

MEETING MINUTES

July 25, 2023

7:00 PM

A meeting of the New Britain Township Planning Commission was held on July 25, 2023, at the Township Administration Building, 207 Park Avenue, New Britain Township, PA beginning at 7:00 p.m. In attendance were Chair Marco Tustanowsky, Vice Chair Jim Scanzillo, Secretary Deborah Rendon, and members Michelle Martin, Kristen Ives and Kenneth Onsa. Board Liaison Bill Jones, Township Director of Planning and Zoning David Conroy, Assistant Planning & Zoning Officer Ryan Gehman and Township Engineer Janene Marchand, P.E. were also in attendance.

I. Pledge of Allegiance

II. Approval of the Minutes from the Meeting of May 23, 2023

MOTION: Upon motion of Mr. Scanzillo, seconded by Ms. Martin, and unanimously carried, the May 23, 2023 meeting minutes were approved.

III. 84 Curley Mill Rd Minor Subdivision – Preliminary Plan Review

Mike Malloy from Obermayer Rebmann Maxwell & Hippel introduced the project. He noted that the plan suggests that there is a rezoning proposed, but clarified that this application will not include any rezoning proposals, only a minor subdivision. The applicant is proposing to subdivide off approximately 2 acres for the proposed Lot 1 which contains an existing dwelling, leaving approximately 14 acres remaining on Lot 2. Because of this, Malloy indicated that his client would be seeking a recommendation for approval at the meeting. He stated that the remainder of the lot will remain split-zoned until the owner decides what they want to do with it.

Mr. Tustanowsky asked why a rezoning is not required given the proposed Lot 1 has a strip of WS Zoning in the rear. Ms. Marchand stated that the portion of the property remaining in the WS district would be required to comply with the WS regulations, specifically with regard to the rear yard setback, and the rest of the lot would be required to comply with the SR-2 regulations.

Butch noted that the proposed plans meet the Zoning requirements for both Zoning districts where applicable. Ms. Rendon asked for clarification regarding the regulations that are required to be followed for each lot. Butch responded that because the rear of the proposed Lot 1 is partially in the WS district, the rear yard setback for the WS district must be complied with, but the rest of the lot is governed by the SR-2 requirements.

Butch described the property, noting that there is an existing barn and shed at the rear of the property which are to be removed. The remaining dwelling, garage and barn are proposed to remain. Butch stated that after the buildings are removed, Lot 1 would contain an impervious surface ratio of 21.4% where 25% is required.

Butch noted that there is a pond on the property and a riparian buffer was identified around it. This area is proposed, as required, to be placed in a ~.6 acre conservation easement. She noted that the existing house is served by a well and public sewer.

Butch noted that 3 waivers were being requested, one of which was to submit preliminary and final plans concurrently. The other two waivers are related to road improvements along Curley Mill Rd, with the justification that no improvements are proposed as part of the subdivision. Ms. Marchand noted that there is a driveway relocation proposed on Lot 1.

Mr. Tustanowsky asked if the waiver from widening Curley Mill Rd is supported by the Township Engineer. Ms. Marchand responded that her office would recommend organizing a site visit with the Public Works Superintendent to discuss the required frontage improvements. She also noted that her office does not recommend a waiver of the improvements, but rather a deferral of the improvements until the time that the proposed Lot 2 is developed.

Ms. Rendon asked why the driveway was proposed to be relocated. Butch stated that the owner would prefer the proposed location for aesthetic reasons and because the garage is on the side of the dwelling on which the driveway is proposed. Ms. Rendon asked if the proposed location is as safe as the existing location. Ms. Marchand noted that the applicant will be required to prove that the sight lines from the new driveway are sufficient, which would be addressed during the permitting process as part of the Road Opening Permit.

Norbert Viniarski of 95 Curley Mill Rd asked if there will be precautions taken to ensure the proposed driveway is not going to direct runoff towards his driveway, which is directly across Curley Mill Rd. Ms. Marchand stated that Mr. Viniarski's concerns will be looked into during the review of the driveway.

Mr. Tustanowsky recommended making a motion to recommend Preliminary/Final approval.

MOTION: Upon motion of Ms. Rendon, seconded by Ms. Martin, and unanimously carried, the Planning Commission recommended Preliminary/Final approval subject to compliance with the July 18, 2023 Gilmore & Associates review letter, the Township Engineer's recommendations for the requested waivers, and the condition that the applicant work with the Township Engineer to ensure that no runoff from the proposed driveway is directed towards the existing driveway at 95 Curley Mill Rd.

IV. 140 Upper Church Rd Minor Subdivision – Preliminary/Final Plan Review

Rob Cunningham, P.E. introduced himself and the applicant, Joe Casadonti. Cunningham noted the Gilmore review letter and that there were zoning-related items that need to be resolved. He noted the applicant's intent to revise the plans and reappear in front of the Planning Commission before approval is requested.

Cunningham described the property, noting it is roughly 14 acres located along Upper Church Rd. He noted that the property was previously subdivided in the 1980's and created the parcels that surround it. Cunningham stated that there is an existing single-family dwelling and 2 barns on the property, along with

a shared driveway with 146 Upper Church Rd which was created during the previous subdivision. The applicant is proposing to subdivide the lot and construct 2 new single-family dwellings with 2 new individual driveways. It was noted that a driveway easement does not exist for the shared driveway, only language in a deed restriction that requires access by both property owners.

Cunningham noted that the applicant is proposing to remove one of the existing barns but keep the existing dwelling in addition to the proposed dwelling. He noted that an Accessory Dwelling is a permitted use in the WS District, but there are some zoning-related issues that the applicant will need to work through with Township staff.

Cunningham noted the natural resources on the site, stating that they will be preserved as required by the Zoning Ordinance. He stated that the applicant intends to comply with all Township requirements and plans to work through the comments noted in the Gilmore review letter.

Ms. Marchand asked if the applicant has given any consideration to road improvements. Cunningham responded they would comply with the requirement to mill and overlay but would like to meet with staff to discuss other improvements in more detail.

Cunningham noted that the applicant is requesting waivers relating to street lighting, curb and sidewalk, roadway improvements, and street tree placement. He stated that the applicant is not looking to change the character of Upper Church Rd. Ms. Rendon asked if the neighbors were notified of the subdivision submission. Cunningham stated that notifications were sent out and that he was happy to answer any questions that neighbors may have.

Marla Thomas of 146 Upper Church Rd stated that she is the owner of the property with the shared driveway to the north. She noted that it is difficult for her to turn right out of the northern part of the driveway with large vehicles due to the width of the road, and that the mail carrier uses both sides of the driveway. She also noted that at the other end of the driveway near the existing barn, there is an existing drain that she hopes remains in place. Cunningham noted that the Ordinance does not allow for two driveways within 75' of one another, so the portion of driveway on the applicant's property would need to be removed to come into compliance. Ms. Rendon asked if a T-shaped driveway could be installed, but the applicant indicated that the existing conditions would not allow for that. Thomas expressed concerns about snow and rain collecting in the area where the driveway is closed off. The applicant stated they would make the grading work to not alter stormwater flows if the driveway was closed.

Ms. Rendon asked why the houses are not set back further from the road. Cunningham responded that the natural features of the site do not allow further setbacks, and that the houses are proposed to be 100' from the right of way.

Harry Vitelli of 9 Patricia Ln stated that he owns the property that backs up to the farm at the rear of the site, and that he wanted to know how far the applicant is allowed to build towards the farm. Cunningham responded that the site is on the other side of the stream and there will not be development at the rear of the lot due to existing natural resources.

Marla Thomas asked if she will be notified if the future owners do any work on the outbuildings that exist near her home. Mr. Conroy responded that it depends on what they plan to do and if the use is permitted by right, the applicants would only have to obtain permits from the Township. He further clarified that if the future owners wish to do something that is a violation of the Zoning Ordinance, they would need to appear in front of the Zoning Hearing Board, at which time Ms. Thomas and all other properties within 500 feet of the site would be notified.

Paulette Watton of 108 Church Rd asked for further clarification regarding the waiver from providing street lights. Cunningham stated that the applicant does not wish to install streetlights so they are requesting a waiver from this requirement.

Nelson Watton of 108 Upper Church Rd expressed concerns about the proposed locations of the septic systems for Lot 2. Cunningham noted the physical characteristics of the site did not allow for alternative locations. Mr. Watton expressed concerns about the proximity of the systems to his well, and Ms. Marchand noted that the septic systems are required to be 100' from any neighboring wells.

Marla Thomas expressed concerns about the septic systems' proximity to the creek. Cunningham responded that the systems are approximately 200' from the creek, and a backup system is required in the event that the primary system fails. He further noted that all proposed septic is required to be reviewed and approved by the PA DEP and Bucks County Health Department. Ms. Rendon noted that modern septic systems are very secure and that older systems pose more of a risk to the watershed.

V. 396 King Rd Subdivision – Preliminary/Final Plan Review

Rob Cunningham introduced himself and the applicant, Joe Casadonti of Casadonti homes. Cunningham stated that the plans have been revised based on Gilmore's comments. Cunningham stated the most recent Gilmore letter is substantially will-comply with the exception of a few waivers and noted that Gilmore's previous comments on their Water Resource Impact Study have been addressed with the exception of some procedural items. Cunningham also noted that the applicant met with neighboring property owners after the meeting to discuss buffering and landscaping, which has also been incorporated into the plans.

Cunningham noted previous discussions around lighting of the proposed homes and stated that the applicant plans to incorporate related restrictions into the future HOA documents. The proposed restriction would set a limit of 1,000 lumens total per house. The applicant also expressed willingness to include language in the HOA documents limiting the maximum height of the lights, e.g., no spotlighting above the first level of homes on certain lots.

Ms. Rendon asked if Casadonti plans to include language in the HOA documents that address the color of the lights, limiting lighting to only "warm" spectrums, for example. Casadonti responded that given the distance from each house to the road and surrounding houses, the color of light will not make a difference and that he does not plan to regulate it. Mr. Tustanowsky noted nearby farms that likely have more substantial lighting than would be allowed for the proposed homes. Ms. Rendon asked if the lights would be required to be shielded. Cunningham responded that full-cutoff lights are required.

Mr. Tustanowsky and Mr. Scanzillo expressed their appreciation for the applicant working with the neighbors.

A resident who did not provide their name asked why the applicant is not proposing restricting the lighting in accordance with Dark Sky Requirements if the Township Engineer recommended it. Casadonti responded that lighting that is considered "Dark Sky Compliant" may change over time, and he does not want changing regulations to potentially force the future occupants of the homes to install new lights. Cunningham noted that the applicant was not required to limit lighting at all as there are not currently any ordinances that restrict it.

Jim Morano of 289 Chapman Rd noted that a standard 4' long fluorescent light emits 2,900 lumens as a comparison to the 1,000-lumen limit proposed by the applicant.

Jonathan Long, attorney for Kathy & Leo Keller of 432 King Rd asked who will be responsible for maintenance of each of the on-lot stormwater BMPs. Cunningham noted the Stormwater O&M Agreement each property owner is required to sign, stating that they are responsible for maintenance of the BMPs. Long asked what will be done to the former agricultural areas towards the rear of the property which are proposed to be placed in a conservation easement. Cunningham responded that the agricultural use will be ceased but what is done to the areas will be up to the property owner. Long asked what parties are involved in the Well Depletion Agreement. Ms. Marchand responded that the agreement is prepared by the Township Solicitor and the applicant would be held to the terms of the agreement for a set amount of years after the last home is occupied. Long asked what happens after that, and Ms. Marchand said the agreement would cease to exist, noting that the agreement has not been drafted yet so the exact terms are not known. Cunningham noted that there is escrow associated with the agreement that is held by the Township for the duration of the agreement. Long asked if the houses will be deed restricted to a number of bedrooms since the applicant previously lowered the number of proposed bedrooms to comply with the Water Resource Impact Study requirements. Casadonti responded that the Board of Health and Township would need to approve any additional bedrooms.

Leo Keller of 432 King Rd asked who will be conducting the well monitoring and for how long. Jeff Clark, Hydrogeologist for the applicant, responded that the applicant is required to provide the monitoring during the well-monitoring period that is consistent with the well-monitoring plan. Keller asked how long the well would be monitored, to which Clark responded that monitoring takes place for the duration of the well-depletion agreement. Clark clarified that even if a well is not monitored, if it is within ¼ mile of the site and is affected by the new wells, it would be subject to the well depletion agreement conditions. A discussion ensued about the well-monitoring and testing requirements.

Long asked how impacted wells are typically remedied under the well-depletion agreement. Ms. Marchand stated that it is worked out between the developer and owner and would depend on the specific impact to the affected well.

Jim Morano of 289 Chapman Rd asked if a new Gilmore review of the WRIS was issued. Mr. Tustanowsky explained that the applicant was required to complete a new WRIS, which Gilmore subsequently reviewed and approved. Clark noted that additional testing was done to demonstrate that the proposed wells can produce results consistent with the Township's Ordinances. Morano asked when the tests were done. Clark stated that the tests were done in May following the last Planning Commission appearance by the applicant.

MOTION: Upon motion of Mr. Scanzillo, seconded by Ms. Martin, the Planning Commission recommended Preliminary/Final approval subject to compliance with the July 17, 2023 Gilmore & Associates plan review and WRIS memo. Ms. Rendon opposed.

VI. Public Comment

There was no public comment at this time.

VII. Adjournment

MOTION: Upon motion of Ms. Rendon, seconded by Ms. Martin, and unanimously carried, the meeting was adjourned at 8:25 p.m.

Respectfully Submitted,

Marco Tustanowsky, Chair

Ryan Gehman, Assistant Planning & Zoning Officer