

TOWNSHIP OF LOWER MAKEFIELD  
BOARD OF SUPERVISORS  
MINUTES – MAY 18, 2016

The regular meeting of the Board of Supervisors of the Township of Lower Makefield was held in the Municipal Building on May 18, 2016. Chairman Benedetto called the meeting to order at 7:35 p.m. and called the Roll.

Those present:

Board of Supervisors:                    Jeff Benedetto, Chairman  
   John B. Lewis, Vice Chairman  
   Kristin Tyler, Secretary  
   Judi Reiss, Treasurer  
   David Fritchey, Supervisor

Others:                                        Terry Fedorchak, Township Manager  
   David Truelove, Township Solicitor  
   Mark Eisold, Township Engineer  
   Kenneth Coluzzi, Chief of Police

Ms. Tyler stated this is National Police Week, a week meant to honor those who have been lost in service; and she asked for a moment of silence in honor of our Police. Ms. Tyler thanked Chief Coluzzi and the members of the Police Department for keeping us safe every day.

FEMA COMMUNITY RATING SYSTEM PLAQUE PRESENTATION TO LOWER MAKEFIELD TOWNSHIP

Ms. Darlene Messina, CFM, Mitigation Planning Specialist, FEMA Region III was present. Ms. Messina congratulated Lower Makefield Township on behalf of the Federal Emergency Management Agency for achieving membership in the Community Rating System. She stated this is a status in a class of communities that have gone over and beyond the minimum requirements of good floodplain management. She stated while this does impact the premiums paid for flood insurance, it is also about good land use management practices and best practices for stormwater management. Ms. Messina stated the Township has adopted policies and communication systems in terms of emergency awareness and response. She stated throughout the United States there are over 20,000 communities who voluntarily participate in the National Flood Insurance Program, and one tenth of those are in the Commonwealth of Pennsylvania. She stated to join and remain in the National Flood Insurance Program each community must meet certain criteria. She stated about 5% of the total in the United States choose to go above and beyond

the minimum requirements, and this additional effort results in safer communities that are more prepared for future flooding events. She stated the Program includes ten different class rating levels based on the number and types of activities voluntarily initiated by the participating communities. She stated FEMA and one of its partners comes out to the Township and reviews those activities and the documentation. She stated as a member of the Community Rating System, Lower Makefield is in an elite group of twenty-seven Municipalities that have received this recognition. She stated the 7<sup>th</sup> Class Rating which the Township has earned is the second highest earned by any community in the Commonwealth which is a big achievement. She stated this Rating qualifies each NFIP (National Flood Insurance Program) policy holder for a 15% premium discount for any policy written in the special flood hazard area which can result in an average savings of \$340 on an annual premium and a total savings in the future for Lower Makefield policy holders of \$47,000 annually.

Ms. Tyler stated Ms. Saylor who works for Boucher & James, the Township engineer, did an extraordinary job in navigating the Township through this new process and taking countless telephone calls from the residents. She thanked Ms. Saylor for her extremely diligent work on behalf of the Township.

Ms. Messina stated once you are enrolled as a member of the Community Rating System it is an effort to maintain that status. She stated they could also move to a Class 6 and achieve even greater savings.

#### PUBLIC COMMENT

Ms. Donna Doan, 2814 Langhorne-Yardley Road, Langhorne, stated the Satterthwaite Parcel Appeal period expires this week; and Mr. Truelove stated he believes it expires tomorrow. Ms. Doan stated Patterson Farm Preservation is committed to preserving that property, and they are ready to take action. She stated they have corporate sponsorship for the painting of the exterior of the house by Sherwin Williams, and they have roofing materials to repair the hole in the barn roof.

Ms. Doan thanked the Board of Supervisors for taking action on the Bright Farms violation issue as they had been storing items in the farmer's field. Ms. Doan stated she assumes all Leases will be enforced, and she is happy to see a positive change in the Board so that issues are being addressed. She stated there are some issues with the Janney-Brown Lease as well, and they need to be addressed by the Board including the lawn maintenance and \$60,000 in unreimbursed expenses. She stated it was also recently brought to her attention concerns about background checks for people who are teaching at that facility.



Ms. Doan stated she is also concerned about the conduct of some Township officials with regard to the replacement of the asbestos roof on the Patterson Farm pack house. She stated the next time a job is done, she hopes that Lower Makefield Township makes sure that the contractor follows proper OSHA standards. She stated she feels it is unfortunate that those workers completed the job on the asbestos roof without the proper personal protective equipment. She stated the contractor was apparently not there to supervise the job, and it was sub-contracted out to another contractor who was in a different County and the workers were not English-speaking.

Mr. Benedetto stated all the Board members expressed concern about that, and he asked Mr. Fedorchak to speak to this issue. Mr. Fedorchak stated this involved the roof that had been leaking, and they made the decision to repair it sooner rather than later. He stated this was not an anticipated expense; but rather than allow the situation to deteriorate, it made sense to fix the roof. He stated he understands that the asbestos material was of a certain category called non-friable. Mr. Eisold stated after speaking to Mr. Fedorchak about this, he had one of his environmental geologists contact the contractor to determine what methods and procedures were followed. Mr. Eisold stated roofing materials were classified as a non-friable material which means you cannot crumble it into dust in your hand; and as such, the precautions required are minimal for those type of materials. Mr. Eisold stated what the contractor told them they did was actually over and above what they would be expected to do to protect people, and there were no issues with the material as it was classified as non-friable. Mr. Fedorchak stated he understands that this means the proper protocols for removal were in place, and Mr. Eisold agreed.

Mr. Fedorchak stated the contractor they used was a very experienced contractor, and he has worked in the Township on a variety of projects over the last thirty to forty years. Mr. Fedorchak stated at Waste Management where the material was taken, it is checked in at the gate and there are certain protocols that are followed at that time; and Waste Management classified that material as non-friable, and it was deposited in a certain place at the landfill. Mr. Fedorchak stated that paperwork was supplied to the Township by the contractor, and they have that on file.

Ms. Doan asked why when she followed a Right-To-Know Request for those documents, Mr. Fedorchak signed an Affidavit saying those documents did not exist. Mr. Fedorchak stated all the information Ms. Doan asked of the Township was provided to her. Ms. Doan stated she had asked for the Contract, and she was given an unsigned proposal. Mr. Fedorchak stated the proposal serves as the Contract. Ms. Doan asked if that is customary procedure for the Township not to have a Contract, and Mr. Fedorchak stated it is for a project that is under \$10,000.

Ms. Doan asked who determined that the material was non-friable, and Mr. Fedorchak stated it was his staff and the contractor. Ms. Doan stated she feels it an insult to the people who checked into this.

Mr. Dan Noonan and Ms. Karen Noonan were present. Mr. Noonan stated they have a neighborhood problem with a neighbor who has too many vehicles for their quiet, residential area. Ms. Noonan stated she has lived there for almost twenty years, and it is a peaceful, non-contentious neighborhood. She stated they noticed that there has been a growing accumulation of vehicles, auto parts, tires, etc. that have spilled into the street. She stated the number of the vehicles can exceed twelve to sixteen, and the vehicles vary. She stated there has been auto body work being done to cars in the street, and there is an accumulation of approximately fifteen large tires in the back yard. She stated the neighbor does have a driveway, and they have filled the driveway with cars; however, most of the vehicles are on the street. She stated they have also added an addition which consists of a double bay garage which contains lifts, and they are concerned that there is a business taking place there.

Mr. Noonan stated on Monday night the neighbor had two of their trucks parked in front of his home, and they had asked that the vehicles not be parked in front of their home since they are working on the vehicles in front of his home. He stated he asked them nicely not to do this, and to keep the vehicles in their own driveway and garage; and while eventually they did move them, last night the Police came to his home since the neighbor had indicated he was harassing them.

Mr. Jim Bischoff stated he lives across the street from 1373 Brentwood. He stated he has lived there for twenty years, and they want to stay here for the rest of their lives. He stated they are frustrated because there can be nine to eleven vehicles in front of the house and lifts, and it appears that there is a business being run out of the home. He stated there are also people working on vehicles on the street, and there are children playing in the street so he is concerned about hazardous materials such as gasoline, oil, and antifreeze.

Mr. Benedetto stated they are familiar with this type of situation that has occurred elsewhere in the Township, and he asked Mr. Truelove and Chief Coluzzi to discuss the issue. Chief Coluzzi stated he will look into this specific situation tomorrow and report back to the Board. Photos were provided this evening from the neighbors. Mr. Truelove stated they first have to have the Township staff go out and see what kind of violations may be taking place under the Code. He stated the Chief and Code Enforcement staff will go out to the site. Mr. Truelove stated this may take a while to resolve, but due process is an important part of this. Mr. Truelove stated he is familiar with this development, and they probably have a Deed with Restrictive Covenants they may want to look at since in addition to the public right of action that the Township can pursue if there are violations, the homeowners may also have



private rights of action that may or may not have more “teeth” than what the Township can pursue. Ms. Reiss thanked the neighbors for reaching out to her, and she stated she hopes that this can be resolved quickly. Mr. Benedetto thanked Ms. Reiss for bringing this issue to the Board’s attention.

Mr. Fritchey asked what kind of work they are doing on the vehicles in the street, and Mr. Noonan stated he believes they are doing engine work in the street. He stated work is done every day. Mr. Fritchey asked if it appears there are employees, and Mr. Noonan stated it is mostly the son. Mr. Fritchey asked if the vehicles on the street and on the property change frequently, and Mr. Noonan stated the vehicles change every day since they have a jockeying situation where they will have seven to eight vehicles parked in the driveway, and they will move six of them to get to one of them to work on it. Ms. Noonan stated there is also a boat, trailers, and other types of vehicles. Ms. Noonan stated they are looking for a non-contentious solution.

Ms. Nancy Pesti, 1367 Brentwood Road, stated she lives two houses down from the house in question. She stated she is the Neighborhood Watch Coordinator, and she has had a few other occasions to speak to these people; and the question of their cars has come up, and she has tried to tell them it is not them since they feel persecuted. She stated she has tried to tell them it is not them, it is their cars; but they are not absorbing that.

Ms. Tyler asked how long they have been living there, and Ms. Noonan stated they have been there over twenty years. Ms. Tyler asked if they know when the new garage was added on, and Ms. Noonan stated it was added last summer. Mr. Lewis asked if they had a Building Permit for this, and Mr. Fedorchak stated they will check into that as well as whether or not any Zoning Hearing Board relief was obtained.

Ms. Reiss stated a large number of tires would be a danger. Chief Coluzzi asked if the tires are behind the house, and Ms. Noonan stated they are. She stated there was also a car back there that was sitting on the lawn, and a Township representative did come out and told them they could not store cars on the grass in the back yard.

Ms. Noonan asked if there is an Ordinance restricting the number of vehicles per residence, and Chief Coluzzi stated there is not. He added that as long as the car is registered legally and inspected, they can be on the public street; and there is no limit to the vehicles permitted on the street which is the problem they are presented with. Chief Coluzzi stated at this point they do not know if all of them are legitimately inspected and registered, and they will go out and check that out.

Ms. Vanessa Fiori, 1995 Woodside Road, noted a recent article about Section 8 Housing and how the current Administration in Washington D.C. is requiring wealthy suburbs to build Section 8 Housing; and she asked what the Supervisors are doing about this. Mr. Benedetto stated the Supervisors did receive an e-mail about the Capstone Terrace Development; however, that has nothing to do with Section 8 Housing. Mr. Lewis stated the HUD rule that was noted in the e-mail the Supervisors received from an individual is really an Advance Notice of Proposed Rule Making, so this is before HUD even begins the traditional rule making process. He stated this relates to a HUD program where they give different vouchers based on the cost within a Zip Code, and they are not specifically requiring any Municipalities to build Section 8 Housing. He noted that when a Federal Agency goes through the process of creating regulations, they give the community very advanced warning; and he stated the public can make their concerns known on line.

#### APPROVAL OF MINUTES

Ms. Tyler moved, Mr. Fritchey seconded and it was unanimously carried to approve the Minutes of May 4, 2016 as written.

#### APPROVAL OF MAY 2, 2016 AND MAY 16, 2016 WARRANT LISTS AND APRIL, 2016 PAYROLL

Ms. Reiss moved, Mr. Lewis seconded and it was unanimously carried to approve the May 2, 2016 and May 16, 2016 Warrant Lists and April, 2016 Payroll as attached to the Minutes.

#### DISCUSSION AND APPROVAL OF PRELIMINARY/FINAL LAND DEVELOPMENT PLAN FOR MAKEFIELD GLENN IN EDGEWOOD VILLAGE

Mr. Edward Murphy, attorney, Mr. C. T. Troilo, and Mr. Leon McGuire, engineer, were present. Mr. Murphy stated they are presenting the Land Development Plans for the development of what has become known as the DeLorenzo's parcel. He stated the project was first introduced to the Township via a Sketch Plan in the late summer/early fall of 2014. He stated it has gone through the traditional reviews, and re-reviews through the Boards and Commissions of the Township. He stated most recently earlier this month, they met with the Planning Commission; and they went through a very detailed review of the outstanding review comments from Mr. Eisold's office, the traffic consultant, and the EAC.



Mr. Murphy stated tonight they will present the same Plan which involves a 4,000 square foot free-standing building, the first floor of which would be the DeLorenzo's operation; and the second floor would have two 1,000 square foot apartments. They also propose a second smaller building that would be half the size, with one second floor apartment; and the first-floor retail use has not yet been determined.

Mr. Murphy stated the Waivers have been discussed in detail; and with regard to other technical comments that the Township engineers have raised in the review letters, they are comfortable that there are no issues remaining that they have not agreed on as to how they will be handled. Mr. Murphy stated he feels they are at a point where the Plans are ready for consideration by the Board to move forward. Mr. Benedetto asked about the Zoning Variances; and Mr. Murphy stated as Mr. Eisold's review letter indicates on July 21, 2015, the Zoning Hearing Board considered their Application, and they granted a number of Variances that had been the subject of the prior Sketch Plan and public discussion.

Mr. Murphy stated tonight there are Subdivision and Land Development Ordinance issues that Mr. Eisold's letter had highlighted. Mr. Eisold stated he and Ms. Saylor had a number of discussions with the developer's engineer. He stated there were some stormwater issues that were brought up at the Planning Commission meeting, and they went over them in detail; and while the Plans have not been fully revised, they have received information from the developer's engineer that they will address them. Mr. Eisold stated he is in agreement with the way the issues will be addressed. Mr. Eisold stated here were also some issues brought up by the EAC, and some of those comments were asking for the same things that the Township engineer was asking for. He stated they agree with the EAC that there are some stormwater calculations that need to be revised, and the developer's engineer has indicated that these issues will be addressed.

Ms. Tyler asked what relief the Zoning Hearing Board granted, and Mr. Murphy read from the Township engineer's letter of April 8 which listed the items of relief. He stated Item #1 granted them relief to have a maximum of two apartments in each structure, but they have since eliminated the need for that Variance by eliminating the second apartment over the smaller of the two buildings. He stated the next Variance involved a requirement that a private yard of at least 200 square feet be designated for each dwelling unit; and he is not sure that this really was meant to apply to this type of situation where they have an apartment, but they did get relief not to have to provide this. He stated the third item of relief was relief from the parking requirements. Mr. Murphy stated there has been a lot of discussion over the last year and a half about parking, much of it centered on the fact that the Lower Makefield Ordinance with respect to restaurants has an unusual requirement of one parking space for every 50 square feet which is not something that is seen in any

other local Municipalities. He stated they were granted relief to provide what is shown on the Plans which is seventy-four parking spaces on the site as opposed to the required one hundred and two. He stated the next item of relief permitted them to have an 81% impervious ratio instead of the 80% required. He stated they were also granted relief to disturb the woodlands on the site. He noted the quality of the succession woods around the perimeter of the site which will be disturbed, but they will re-plant the site with a far better quality of trees than exist today. Mr. Murphy stated they also received a Variance to have 9 by 20 parking spaces instead of the 10 by 20 required. The last Variance was to a different Section of the Ordinance regarding parking, and they received relief which permitted them to have seventy-four on-site parking spaces.

Ms. Tyler asked the outcome of their presentation before the Planning Commission. Mr. Murphy stated no recommendation was forth-coming. Ms. Reiss stated she is the Liaison, and it was a two to two vote.

Mr. Lewis asked how many tables will be in the proposed restaurant. Mr. Sam Amico was present and stated the number of tables is still not set, and it is more of the occupancy that they are looking for which he feels would be in the low nineties. Mr. Benedetto asked if this is comparable to their Robbinsville facility, and Mr. Amico stated in Robbinsville they have 2,500 square feet, and they seat 96 people. Ms. Tyler asked the square footage of the proposed restaurant, and Mr. Amico stated it is 4,000 square feet.

Mr. Lewis asked if there are any plans for additional parking as it relates to areas around this site. Mr. Murphy stated as they have repeatedly stated, the Troilo family also controls other existing parking areas in the Village all of which are fully available recognizing you have to walk across the street to reach them. He stated there has been discussion by others as to whether there was going to be a parking lot at any of the properties across the street at the point, and that is not part of any Application to demolish a building and build a parking lot across the street. Mr. Lewis asked if people would have the right to park at the Edgewood Café if they wished to get to the new restaurant, and Mr. Murphy stated they would. Mr. Lewis added Edgewood Café tends to be more of a morning/mid-day facility. Mr. Murphy stated while he believes it predates the current Board, last summer Mr. Amico had reached an agreement with the bank at the corner to permit his employees to park in the evening in the lot when the bank was closed; however, the owner of the shopping center objected to that and appeared at the Supervisors meeting to indicate he would not be supportive of the bank's effort to permit that to happen.

Ms. Reiss stated Mr. Troilo owns Flowers Field where there is adequate parking, and she assumes he would not object if the DeLorenzo's employees park there; and Mr. Troilo stated he would not.



Ms. Tyler asked about the tree issues raised by the EAC; and Mr. Truelove stated given the oversight by the Township he feels everything will be done properly. Mr. Lewis asked if the Applicant will fully comply with the Tree Ordinance; and Mr. Murphy stated they will, and he added that to the extent that there is not room to plant the trees on site, they would pay a fee-in-lieu.

Mr. Martin McNeela, 2318 Lakeview Drive, stated he feels this is a difficult corner; and when the Board votes, he would like them to ask what benefit this will bring to the residents of Lower Makefield.

Ms. Sue Herman, Citizens Traffic Commission, asked with the Variance for the parking and having to park in other areas and cross streets, are there safe ways for pedestrians to get from those areas to the restaurant. Mr. Murphy stated they do have a network of sidewalks; and to the extent that there are any gaps between where the restaurant will be and the intersection, if the Township would be able to give them the right-of-way, the developer would extend the sidewalks so that there will be a full network on both sides of the street. Ms. Herman stated she feels all of that should be finalized before they approve anything.

Mr. Benedetto stated this has been discussed at great length at the Zoning Hearing Board and at the Planning Commission. Mr. Benedetto stated Edgewood Village has been talked about for a long time as being a Township hub for people to come to, and DeLorenzo's is a renowned establishment; and if they want to start attracting people to do business in Lower Makefield Township, they have to attract businesses like DeLorenzo's. Mr. Benedetto stated the first year he was on the Board in 2012 there was a speech made by Mr. Stainthorpe about being a more business-friendly Township, and he stated currently he does not feel the Township is a business-friendly Township. He stated he feels if the Board does not approve this project, DeLorenzo's will be in a neighboring Township very quickly which he feels is unacceptable.

Ms. Herman stated she has no objection to DeLorenzo's coming, but she wants to know what the Township needs to do to give them the right-of-way to complete the sidewalks. Mr. Benedetto stated they will pay a significant Traffic Impact Fee for doing business in the Township. Mr. Benedetto stated he understands that there are traffic issues in the area, and he feels it is incumbent on the Township to fix that situation. He stated this is supposed to be a walking village, and they need to make it safer for people to walk across. Mr. Benedetto stated they have to make it safe at the intersection since this is an area the Township wants to develop but has been unable to do so because they have not been able to attract businesses like DeLorenzo's. Ms. Herman stated the Citizens Traffic Commission supports the Board of Supervisors filling in the gaps. Mr. Benedetto stated the Board agrees that sidewalks are important, and Ms. Reiss has been pushing for that.

Mr. Murphy stated today you can go from this site to the intersection through the walking trails to the rear of the site through the Township open space to get to the intersection. He was suggesting that in addition to that, if they could get right-of-way along Yardley-Langhorne Road, they could extend the formal sidewalk as well so there would be two opportunities. Mr. Benedetto stated they would have no problem granting that. Ms. Tyler asked if that would not be PennDOT's call, and Mr. Benedetto stated the Township could grant the right-of-way which he feels is a positive step.

Ms. Ann Chapman, 631 Long Acre Lane, stated she lives very close to the intersection; and even before anything else is built, the intersection is a "nightmare" during the day. She stated before approving this Plan it would be prudent to first determine how they will address the traffic problems that are already in existence. Mr. Benedetto stated the intersection is the responsibility of the Township to improve. He stated currently there is nothing to attract people to Edgewood Village, and they need DeLorenzo's here in order to attract people to this walking village. He stated they need to get businesses in that area so people will want to come there. He stated they have discussed this for two years.

Mr. Lewis stated he shares her concerns with traffic in the area; and while they can separate the two issues, the Board should be held accountable for addressing traffic issues. He stated the Township traffic engineer has been looking into this, and they have discussed light timing and structuring traffic flows so there are things they could be doing at the intersection to help move traffic flow and improve safety.

Mr. Eisold stated the Township does have a plan for the area, and there are improvements for various intersections throughout the Township. He stated with the Flowers Field project, the improvements at the intersection have not been completed yet; and that work is ongoing now, and the contractor will be out during the night this week to make some of the improvements. He stated there is a plan to provide for left-turn lanes which was done years ago as part of Flowers Field which is responsible for a lot of those improvements as well as paying fees toward making those improvements.

Ms. Reiss stated part of the problem going up Yardley-Langhorne Road starts on Afton in the Borough as some of the large trucks want to avoid the weigh stations, and they come up and have to make a very wide right turn which has caused a lot of problems. She stated she feels if they address that issue, that will solve a lot of the issues. She also agreed timing the lights a little better will also make a major difference.



Mr. Jerry Orondenker, 1802 Lynbrook Drive, stated he has been going to the DeLorenzo's restaurant for years, and he is impressed with the quality of the operation, their cleanliness, and how respectful their staff is. He stated he is looking forward to being able to walk to DeLorenzo's.

Mr. Alan Dresser, 105 E. Ferry Road, stated he is a member of the Environmental Advisory Council. He stated he feels it is important that they get the stormwater right since it is almost all impervious surface. He stated this area of the Township has stormwater run off problems, and he noted all the impervious areas in that part of the Township. He stated when Flowers Fields is developed there will be an additional ten acres of impervious surface all of which will be feeding into the same stormwater management system that ends up at the detention basin at CVS, goes to the Patterson Farm, crosses Silver Lake Road, and often floods. Mr. Dresser stated he is also concerned that they do not have the final numbers yet on the stormwater run off.

Mr. Eisold stated one of the comments in his letter was that they need to look at the stormwater and complete everything to the higher requirement since they are over one acre. Mr. Eisold stated he has discussed this with the developer's engineer, and they are more than willing to do that adding they may have to expand their underground infiltration system. Mr. Dresser stated the EAC had pointed out that the area was greater than one acre in their December 9 comment letter so they have known this for a while, and they did not act on it.

Mr. Dresser questioned the Board giving them Final Approval at this time. Mr. Benedetto stated they will address everything, and they want to proceed with Final Approval this evening. Ms. Tyler stated it will be incorporated into the Development Agreement. Mr. Dresser stated he feels they are proceeding too fast; however, Mr. Benedetto stated it has been two years.

Mr. Dresser asked if the Tree Protection Ordinance applies to the off-site trees, and Mr. Truelove stated it applies to the trees on site. He stated he did receive Mr. Dresser's e-mail. Mr. Truelove stated he feels if there are any concerns about off-site trees from activity on the site, it would be a private right matter. Mr. Dresser stated there are a lot of trees on the boundary.

Mr. Dresser stated a few hundred yards away is Flowers Field at Edgewood which is a Troilo Development which was approved in 2011 which consists of sixty-eight dwellings which they have started to construct as well as approval for 29,000 square feet of Commercial Retail and a 6,500 square foot restaurant. He stated they have the infrastructure there, and they need tenants; and he asked why they would not build DeLorenzo's there. Mr. Troilo stated Mr. Amico's concept for his restaurant does not fit with what they have approval for at the corner for a

restaurant which is a historical structure with a lot of small rooms and would be more of an intimate fine-dining restaurant. Mr. Amico is looking for a more open, family-friendly place.

Mr. Dresser stated at the April 6 meeting he and Mr. Bray made a presentation on the Tree Replacement Ordinance, the tree bank, and where they could plant trees in the future using tree bank money. Mr. Dresser stated the Board approved establishing an Arboretum at Memorial Park which was dedicated on April 30. He stated the Board also directed Boucher & James to come up with a long-term tree plan as to where they can plant trees at various locations in the Township using money from the tree bank. He stated the problem identified is that there is no money in the tree bank; however, two developers owe \$74,000 to the tree bank, and this is one of the developers. Mr. Dresser asked if they could get a commitment from this developer to pay for this since they have owed this money for three to five years. Mr. Dresser stated this is owed for Flowers Field and Edgewood Corners. Mr. Fedorchak was asked to send them a letter about this. Mr. Dresser stated he feels they should make this approval Conditioned on getting this money. Mr. Murphy stated he felt some of the payments were staged although he did not remember exactly.

Mr. Mike Brody noted his concerns with the parking situation at the Shop Rite Shopping Center; and he stated when you shrink the parking spaces, it causes crashes. He asked that going forward when they allow the smaller spaces that they be made diagonal and one way roads. Ms. Tyler asked how many parking spaces they net when they are allowed to go from 10 to 9, and Mr. Murphy stated he believes it could be two to three.

Mr. Brody asked if you will be able to drive from this proposed location back to the Giant, and it was noted you cannot.

Mr. Michael Tritt, 675 Deerpath Lane, stated his family has enjoyed going to DeLorenzo's for many years as it is a family place. He thanked the Board for their foresight and vision to have a landmark like DeLorenzo's in the Township, and he stated they will be lucky to get DeLorenzo's in the Township.

Ms. Helen Heinz, Edgewood Road, stated she has no doubt that DeLorenzo's is a fabulous pizza place; however, that is not important, and the point is that this is a Historic Village, and this has been shoehorned into it. She stated it has been forced in with a second use. She stated if it was just DeLorenzo's and it was 3,000 square feet and there was sufficient parking, she would be celebrating.



Mr. Neil Flax, 147 Hyde Park Place stated DeLorenzo's will be a great neighbor and will be an attribute to Lower Makefield.

A gentleman stated he is a third generation very loyal DeLorenzo's customer, and he feels it is a historic business as he believe they are a third generation business; and Lower Makefield will be lucky to have them here.

Mr. Ron Cordite stated he lives in Langhorne, and he has known the family that owns DeLorenzo's for years. He stated he feels they can overcome any concerns about traffic.

Ms. Reiss stated she has been going to DeLorenzo's for many years, and the family that runs DeLorenzo's are good people. She stated they will be good neighbors, and this will be an asset to the community. She stated some things have been done in Edgewood Village that she has not been happy with. She stated the Planning Commission did have a number of objections, and she feels the developer overcame all but one of them which was more of an emotional issue and not really a logical one. She stated she feels a vast number of people in the community want this to happen.

A gentleman residing at 368 Ramsey Road stated this is a great family and a great asset to the community. He stated this will bring in more business to the community that people will want to come to. He stated it is a family atmosphere. His daughter spoke in favor of DeLorenzo's.

Ms. Tyler moved and Mr. Lewis seconded to grant Preliminary/Final Approval for the Plans dated 10/16/15, last revised 3/11/16 including proper Fees for both Preliminary and Final Approval subject to the following:

- 1) Applicant shall comply with the Lower Makefield Township Subdivision and Land Development Ordinance, the Lower Makefield Zoning Ordinance, and all applicable State and Federal Ordinances, Statutes, and/or Laws;
- 2) Receipt of all Permits, Authorizations, and/or Approvals from all agencies with jurisdiction including but not limited to PADEP and the Bucks County Conservation District;
- 3) Compliance with the Boucher & James Consulting Engineers 4/8/16 review letter and any supplements to said letter if submitted;

- 4) Compliance with Gilmore & Associates transportation comments review letter dated 4/20/16 and any supplements to said letter;
- 5) Compliance with Lower Makefield Township Planning Commission memorandum;
- 6) Compliance with the Bucks County Planning Commission memorandum;
- 7) Compliance with Lower Makefield Township Zoning Hearing Board Decision dated 7/21/15
- 8) Compliance with the Lower Makefield Township Environmental Advisory Council review letter dated 12/9/15;
- 9) If applicable, compliance with the review letter from the Lower Makefield Township Police Department;
- 10) Waivers are granted as listed and enumerated in the applicable Boucher & James Consulting Engineers review letter referenced above and any supplements to same that have been submitted;
- 11) Grant right-of-way for completion of continuous sidewalk construction to enable pedestrian transportation;
- 12) Where applicable, Applicant shall comply with all comments from the appropriate authorities responsible for the Approvals of the proposed utilities.

Mr. Eisold stated there was one question about the Gilmore & Associates letter he was asked to look into with regard to Act 209, and there is some adjustment to that. Mr. Truelove noted the approval indicates any supplements to said letter. Mr. Eisold stated their engineer had submitted a letter with a differing opinion on the number of trips based on by-pass traffic; and after reviewing the Transportation Manual, and going through the calculations, he believes the number is somewhat less than what Gilmore's letter states.

Mr. Murphy agreed to the Conditions, and the Motion carried unanimously.

A short recess was taken at this time. The meeting was reconvened at 9:10 p.m.



DISCUSSION OF CAPSTONE TERRACE AND PROPOSED ZONING ORDINANCE  
AMENDMENT ESTABLISHING MULTI-FAMILY AS A CONDITIONAL USE IN OFFICE  
RESEARCH DISTRICT

Mr. Edward Murphy, attorney, was present with Mr. Bob Dwyer. Mr. Benedetto stated this will not be voted on this evening, and it is only a discussion.

Mr. Murphy stated in November, 2012 the owners of the bulk of the Office corridor along Stony Hill Road asked he and Mr. Dwyer to present to the Township an alternate development scenario for a fourteen acre parcel located on Stony Hill Road across from Shady Brook Farm that in 2008 was fully approved for 180,000 square feet of Office space. Mr. Murphy stated despite years of marketing that parcel remains undeveloped, and the likelihood of that parcel ever being developed for Office space is slim. Mr. Murphy stated beyond that, there is approximately 123 acres of O/R Zoned ground in the Township; and only about half of it has been developed for Office, and of that development there is approximately 750,000 square feet of Office with probably half of that now vacant.

Mr. Murphy stated there has been a recent uptick in the occupancy of the space there, but typically that has been a result of a reduction in rents and a reduction in the quality of the tenants that occupy that space. Mr. Murphy stated what they have seen most recently which is maybe more alarming is that with the advent of the new Scudders Falls Bridge Project, there are existing tenants in those buildings who are “fleeing” back to New Jersey to avoid having to deal with the construction that will be imminent for a number of years.

Mr. Fritchey asked if the area in Newtown Township that is contiguous with Lower Makefield’s O/R Zone also Zoned O/R, and Mr. Murphy stated it is. Mr. Fritchey asked if Newtown Township is experiencing similar issues to what Mr. Murphy is describing, and Mr. Murphy stated they are.

Mr. Murphy stated his client has over the last few years has filed some Tax Appeals because the value of the ground is less because the occupancy is less, and those Appeals have been somewhat successful. Mr. Murphy stated now and going forward the Township is going to start to realize a reduction in some of the revenue streams that are coming from the ratables in that corridor.

Mr. Murphy stated Mr. Dwyer was asked to participate at the Planning Commission level as the Township’s Comprehensive Plan had not been updated since 2003; and in 2013 the Township Planning Commission started a monthly re-evaluation of that Plan as required. Mr. Murphy stated Mr. Dwyer attended almost every Planning Commission meeting when the Comprehensive Plan was being discussed.

Mr. Murphy stated Mr. Dwyer wanted the Planning Commission to think about what was going to happen in that corridor given the reality which every year becomes more pronounced that something needs to change as to how the Township is thinking about land use patterns in the O/R corridor. He stated he feels they are going to continue to see the loss of Office tenants in the existing buildings, and they need to consider what they will do about the other properties that are Zoned O/R but are sterilized and not producing any revenue for the Township.

Mr. Dwyer showed an aerial photo of the Capstone property which is bounded by I-95 as well as the O/R District. He stated the only area that has not been developed is the Capstone property, the Prickert property, and Shady Brook Farm which equals about sixty acres that would generate another 600,000 to 700,000 square feet of Office if it was ever developed; however with the vacancies they are experiencing on Township Line Road, that is not going to happen according to the demographics and what industry suggests. Mr. Dwyer stated he worked with the County Planning Commission and the Township Planning Commission; and when the opportunity presented itself, he talked about the problems they were having here. He stated as a result of that, they did incorporate in the Comprehensive Plan Update the strong suggestion that the Board look at the land use patterns and to do something that would be helpful to Edgewood Village and to the Corporate Center.

Mr. Dwyer stated their property is uniquely situated between the Corporate Center and Edgewood Village. He stated their proposal is to take the 180,000 square feet of Office and in its place put in approximately 192 high-end apartments with the rental price being between \$1,200 and \$2,200 which is what they are getting for the exact same units in New Britain Township. He stated these are one and two-bedroom apartments. He stated the average household income was between \$115,000 to \$120,000. He stated the product is far superior than what you see even in the Township today. He stated their hope is that they will attract people who will be walking to Edgewood Village and the Corporate Center. Mr. Dwyer stated while there is currently no trail which would enable you to do this, they are proposing to install a trail that would go across I-95 into Edgewood Village.

Mr. Dwyer showed the plan for the installation of a trail going from Flowers Field and all along Stony Hill Road consistent with the Edgewood Village Study that was performed in 2000 which showed the need for this trail and a connection to the Corporate Center. He stated they would be installing that trail across I-95 to connect with the existing trails along Township Line Road at their cost and with the approvals from PennDOT. Mr. Dwyer showed on an aerial how their proposed residential development would be within walking distance of Edgewood Village. He stated in order to qualify for the Conditional Use, the property would have to be within walking distance of the Edgewood Village. He stated this is the only property that would be helpful to the Village and the Corporate Center because of walkability.



Mr. Dwyer stated this will create more synergy for the Corporate Center and Edgewood Village. He stated AIG now owns the Corporate Center, and they are a strong supporter of this proposal. He stated currently there is no easy way to get to Edgewood Village from the Corporate Center, and what he is proposing would provide that link.

Mr. Dwyer stated the fiscal impact of his proposal is about 50% higher than the fiscal impact for an office, and the traffic is about 50% less. He stated it would also have less impervious coverage since this would be at 40% compared to 65% for the O/R. He stated there are many benefits – environmentally, fiscally, and less traffic for this use compared to an Office use. Mr. Dwyer stated they hope to have a Public Hearing on this next month, and he would like to be able to discuss this further with the Board and the public to understand their issues and concerns. He stated he feels this will be an asset and a great segue from the Corporate Center to the Village.

Ms. Tyler asked about how the proposed density of 192 units on 14 acres compares with the existing Ordinance. Mr. Dwyer stated R-4 is twelve units per acre which would give them approximately 138, but this will be a high-end quality apartment development which puts them at 200 units. He stated 138 would make the job technically not feasible given the off-site contributions and the critical mass of operating a full-fledged recreation center, pool facility, etc. He stated while it is higher, it is much lower density wise when you compare it to what is permitted in the O/R. He stated they have tried to attract a number of uses, but no one was interested in this property except for a retailer or residential. He stated the retailer would be a big retail use, and he would be concerned about putting retail there as it would compete with the Village.

Ms. Tyler asked about a mixed use like Edgewood Village which could be a companion to Edgewood Village rather than a competitor. Mr. Dwyer stated it would be a competitor to Edgewood Village. He stated in order to have a mixed use community, you cannot be an “island” like where they are at. He stated he feels that would be more suitable for a place like Newtown. He stated most National retailers do not want to be in a place with apartments above them unless you are in Philadelphia or Newtown where there is a significant amount of retail and a demographic to support it.

Ms. Reiss stated they have that in Robbinsville and it is very successful. She stated they have a number of restaurants, an Italian market, a small grocery, some specialty stores, ice cream stores, clothing stores; and above that are condos.

Mr. Dwyer stated while he does not know that property, it sounds like it is much bigger than fourteen acres. Ms. Reiss stated it is basically a large, square corner. Ms. Reiss stated her issue is this is not part of the Comprehensive Plan, and it backs

up directly to I-95. She stated the rents proposed are higher than a lot of the rents in the area, and they are backing up to I-95. She stated she feels a mixed use would fit in with Edgewood Village far more than apartments.

Ms. Tyler stated the Board needs to consider their vision, and they need to have a lot of discussion whether they want to change the Zoning.

Mr. Fritchey stated it sounds like Mr. Dwyer is saying that the O/R Zone may have been a good concept twenty to thirty years ago, but where we are now it is a “white elephant;” and there is a lot of acreage that is committed to a concept that will not be realized in the Township. Mr. Fritchey stated if Mr. Dwyer is right about this, it would mean that the Board should be looking at the Zoning Ordinances to determine whether they want to substantially modify the O/R Zone. He asked if there has been any weigh in from Bucks County Planning Commission; and Mr. Dwyer stated the Comprehensive Plan Update segues into that very issue, and they supported the idea of re-looking at the O/R District for uses that would be compatible with the Village and the Corporate Center. Mr. Dwyer stated he believes what he is proposing would be compatible. He stated the Bucks County Planning Commission did submit a letter to the Township in which they complimented the project in its early phase and made some more detailed comments. He stated he is hopeful he will be meeting with the County Planning Commission to review this further in the near future.

Mr. Fritchey asked if Mr. Dwyer is saying that Offices are becoming obsolete as a concept, and Mr. Dwyer stated that is true for isolated suburban office space. He stated it would need to be close to an amenity, housing, and a train station. He stated many young adults do not have licenses to drive, they work on the Internet, and do not go into the office. He stated previously you needed 250 square feet per person in an Office, and now you need only 100 square feet. He stated most corporations are going to areas that have amenities such as Newtown or Yardley where there is a train station. He stated the island of macadam in the middle of a beautiful Township is not something that is attractive to employers any more. Mr. Dwyer stated he feels it would be more compatible when there are places such as DeLorenzo's, trails, and when Edgewood Village emerges as what it should be since then it becomes an attractive place. He stated people would be able to go shopping at lunch. He stated currently if people are working at the office building, they have to drive to the Mall to shop.

Ms. Reiss stated currently at Edgewood Village they have the Edgewood Café, the Cigar Club, the Little Gym, and a bank so there is no retail. Ms. Reiss stated she does not feel that the proposal fits in with the Comprehensive Plan. She stated she knows the Planning Commission did not make a recommendation to change the Zoning for this dense Residential. Mr. Dwyer stated when they went to the Planning



Commission it was the end of last year, and they wanted to get before the Planning Commission to vet their concerns and interests. Mr. Dwyer stated this use is consistent with the draft Comprehensive Plan in that it is following up with what they requested them to do.

Mr. Dwyer noted that there are other apartments along I-95 which are doing quite well. He noted particularly Cornerstone. He stated to put a mixed use at this location, he feels it would shut down the Edgewood Village re-development. He noted all the time and money Mr. Troilo has spent trying to attract retailers that he has not gotten yet; and he feels that if they were to have retail down the street, he does not feel the Village will emerge the way they intended it to. He stated they need pedestrians to walk the streets, and they feel what they are proposing would produce that.

Ms. Tyler stated she is concerned that this number of apartments has the potential to put a fairly good strain on the School District. Mr. Dwyer stated he did submit a fiscal impact showing how many students they anticipate generating and how much money they would be putting in, and it shows that there would be a net fiscal surplus to the Township and the School District of close to \$500,000 a year. He stated if it were to be an Office it would be \$300,000 a year. He stated this is based on a Rutgers Study which is Nationally recognized, and they followed the exact rules which showed a half million dollar surplus to the Township and the School District and would be better than 180,000 square feet of Office.

Mr. Lewis asked how many students were anticipated; and Mr. Dwyer stated these are one and two-bedroom units, and he feels there were less than a handful of students that would be generated based on this.

Ms. Reiss stated she could see a number of divorced mothers with two children moving into a two-bedroom apartment at that price. She stated they are unable to stay in the family home because they cannot afford it, and they move into apartments. She stated these are Pennsbury Schools, and these would be moderately-priced apartments. She feels that there would be much more of an impact on the Schools than Mr. Dwyer's figures. Mr. Dwyer stated these are not his figures, rather it is a prediction based on an accepted methodology. He stated if the number of students is six to fifteen, it would be the same number that would exist if they did a mixed use.

Mr. Lewis stated if someone is moving from within the Township because of a family circumstance, that would not be a net gain in new students as they would already have lived in the Township. He stated he is open to the concept and he appreciates the challenges in the suburban office. Mr. Lewis stated he understands that they will

be welcoming a new company into the Lower Makefield Corporate Center, but he does appreciate that there is a glut in Class A real estate that will not get filled for a while. Mr. Lewis stated there are some people who will say if they do not change the Zoning, the land will then just remain open space. Mr. Dwyer stated while the Board should discuss this with their lawyers, the property would be a non-performing asset and eventually if it cannot be used for anything and it is not Zoned for the right thing someone could file a Curative Amendment to state they need to do something to fix it because it is basically a taking. Mr. Dwyer added this is not something the Township would see him doing; but this is something that has happened in other Townships when properties sit vacant for a long period of time, and there is no use compatible with the market. Mr. Dwyer stated what he is proposing is consistent with what Bucks County Planning Commission suggested. He stated he does not feel that this is something that will hurt the Township, and it will help with the re-birth of Edgewood Village since they need the trail and people to walk the streets with more residents in close proximity.

Mr. Lewis stated in terms of the process, this is just the first opportunity for the Ordinance to be presented, with the goal that there will be a vote on it at some future time. Mr. Dwyer stated he feels they can attempt to solve every traffic issue that would be generated. He stated his is a better proposal compared to the Office use. He stated the proposed trail is something that will require some effort with PennDOT. He stated this project is entirely consistent with the March Associates Study of 2000 and the most recent update to the Comprehensive Plan. He stated this proposal can work, but he cannot state that mixed use would work. He stated retail would work if they wanted to go Commercial, and they could put a shopping center there; but he feels that would hurt the Village, and he is not here to destroy what he is trying to protect. He stated he feels AIG and Mr. Troilo would state how much they would appreciate this if they were present. He stated he feels what he is presenting is a business-friendly proposal because it creates customers within walking distance of three major economic centers – Edgewood Village, Shady Brook Farm, and the Corporate Center.

Ms. Reiss stated Mr. Dwyer brought up the issue of young people not getting driver's licenses which she agrees is true for those in Philadelphia, New York City, etc.; however, this is the suburbs, and she does not know anyone who would live at this residential development and go grocery shopping without having an automobile. She stated she is also concerned with the 192 units. Ms. Tyler agreed, and she stated this would be 54 more units than would be permitted if this were R-4. She stated that density would not help Lower Makefield although she recognizes that for the developer there is a number they have to have to make it doable. Mr. Dwyer stated the TND Ordinance permits the density to be calculated by using the gross acreage so that would generate a higher density. He stated they need the density to make the project doable given the contributions that they are discussing. He stated 100



units would not make the project feasible; and it would have to be a townhouse development and a townhouse development against I-95 is not necessarily the greatest use. He stated those living in apartments would be happy to live there, and this does occur up and down I-95. He stated he feels this is the only viable use.

Ms. Tyler stated she was at the Planning Commission meetings with Mr. Dwyer for two years; and the Planning Commission that was in place at the time was a very mature Planning Commission that had been on the Commission for quite some time, and they were supportive of consideration of an alternate use of the O/R.

Mr. Murphy stated he feels the Board should be thinking about what they should do with the current situation in that area since there is a corridor of O/R half of which is developed which is underperforming and will probably continue to underperform despite some success that Mr. Lewis mentioned. Mr. Murphy stated he and Mr. Dwyer also know about one company that is planning to leave that is as big or bigger than the new company coming in. Mr. Murphy stated the Planning Commission has made a recommendation about updates to the Comprehensive Plan. Mr. Murphy stated he feels Mr. Dwyer's proposal should trigger further conversation, and he feels everyone must consider what is the future of that corridor. He stated he feels there are going to be more failures than successes as time goes on. Mr. Murphy stated he feels the Board needs to consider alternate land uses or land use solutions to what is a problem not only for Mr. Dwyer's site but also for other existing sites that will continue to underperform, and the tax revenues will continue to drain Township resources which is an inevitable element of this process. He stated more tax appeals are going to be filed, and more will be successful; and the drain in Township revenue is going to continue to slowly move forward. Mr. Murphy stated Mr. Dwyer's idea is one solution, but there could be others as well.

Ms. Tyler asked about Spot Zoning as it relates to this parcel. Mr. Murphy stated he does not feel that Spot Zoning is necessarily a concern because what they are suggesting as a Text Amendment would be an additional use and not to replace or have a single-standing use in the O/R District as they would be adding an additional use as a Conditional Use subject to certain Conditions that would have to be met before it would be approved. He stated Spot Zoning is a term that is frequently thrown around, but he does not feel it is relevant although he would defer to Mr. Truelove on this.

Ms. Reiss stated she looked up the definition of Spot Zoning which states, "Spot Zoning is the application of Zoning to a specific parcel or parcels of land within a larger Zoned area where the re-Zoning is usually at odds with the City's Master Plan or current Zoning restrictions." She stated she feels this appears to be Spot Zoning;

however, other Board members disagreed. Mr. Truelove stated the fact that this is a Conditional Use process is different than substituting the Zoning. He stated this is an overlay.

Mr. Fritchey asked what is the anticipated population of Flowers Field when it is completed. Mr. Murphy stated there are sixty-eight residential units. It was noted it is not an age-restricted development. Mr. Murphy anticipated that there could be approximately two hundred residents. Mr. Fritchey stated they are talking about Edgewood Village like it is a “real village;” but no one lives there, and they are trying to determine how to get businesses there. Mr. Murphy stated he was involved in the inception of Edgewood Village; and the idea germinated years ago from the Township that they wanted to create a walkable, viable, commercial village. Mr. Fritchey stated it is a very appealing idea. Mr. Murphy stated the Township hired a planner, was involved in a lot of study, and ultimately developed the Ordinance that Mr. Troilo had the courage, financial and otherwise, to try to make that a reality. He stated the struggle is to find both residential and commercial occupants. He stated as Mr. Benedetto has noted, part of the barrier to getting businesses located there is the fact that the perception is that Lower Makefield is not the most friendly place to do business. He stated he has lived that for thirty-five years, and that is a big perception to overcome. He stated Mr. Troilo is dealing with that everyday, and he is willing to expend considerable effort financial and otherwise to try to make this happen; and he is committed to continuing to try to make this happen, and he feels they should all try to support that in some fashion since it was the Township’s idea that Mr. Troilo seized upon to try to make it work.

Mr. Lewis stated there is nothing “on roof” that would appeal to someone to walk to Edgewood Village. He also stated the number of people walking to work is probably fewer than people walking to an amenity in terms of preference. Mr. Lewis noted the parcel in Edgewood Village where the Artis development was presented last month by Mr. Murphy; and he feels if that were residential or mildly commercial in some way, that might be helpful because it would be a shorter walk. He stated what they are proposing for the Artis property is a health facility with visitors but not commerce. Mr. Murphy stated those with whom he has spoken about the possibility of Artis being located there are “thrilled” by it since they feel that families that come to visit would provide some additional feet on the street that would patronize businesses in the Village if businesses existed. He stated it is such a small, segregated piece of property that it is hard to imagine what else you could do with it. He stated it will never be developed Residential, and it is segregated because there is an outparcel in between and it is oddly configured.



Mr. Lewis stated he agrees that would be helpful to Edgewood Village, but not Capstone. Mr. Dwyer stated for someone to walk from one spot to another, it should be an interesting walk; and he is not suggesting today that would be an interesting walk along Stony Hill Road. He stated they would like to create a bike path and provide some attractive lighting and create a welcoming walkway which he feels could generate some interest in developing along that frontage and extending out from Edgewood Village to some other parcels and make it an attractive walk. He stated he believes people would rather walk than drive especially if it is an interesting walk, and he feels this could be an interesting walk if traffic were slowed, a path was installed that was sufficiently set back from the roadway, and if there were some amenities along the trail including benches.

Mr. Benedetto stated he is completely opposed to this and feels it is a bad precedent. He stated he feels the developer made a bad deal since it probably made sense at the time, but the property values have dropped significantly. He stated he feels they are looking for the Township to bail them out of a bad business decision. He stated he does not see this adds any value to the Township or fills a need since they have Polo Run across the street and apartments down the street as well which are all high-end apartments all of which are in a mile or two radius. He stated he does appreciate Mr. Dwyer's diligence on this, but he feels this would be a bad precedent; and it does not help the Township to change O/R to Residential. He stated he also feels it would create a bad situation for Shady Brook since this proposal would bring in 192 residents moving in who may complain about the Light Show. He stated it is also possible Shady Brook may want to sell some of their acreage and change it to apartment units as well since a precedence has been established. He stated he would not vote in favor of an Amendment.

Mr. Dwyer stated he feels that the Bucks County Planning Commission would have a different opinion and be more supportive, and there may be residents who feel this is a good idea. Mr. Dwyer stated they do need to recognize that there is an issue in that area in the O/R District, and this parcel is situated where it could be helpful to Edgewood Village. He stated they are looking for a viable use for this property, and he would be willing to listen to any suggestions.

Ms. Reiss stated she does not feel the plan fits in with Lower Makefield's Plan. She stated she agrees with Mr. Benedetto's concerns about potential complaints about the Shady Brook Light Show from those moving into apartments at that location.

Ms. Tyler stated the discussion should be about the overall O/R District and not just this parcel. She stated for two years the Planning Commission went through this and recommended that the Township should be looking at whether the O/R is still a

viable use for the property. She stated she feels the Board needs to look at the big picture including the fact that they have been provided with information that O/R may not work there any more. She stated she feels they need to speak to Mr. Fleming and Mr. Prickett as well as Bucks County Planning Commission about looking into the 332 corridor.

Mr. Zachary Rubin, 1661 Covington Road, asked the distance from the property under discussion to Edgewood Village, and Mr. Dwyer stated it is approximately a half mile. Mr. Rubin stated the core concept of capitalism is taking risks. He stated after 9/11 a number of areas in Bucks County starting building Class A offices because they believed that corporate headquarters would be moving out of New York City for security reasons. He stated that was a market risk that people in private industry make all the time. He noted Aria bought property in Lower Makefield for \$500,000 an acre, and they are stuck with it. Mr. Rubin stated he agrees with Mr. Benedetto that the Township should not be bailing out private developers who make mistakes. He stated Capstone was supposed to have a medical office with ambulatory care, but this never came to fruition. He stated then it was to be a Class A Office which also never came to fruition. He stated now they want to put in apartments which would be a Township bail out, and the Township is not in the position to bail out private developers. He stated the Township is trying to buy open space which would have an impact when they purchase a ratable for open space. Mr. Rubin stated if the Board does not approve this, it will remain open fields.

Ms. Tyler asked Mr. Rubin how he sees the O/R District. Mr. Rubin stated he is a member of Residents Against Frankford Relocation (RAFR) the property at the intersection which has failed to attract a developer and it is now a pumpkin field, and he has no problem having open space in the Township which is an advantage to the Township. Mr. Rubin stated if they want to put something that conforms to the Ordinances, that is fine.

Mr. McNeela asked Mr. Dwyer what these would sell for; and Mr. Dwyer stated they would not be selling them as they are apartments which they would rent out at an average of \$1,500 per unit per month. Mr. McNeela stated he has heard a lot of presumptions this evening such that people would rather walk than drive which he disagrees with. He stated building an overpass over I-95 so people could travel back and forth does not sound like it is being done out of the "goodness of their heart," and rather it is a business proposition. He stated he does not care what happens to some of the businesses in Edgewood Village, and it is not his concern whether they are viable or not. Mr. McNeela stated he agrees with Ms. Tyler that they need to look at the Plan since what was good twenty-five years ago may not be good now.



Mr. Dwyer stated he does care about the community, and he does not want to do something that is going to hurt the existing businesses. He stated he feels the County Planning Commission would also feel it would be a mistake to put in mixed use or retail at the property he is discussing. He stated what he is proposing is a benefit to the Township and is consistent with what the Bucks County Planning Commission and the March Associates Edgewood Village Study suggested.

Ms. Bobbie Moore stated she is a local Realtor with an office on Stony Hill Road, and she expressed concern with the traffic in the area already. She stated adding 192 more cars will make it worse. She stated people do use the sidewalks to walk to the Shopping Centers from Cornerstone, Brookstone, and Polo Run. Ms. Tyler asked about the vacancy rate at her building on Stony Hill, and Ms. Moore stated while Lockheed Martin moved out, there is another company coming in on the second floor. She stated offices in her building do not stay vacant long. Ms. Moore stated she does not want to see 192 more cars in the area; however, Mr. Dwyer noted that a 180,000 square foot facility would bring in more traffic than what is proposed for the apartments. Ms. Moore stated she understands that Mr. Troilo has not sold all the units yet so there will be a lot more traffic there.

Mr. Mike Brady expressed concern about the sewage impact of 192 apartments. He noted an area in Lower Merion called Suburban Square; and he feels if they changed the Ordinances and made a Suburban Square, that would give people a reason to walk to Edgewood Village.

Ms. Bobbie Moore noted there are always signs about renting property at Cornerstone, Brookstone, and Polo Run; and she questions why they would want to build more.

Mr. Benedetto stated this matter will be on the Board's Agenda on June 15 for a vote on the proposed Zoning Ordinance Amendment.

#### DISCUSSION AND AWARD OF 2016 ROAD RESURFACING PROGRAM

Mr. Eisold stated on April 20, they opened the Bids for the 2016 Road Paving Project, and received a total of six Bids from qualified contractors. He stated three of the Bids were very close for the Base Bid ranging from \$794,000 to \$809,000. Mr. Eisold stated they also had a number of Bid Alternates; and when you look at the Base Bid and the Alternates, the low bidder was the same for both at slightly over \$1 million for the work. He stated at this point the low bidder is James D. Morrissey, Inc. at \$794,037 for the Base Bid, and for the Base Bid plus the Alternates it is \$1,011,939. Mr. Eisold stated currently the information is on the Website in

accordance with the Responsible Contractor's Ordinance, and Approval would be pending compliance with that Ordinance. He stated the period for this expires May 26. He stated they did check into Morrissey, and they are a well-known contractor in the area; and they have completed projects much bigger than what is proposed. He stated the numbers were very competitive this year, and the numbers were approximately 15% lower than last year partly because of the oil prices.

Ms. Tyler moved and Mr. Fritchey seconded to award the Base Bids and Alternates to James D. Morrissey, Inc. subject to pending compliance with the Responsible Contractor Ordinance which was posted on the Township Website on April 26.

Mr. Lewis stated last year new processes were instituted with the prior contractor as to quality, and he asked if the same process will apply here; and Mr. Eisold stated they will, and the spec they had is the identical spec to insure the tests are done and the quality is as high as it can be. Mr. Lewis stated he is very interested in the extension of the bike path on Woodside and also the repaving of Woodside, but he is concerned with the plans of the Delaware River Joint Toll bridge Commission to widen Woodside where it enters Taylorsville Road; and he asked if there is a way for the Township to approve this, but pull that section out that is being changed by the Bridge Commission project. Mr. Eisold stated he does not feel the paving of the road would be effected, rather it would be the bike path at that location. He stated the part of Woodside Road to be paved is between Lindenhurst and Dolington so they are not down that far. He added they held off on the paving down past the Golf Course intentionally knowing that they would want to tie in with what the Bridge Commission does.

Mr. Lewis asked how far down they are going with the bike path according to the Bid Alternate, and Mr. Eisold stated it will be connecting to where it is currently across from the Golf Course and will go to Clearview which is where the limits of the work for the Toll Bridge Commission is supposed to end. Mr. Lewis asked if it would go all the way to the Clearview Drive entrance, and Mr. Eisold agreed. Mr. Eisold stated there was some question as to which side they would put that; and some years ago the Township tried to put it opposite the Golf Course, and there was some push back. Mr. Eisold stated this does need to be finalized; and if they cannot come to an agreement, they would have to hold off, but he is optimistic that they can come to an agreement with the property owners or determine which side it should go on. Mr. Lewis stated he lives in Clearview Estates, and he strongly supports the extension of the bike path; and he has many neighbors who have spoken in the past about this issue a number of times. He stated he hopes that when the Bridge Commission is done their work, the Township can extend the bike path from there all the way down Taylorsville Road to meet up with the bike path that the Bridge



Commission is putting in. Mr. Eisold stated they need to see what the Bridge Commission does; but he feels it would be difficult on the north side, and it will have to be on the southern side.

Motion carried unanimously.

#### BIG OAK WHITE TAIL MANAGEMENT (BOWMA) 2015/2016 FINAL REPORT

Mr. Andy Macan and Mr. Mike McNeely were present. Mr. Macan stated they have been partnering with the Township since 2009, and the first year was a pilot program in the Five Mile Woods which went very well; and this led to the expansion of the partnership to where they are now. He stated previously there had been discussions about hiring private contractors versus sportsmen to handle the deer overpopulation in Lower Makefield Township. He stated he believes the figures that the Township was quoted at that time were around \$200 per deer removed. He stated over the course of BOWMA's partnership with the Township, they have removed approximately five hundred deer which represents \$100,000 that it would have cost the Township as opposed to what it cost the Township going with BOWMA which was approximately \$2,000.

Mr. Macan stated they work well with the Supervisors, the Township Manager, and the residents; and they continue to have a number of residents in their program now. He stated they are always willing to consider others although they have a fairly rigorous testing process. Mr. Macan stated they have a zero safety incidence record. He stated they are fully insured, and they put each of their hunters through a very rigorous testing process.

Mr. Macan stated they are now also partnering with Upper Makefield Township, and a month ago Upper Makefield approved the proposal for 2016/17. He stated they have also submitted their proposal for Lower Makefield to Mr. Fedorchak, and they hope that the Board will approve it since they are getting up against some deadlines in terms of renewing their insurance and making sure they have the appropriate number of hunters identified as well as the properties identified.

Mr. Macan stated in 2015/2016 between the two Townships they removed 119 deer, 71 in Lower Makefield. He stated in Lower Makefield the first deer the hunters take in the Township it is required that it be donated to a local food bank, and for the 2015/2016 season this resulted in just under 4,500 meals being donated to the hungry. He stated since the program has started, they are getting close to having donated approximately 20,000 meals.

Mr. Macan stated they do have to finalize some dates in the Five Mile Woods for the 2016/2017 proposal to make sure that alternative uses of the Woods are being appropriately considered, and it is largely the same proposal that they have had for the past few years.

Mr. Benedetto thanked BOWMA for the work they do and for feeding the hungry. He stated their safety record is also a credit to their training and their organization. Ms. Reiss thanked them for the service they provide as her car has been hit by a deer, and they also are eating plants. Mr. Lewis asked if their program includes taking does; and Mr. Macan stated the program is largely focused on does, and each of the members is required to buy at least four doe tags. Ms. Tyler stated BOWMA members are incredibly well trained.

Mr. Macan asked if they should assume that the proposal is acceptable provided they can work out the details with Mr. Fedorchak, and the Board agreed.

#### APPROVAL OF CERTIFICATE OF APPROPRIATENESS FOR WARREN FARRINGER HOUSE, 668 STONY HILL ROAD

Mr. Fedorchak stated the Giant Plaza developers are leasing to the Township the Warren Farringer House, and there is a long-term Lease. He stated currently there is a financial planning group there which has been an excellent tenant there for a number of years. He stated he believes the rent the Township is receiving is approximately \$1,500 to \$1,600 a month. Mr. Fedorchak stated the Lease requires that the Township is responsible for major improvements, and in this case there is a leaking roof. He stated this is part of the Historical District, and they are required to go before HARB which has approved a certain type of wood shingle.

Ms. Tyler moved, Ms. Reiss seconded and it was unanimously carried to approve the Certificate of Appropriateness for the Warren Farringer House, 668 Stony Hill Road.

Mr. Fedorchak stated they already have Tom Mack lined up to fix the roof at a cost of \$6,974.

#### APPROVAL OF JENNINGS TRACT OPEN SPACE SUDIVISION

Mr. Eisold stated they prepared a Subdivision Plan that went before the Planning Commission, and there was a lot of favorable comments made and they saw the value of the Township obtaining the property for access and passive recreation.



Mr. Eisold stated at this point they are looking for Approval from the Board to approve the Subdivision so that they can get things moving and file documents for the Open Space Grant.

Mr. Lewis moved, Ms. Tyler seconded and it was unanimously carried to approve the Jennings Tract Open Space Subdivision.

Mr. Truelove stated the Board met in Executive Session beginning at 6:30 p.m. and items of litigation, personnel and real estate were discussed.

#### ZONING HEARING BOARD MATTERS

With regard to the Alex Larionov, on behalf of Tatsiana Passkannaya, Special Exception and Variances for property located at 191 River Road in order to permit replacement of existing single-family detached dwelling with a new single-family detached dwelling resulting in construction within the designated flood plain and Variances regarding various non-conformities, it was agreed that the Solicitor and Engineer should participate.

With regard to the William Shouldis Variance request for the property located at 1564 Revere Road in order to permit installation of a fence and shed resulting in encroachments into the easement and special setback of Edgewood Road, it was agreed to leave the matter to the Zoning Hearing Board.

With regard to the Gary Nelson Variance request for the property located at 1217 Shetland Court in order to allow existing fence and shed to remain in the present location resulting in encroachments into the setback, it was agreed that the Solicitor should participate.

#### SUPERVISORS' REPORTS

Mr. Lewis stated the Electronic Media Advisory Board continues to work on the Township Website, and this should be available for review by the broader population shortly.

Mr. Fritchey stated the Park & Recreation Board met and discussed the development of the Snipes Tract. He stated the Township engineer has come up with a Sketch Plan that needs to be approved by the Board of Supervisors so that they can proceed to the Land Development process. Mr. Benedetto stated they will put this on the Agenda for June 1. Mr. Fritchey stated the Park & Rec Board also received the

annual Five Mile Woods report and the Annual Pool report. He stated there was also a proposal by Mr. Wysocki, a Park & Recreation Board member, that they consider doing a time capsule at Memorial Park.

#### DISCUSSION AND REJECTION OF SOLE BID FOR REVERE ROAD TENNIS COURTS

Mr. Eisold stated they received only one Bid from Harris Blacktop, and the Bid was much higher than what they had envisioned the cost would be for this work. He stated he is working closely with Mr. Fedorchak and Ms. Liney to try to re-structure the work. He stated they are going to have the paving contractor do the paving which they can do at a much lower price given the volume of work they are doing, and they will add that onto the project which will be a substantial savings. He stated instead of the Base Bid of \$170,000 which they received, they will work with the paving contractor and the Township forces for a price of approximately \$73,000. He stated Toll Bros. has paid some money toward this project. Mr. Eisold stated they recommend that the Township reject the Bid as submitted, and look for other ways to get that work done.

Ms. Tyler moved, Mr. Fritchey seconded and it was unanimously carried to reject the sole bid made by Harris for the Revere Road Tennis Courts.

Mr. Fedorchak stated the fencing has been taken down, and they are doing tree trimming. He stated they are looking at July to get the project finished. Ms. Tyler asked that this location be kept in mind as a place for some of the replacement trees. Mr. Eisold stated one of the property owners did request some additional buffering. Mr. Fedorchak stated Toll Bros. has pledged \$40,000 at this time.

#### APPROVAL OF STIPULATION TO ENTER AN ORDER OF THE COURT RE: ASSESSMENT APPEAL 2011-36-05857

Mr. Truelove stated apparently this matter was negotiated last year but never made it before the Board for a vote. He stated this is a Stipulation for reduction in Tax Assessment from an Appeal by Oxford Oaks property owner going back to 2012 and going forward. He stated what this Stipulation does is freeze the reduction for three years and then two more year's worth it is reduced according to the Agreement. He stated after 2016, the Township has the right to re-consider this and do a Reverse Appeal if they wish to do so.



Ms. Tyler moved and Ms. Reiss seconded to Approve the Stipulation and Order and authorize Mr. Truelove's office to enter into the Stipulation.

Mr. Lewis asked if they can start the process to reverse the Appeal, and Mr. Truelove stated he will need to look at the paperwork. He stated the Appeal was raised by the property owner at the time of the economic downturn. He stated his Office has been successfully involved in Reverse Appeals lately, and now that they know the vacancy rate is up, that may be something to consider; and they will discuss this with the Board.

Ms. Tyler asked if it would be prudent not to Approve the Order; however, Mr. Truelove stated he did not feel they would gain anything by that at this point, but going forward they should monitor this property as well as some of the others where there is full occupancy. He stated he would be happy to discuss with the Board the process they have used in other places.

Mr. Benedetto asked the financial impact, and Mr. Truelove stated he believes that it is \$15,000 for each of two years.

Motion carried unanimously.

APPROVAL OF RESOLUTION NO. 2304 DESIGNATING AGENT FOR PUBLIC DISASTER ASSISTANCE APPLICATION WITH PENNSYLVANIA EMERGENCY MANAGEMENT AGENCY (PEMA)

Mr. Fedorchak stated in late January there was a two-day snow storm when well over one foot of snow fell throughout the greater Philadelphia Metropolitan area. He stated shortly after that event Governor Wolf declared it to be a Disaster, and formally requested financial aid from the Federal Government. Mr. Fedorchak stated the Township staff are in the process of putting together a Public Disaster Assistance Application, and it requires that they identify the expenses over the two day period which would include labor, Police, Public Works, equipment, trucks, plows, spreaders, and materials – mostly salt that was used during that forty-eight hour period. Mr. Fedorchak stated at this point they are looking at a number of approximately \$100,000, although they are still in the process of putting the figures together. He stated the Application needs to be submitted by Friday. He asked that the Board approve that he be authorized to sign all the documents.

Ms. Reiss moved, Mr. Fritchey seconded and it was unanimously carried to Approve Resolution No. 2304 Authorizing Terry Fedorchak Agent for Public Disaster Application with Pennsylvania Emergency Management Agency.

May 18, 2016

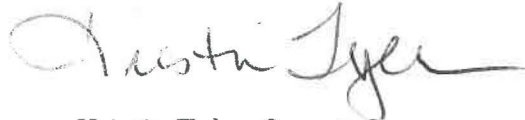
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DISCUSSION ABOUT VACANCIES ON BOARD AND COMMISSIONS

Mr. Benedetto stated they have no Appointments this evening, but they do have a number of vacancies including Special Events; and these are all listed on the Township Website. Mr. Benedetto asked that those interested send in a resume to Mr. Fedorchak at the Township.

There being no further business Mr. Lewis moved, Ms. Tyler seconded and it was unanimously carried to adjourn the meeting at 10:55 p.m.

Respectfully Submitted,

A handwritten signature in cursive script that reads "Kristin Tyler". The signature is written in dark ink and is positioned above the printed name.

Kristin Tyler, Secretary