mr. Irick stated comment Z-1 notes a proposed storage facility is located within the front yard. It should be noted that one of the conditions of the Conditional Use Approval was the prohibition of sales items in the front yard of Milford Square Pike. Mr. Irick stated the encroachment is existing. Mr. Wolf said the plan notes the building is to be used for storage and asked Mr. Irick if the applicant intends to use the building for sales. Mr. Irick said no. Mr. Irick said comment Z-2 states the proposed showroom along the east side of the site violates the required side yard setback and further stated the encroachment is existing and could be permitted by a Special Exception. Zoning comment Z-3 notes the proposed workshop and a proposed storage area along the northern portion of the site violate the required rear yard. Mr. Irick stated the buildings could be reoriented if needed. Comment Z-4 asks how to deal with the conflicting zoning requirements associated with the two zoning districts. Mr. Irick stated variances may be required as some of the uses are not permitted in the VC-2 district, however; commercial uses have been present on the property for some time. Mr. Irick addressed the Subdivision Comments. SALDO-1 Stormwater management, is will comply. A waiver will be requested for SALDO-2, improvements along Milford Square Pike (sidewalks, curbs, widening), with the exception of where the entrance is proposed. SALDO-3 states the proposed storage and workshop buildings along the northern portion of the site encroach onto the 24-foot driveway. Mr. Irick said the driveway will be reduced to an 18-foot driveway, which is maneuverable. SALDO-4 asks how a vehicle that visits the workshop along the northern portion of the driveway will turnaround. Mr. Irick stated details will be provided with the Preliminary Plan. SALDO-5 calls for a Sewage Facilities Plan. Mr. Irick said a plan will be provided and there are currently 2 EDU's, one for the house and one for the mill building, which is not used. The applicant proposes to connect to the showroom. Mr. Wolf asked if there is a forced main running down the property as the plan states connection to existing sewer. Mr. Irick said he is not sure where it is yet and the house has its own connection with a grinder pump. Mr. Irick stated SALDO-6 connection to public water, is will comply. SALDO-7 notes at the southeast corner of the site, it appears that the driveway for the existing dwelling located on TMP 23-011-003 encroaches onto TMP 23-011-004. Mr. Irick said it will either be corrected, or an easement will be obtained. SALDO-8 states it is suggested a demolition plan for the Land Development be submitted. Mr. Irick said a plan will be submitted. SALDO-9 states the applicant should provide a list of requested waivers. Mr. Irick stated a waiver letter will be submitted. SALDO-10 states it appears that the proposed construction may disturb more than 1 acre of land. If this is correct, an NPDES permit is required. Mr. Irick said the development will be done in phases and if needed an NPDES permit will be obtained. Mr. Irick asked if there were any questions, comments, or suggestions. Mr. Murray stated it looks like there is a lot being squeezed onto the property. Mr. Irick said the alternative is to go somewhere else. Mr. Vinger said the applicant is just enhancing what he already has. Mr. Vey asked how the split zoning will impact things, what is permitted in both zones, how do you have two existing uses on one property, and a Conditional Use may be required. Mr. Vey stated a rezone is a long process with a lot of reviews and asked if there is a buffer between the VC-2 and PC districts. Mr. Irick stated he thinks the structures themselves could be buffers. It was noted that the zoning line goes between the two uses, retail is permitted as a Conditional Use in both zoning districts and when there was a requirement to consolidate it created split zoning. Mr. Bolton noted a zoning change would slow things down and the extension of a nonconforming setback can be addressed at the Zoning Hearing Board as setback variances are routine and there are no neighboring dwellings on the adjoining properties that would be impacted. The Planning Commission members note there may be a need for Zoning Hearing Board involvement along with the need for a possible Conditional Use hearing. The Planning Commission recommends the applicant address some of the technical issues and seek the Township Solicitors participation regarding multiple Zoning District concerns. The Planning Commission find the Trumbauer Motor Sports Sketch Plan to be in general compliance with the Milford Township Zoning Ordinance and Subdivision Land Development Ordinance. The Planning Commission recommends the applicant proceed with Land

Development.

Other Business:

Act 537 Plan. Mr. Vey presented the Planning Commission with the revised Sewage Facilities Plan Map. Mr. Vey stated sewer capacity is an issue. The Sewer Authority is going through a rerate of the sewer plant and the Act 537 Plan is in need of an update. One of the issues is Tijran Avenue. There was a sentiment to sewer the properties, however; bad soils are present and there is restrictive ability to deal with the soils. The other problem is the length of sewer needed and no one to pick up the costs for public sewer. When the plan was last revised the focus was the Villages and problem areas such as, Finland, Gerryville, Steinsburg, Brick Tavern, and Spinnerstown. In Finland there are now 20-30 less structures as they have been demolished. Milford passed Ordinance #108 requiring septic tanks to be pumped every 3-years. Some people are unsure how a septic system works, and pumping is routine maintenance. The Sewer Authority is looking to move as quickly as possible with the updated plan, however; there are DEP procedures in place, and we have a very substantive plan with appendixes. Revisions will include updating the demographics at this phase. There is a corrective action and connection management plan under way. Mr. Vey stated he has heard we are getting close a moratorium as there is capacity but not permitted capacity. It was recommended the map be approved and the revisions move forward.

Adjournment:

With there being no further business at this time the Milford Township Planning Commission meeting of May 31, 2023 adjourned at 8:06 p.m.