

TOWNSHIP OF LOWER MAKEFIELD
BOARD OF SUPERVISORS
MINUTES – MAY 5, 2010

The regular meeting of the Board of Supervisors of the Township of Lower Makefield was held in the Municipal Building on May 5, 2010. Chairman Smith called the meeting to order at 7:35 p.m. Mr. Maloney called the roll. Mr. Smith announced that the cable box issue will be discussed at the next meeting of the Board of Supervisors

Those present:

Board of Supervisors: Ron Smith, Chairman
 Greg Caiola, Vice Chairman
 Matt Maloney, Secretary
 Dan McLaughlin, Treasurer
 Pete Stainthorpe, Supervisor

Others: Terry Fedorchak, Township Manager
 David Truelove, Township Solicitor (joined meeting in
 progress)
 Bucky Closser, Township Solicitor (left meeting in
 progress)
 James Majewski, Township Engineer
 Kenneth Coluzzi, Chief of Police

PUBLIC COMMENT

Ms. Torbert stated on 4/26/10 the Delaware River Joint Toll Bridge Commission announced that it will include construction of a pedestrian/bikepath as part of the planned replacement of the I-95 Scudders Falls Bridge. She stated this will connect the towpaths in New Jersey and Pennsylvania. She thanked the Board of Supervisors for all of their efforts to convince the Commission to make the Bridge accessible to cyclists and walkers and thanked State Representative Steve Santarsiero for his efforts to insure that adequate sound barriers are part of the improvement project and that the impact of the proposed cashless toll on local communities is evaluated.

Ms. Gail McFadden, 280 Marble Court, stated she is present representing the Lower Makefield Seniors. She stated their membership is open to those fifty-five and over. She stated they will be sponsoring a bike decorating contest in the Memorial Day Parade. She announced a number of other upcoming Events adding information on all the upcoming events is on the Township Website.

Mr. Jack Morrison, 18 Del Rio Drive, stated the new management company at Makefield Highlands is doing a great job. He asked that consideration be given to having a Student rate so that those who are 18 and over who are still in School do not have to pay a full rate.

Mr. Sol Bress, 649 Teich Drive, stated at the last Board of Supervisors meeting he brought up the problem of unsolicited distribution of the Community Trend newspaper. Mr. Smith stated they discussed this matter in Executive Session, and some steps will be taken with respect to the publishers. He stated they are trying to resolve this short of legislation; and if this does not work, they will revisit this as a Board to see what, if anything, they can do regarding the dumping of unsolicited newspapers. He stated they are looking into an opt-out procedure rather than opt-in.

Mr. Jerry Gruen, 10 Twin Circle Court, asked that Mr. Hoffmeister be commended for providing the best mulch they have ever had for the residents.

APPROVAL OF MINUTES

Mr. Stainthorpe moved, Mr. Maloney seconded and it was unanimously carried to approve the Minutes of March 17, 2010 as written.

Mr. Maloney moved, Mr. Caiola seconded and it was unanimously carried to approve the Minutes of April 21, 2010 as written.

ECONOMIC DEVELOPMENT COUNCIL UPDATE

Mr. Robert Smith, Chair of the Economic Development Council, was present. He stated the Council was established by Resolution in February, 2006 and is comprised of five residents who were appointed by the Board of Supervisors. He stated their meetings are held the fourth Tuesday of each month at 7:30 p.m., and their meetings are open to the public. He stated their mission is to advise the Board of Supervisors on matters having an economic impact on the community and to suggest initiatives that will enhance the Township's economy while maintaining an excellent quality of life for the residents. He stated they have held a number of Meet and Greet Events which are networking events bringing together members of the business community, Government representatives, and other community groups to foster conversation which will help move the Township forward and hopefully avoid future challenging situations. He stated one of these events was most recently held at Makefield Highlands. He stated the new management team was extremely cooperative, and they are doing more public events, and their deck parties will resume on Friday nights. He reminded the Board that the Economic Development Council was able to promote local businesses by creating an

advertiser-supported Township street map and 10,000 copies were made available to residents at various events. He stated they have a linked-in page on the Township Website. Mr. Smith stated they have been meeting with a number of other Township Committees including the Special Events Committee, the Disabled Persons Advisory Board, the Environmental Advisory Council, and the Golf Committee. Mr. Smith stated they have also spent time this year discussing a plan for a comprehensive gateway signage program. Mr. Ron Smith thanked Mr. Smith for meeting with the Eagle Scout candidate who will be working with them on signage as part of his Eagle Scout project. Mr. Robert Smith stated they were very impressed with his proposal, and the Economic Development Council would like to discuss with the Board of Supervisors over the next year a more comprehensive signage program that will not only serve as welcoming signs but also way-finding signs for attractions and facilities. He stated they are looking for a more consistent look of signs at those attractions. He stated they are looking to do this without the use of taxpayer money adding that since their Council was formed, they have not spent any taxpayer money. Mr. Ron Smith asked that he contact the Township Manager when they wish to put the signage discussion on the Board's Agenda.

DISCUSSION AND MOTION ON PATTERSON FARM AND SATTERTHWAITE HOUSE

Mr. Maloney moved and Mr. Stainthorpe seconded to instruct the Township solicitor to investigate Zoning issues and to work on preparing necessary documentation in preparation for the possible sale of the Satterthwaite House parcel and also work on documentation that will include easements and restrictions on the use of that property.

Mr. Smith stated at this point they are only going to investigate the possible sale and what restrictions there are regarding Zoning and use of the property. He stated the Board of Supervisors was very impressed with the presentation made previously by the equine veterinarian, and they hope she still has interest in this property.

Dr. Amy Bentz was present and stated she is an equine veterinarian. She reviewed her education and work experience and stated she would like to practice in this area, restore the Satterthwaite home and use it for administrative offices and construct a hospital for horses. She introduced Dr. Joanna Bassert who is also involved in this project. Dr. Bentz stated they are present to answer any questions the Board may have and address any concerns there may be with having horses near residences. Mr. Smith asked if there is a need for a hospital like this in the area, and Dr. Bassert stated there is a need for this facility for equine practitioners and horse owners. She stated the ambulatory equine practitioners would use the hospital as a referral center for horses that need hospitalization. Mr. Smith asked the location of the closest equine hospital from Lower Makefield, and Dr. Bassert stated it would be the Mid-Atlantic Equine Center

in Ringoes, New Jersey. Dr. Bentz stated in the area surrounding Philadelphia there are approximately 25,000 horses, in Chester County 25,000, and 42,000 in New Jersey. Dr. Bassert stated horse owners are willing to ship their horses long distances for hospital care. She added Dr. Bentz's specialty is internal medicine, and she will have other internists, surgeons, and anesthesiologists. Mr. Smith stated the Board was impressed with Dr. Bentz's presentation, and they feel this would be a great fit for the area. He stated the Township solicitor will be looking into how they could proceed and see if there are any impediments.

Ms. Helen Heinz stated while she was also impressed with Dr. Bentz's presentation and would love to have that facility in the Township, she does not feel there is a need to sell the property and long-term leases are regularly used in other areas. She stated this would enable Dr. Bentz to do what she wants to do and enable the Township to maintain control of the property. Mr. Smith stated they did discuss the curator/resident program previously as well as the possible sale of the footprint of the Satterthwaite parcel. He stated at this point they are not making any decision, and they only want to find out what they can and cannot do. He stated they want to have the property put back into its best possible shape at minimal cost to the Township. Ms. Heinz stated the Historic Commission is open to an open bidding process whether it is a sale or a lease. Mr. Smith stated the Board is in agreement with this as well. Mr. Smith stated they recognize that if they decide to sell the property, it would have to be an open bid process in accordance with any restrictions or guidelines placed. Mr. Caiola stated he feels the Township solicitor should consider the lease option as well in his research.

Ms. Virginia Torbert stated she would strongly object to any sale or subdivision of this property. She stated this Farm was meant to be preserved and this was the intent of the Board and the residents. She stated she is concerned that if they research the sale option, this is what the Board will do. She stated she would prefer that they explore the lease arrangement. She stated the Farm is a community resource, and it is not a set of buildings surrounded by open space. She stated she feels certain promises were made to Mr. and Mrs. Patterson when the Farm was purchased from them, and she believes it was their understanding and the understanding of most residents that the Farm would be preserved. She stated if this were put to a Referendum, she feels the vote would be overwhelming to preserve the Farm intact.

Mr. Smith stated the Board has an obligation to explore all options as to what to do with this five acre parcel on the Patterson Farm. He stated they are only researching this matter at this time and they have an obligation to do what is best for all taxpayers. He stated he is not in favor of selling any of the farmlands. Ms. Torbert stated the farmlands are only part of the Farm. She stated she feels the Board is obligated to preserve the Farm. Mr. Smith stated the Board has a fiduciary obligation to the public that must be considered. He stated a presentation was made by Ms. Heinz previously and

it was noted at that time that the Satterthwaite property is not in good shape and has cost the Township a significant amount of money. He stated the Board has an obligation to explore all avenues and then report back to the public prior to making a decision.

Ms. Torbert stated the Township received approximately \$700,000 when it sold part of the Patterson Farm to the State as well as \$100,000 in rents which have been collected since 1998 neither of which have been credited to the Patterson Farm. She stated they are also not crediting to the Patterson Farm the money that has been saved by not having to take the leaves to another facility. She stated the Board is only counting what the Patterson Farm has cost and is not crediting it for any of the income, and she feels this is unfair. She stated she previously requested that there be a Patterson Farm Budget, and there was no response. Mr. Maloney stated the reason there is not a separate Budget is because it would be so much “in the red” that it would be unproductive even if they were to count the rents and the value of the leaf production which is ancillary as it presumes there is a need to do this which he feels is subject to question. He stated they are considering everything when they assess the financial validity of the Farm.

Mr. Truelove joined the meeting at this time. Mr. Closser left the meeting at this time.

Ms. Torbert stated the Township got the Farm for a fraction of what it was worth, has put nothing into it, and has let it deteriorate. She asked if the Board is getting e-mails or letters from residents asking them to sell or subdivide the Patterson Farm.

Mr. McLaughlin stated they need to consider what to do in the future as this is an asset that is deteriorating and is an eyesore. He stated they also do not have the money to restore it to its value. He stated he does not feel the owners would have wanted to see this deterioration when they sold the house and the Farm. He stated the Board is trying to get the property preserved to a level that the Township should require. Ms. Torbert stated this is why the conservatorship program was brought to the Board, and she asked that they consider it. Mr. McLaughlin stated they are considering this along with other options. He stated he has been approached many times about Township waste.

Ms. Torbert stated she feels the conservatorship is a great option, and they should see if this is something they can do. She stated there are certain people in the Township who have wanted to sell this part of the Farm for a long time; and she is concerned that if the option to sell is being considered, this is what she feels will happen and the conservatorship option will not be given a “fair shake” unless it is considered on its own merits.

Ms. Sue Herman stated she is in favor of keeping the entire Farm together, and feels this is more than a money issue. She stated this is a treasure that cannot be replaced and future generations will not have any idea of what a full intact farm and buildings look like. She stated tonight’s Motion indicates that there is not a will to explore other options.

Mr. Smith stated they have asked the Township solicitor to explore all options for the property including but not limited to Zoning. He stated they have an obligation to explore every option and consider local, County, and State restrictions so that they have the ability to make an informed decision.

Mr. Caiola stated this matter had been languishing until recently, and if they had continued in that way, it would have cost the Township more money in the long run. He stated they are looking at all options before they make a decision on how to move forward. He stated research costs are dollars well spent so that the Board can make an informed decision.

At Ms. Herman's request, Mr. McLaughlin repeated the Motion. Ms. Herman stated there is nothing in the Motion about the solicitor researching the lease agreement.

Mr. McLaughlin moved and Mr. Stainthorpe seconded to amend the Motion to have the Township solicitor also investigate leasehold option on renting the property long term to a possible other use.

Mr. Smith stated once they have the research done, the Board will discuss this, and they will make a decision. He stated there were complaints made that the decision on what to do at Patterson Farm had languished. He stated the Artists of Yardley are making use of the main house. He stated the solicitor has indicated he can report back to the Board on all options, and the Board will make a decision this year; and he anticipates that this matter will be back on the Board's Agenda on June 2.

Ms. Herman asked that the Board be polled on whether they feel this is merely a "dollar and cents issue." Mr. Stainthorpe stated it is not. He stated the Board has not made any decisions yet, but have asked the solicitor to look into all the options. Mr. McLaughlin stated he has reviewed all the information Ms. Heinz provided including all the links to learn about the resident/curator program; and he would not have gone to this length if it was only a "dollars and cents issue." Mr. Smith stated he feels the Farm is the gateway to the community, and he will not vote to put any type of housing or commercial businesses on the property. He stated he is for preserving the farmlands in that area. He stated he wants to do what is right by the property and by the residents of the community as well. Mr. Caiola stated he was the liaison to the Historic Commission over the last few years, and he feels it is important that they do not take these properties for granted; however, he feels the Board needs to be proactive in insuring that they do not deteriorate, and the Board will take everything into consideration before making a decision.

Mr. Maloney stated he has continually heard they should keep the Farm together, and he feels this means not to sell the Farm and keep it in the Township's ownership; but he feels they need to be more creative than that and what they have done with Elm Lowne and in other cases with Township properties is that they have preserved them without

keeping them on the Township's roster. He stated whatever the structure is they pursue, it should be one which keeps the Farm looking the way it does today; and he feels this is what everyone cares most about. He stated he has heard from some that they do not want anything other than farming done at the property, and he does not feel it is possible to have this be a working farm with the farmer living in the house. He stated if people are adamantly against selling the parcel and having that piece of the property in private ownership, he needs to hear why and what will happen then that will not happen otherwise.

Mr. Smith stated he feels they are allowing this property to be demolished by neglect because they do not have enough money to do what is right for the property.

Ms. Herman stated she agrees that it is not acceptable to continue the status quo, but they would like the Board to seriously consider the alternatives other than sale.

Dr. Bentz stated their proposal would keep this a working farm as they need hay, timothy, etc. to run a horse hospital. She stated the New Bolton Center spends half a million dollars a year on hay.

Mr. Arthur Cohn, Spruce Mill Drive, stated they previously lost the Aark for this property, and he does not want to lose this opportunity by taking too long. He stated he has no problem with selling the property or leasing it for ninety-nine years. He stated he feels the proposal by Dr. Bentz would also include teaching; and Mr. Smith stated at a prior presentation Dr. Bentz indicated that it would be used for educational purposes. Mr. Cohn asked if they would take care of horses from the race tracks, and Dr. Bentz stated they would care for all type of patients from pasture pets to Olympic champions.

Motion carried unanimously

APPROVAL OF OCTAGON CENTER OFFICE CONDOMINIUM PRELIMINARY/ FINAL PLAN

Mr. Edward Murphy, attorney, was present with Mr. Russell Tepper. Mr. Truelove stated this is another phase of the Matrix/Octagon Center project.

Mr. Murphy stated since the Settlement Agreement was reached, Matrix has been pursuing obtaining Land Development Approval for the different components. He stated the retail portion is nearing completion, and they have completed all the plantings including the supplemental plantings previously discussed. Mr. Murphy stated this evening they are considering the Land Development Plans for the first phase of the office component which contains three separate buildings totaling slightly more than 28,000 square feet. He stated the Plans have been reviewed by the various Boards and revised several times. The Planning Commission just recently recommended Approval of the

Plans before the Board this evening. He stated they have been working with the Township engineer and solicitor, and the Township solicitor has prepared a draft of a letter that would include Conditions for an Approval.

Mr. Tepper showed Plans for the property under discussion which is on the north side of Big Oak Road, also known as Robert Sugarman Way, and consists of three buildings. It is across the street from where Old Oxford Valley Road has been relocated and is opposite the intersection of Old Oxford Valley Road and Big Oak Road. He showed the entrance and how cars will circulate around the perimeter. He stated Oxford Valley Road is to the right of the Plan although it is not shown on the Plan.

Mr. Smith asked what is proposed for the new buildings. Mr. Tepper stated the two larger buildings are two-story buildings which are 12,000 square feet each. The smaller building is a 4,400 square foot two-story office building. The building on the left will be the first building which will be constructed and it will be built to suit a pediatrician. Mr. Tepper stated they do not have any specific tenants for the second and third buildings, but the vast majority of those who have expressed interest are in the medical field.

Mr. Maloney asked about Matrix's Plans for the development of the Residential portion of the Plan. Mr. Tepper stated he cannot state when this will occur although they are having on-going discussions with residential builders to see how they can move forward with the project; but they have no plan to proceed at this time.

Mr. Smith asked about the Middletown portion. Mr. Tepper stated the land they own in Middletown was rezoned a few years ago. There is a 35 acre site on the south side of Big Oak Road and a site just over five acres on the north side of Big Oak Road. The land on the south side was zoned for residential, and they are pursuing opportunities in that regard. The land on the north side of Big Oak Road was zoned Commercial, and they are pursuing opportunities to develop that as zoned.

Mr. Caiola moved and Mr. Stainthorpe seconded to approve the Preliminary/Final Plans for the Octagon Center T.P.N. #20-32-3 Plans dated 8/6/09, last revised 4/20/10 subject to the following:

- 1) Applicant shall comply with the Lower Makefield Township SALDO and Zoning Ordinance and all applicable local, State, and Federal Ordinances, statutes, or laws;
- 2) Receipt of all permits, authorizations, or approvals from all agencies with jurisdiction including PADEP and the Bucks County Conservation District;

- 3) Compliance with the 4/30/10 letter from Remington & Vernick regarding general engineering issues and the 5/3/10 letter from Remington & Vernick regarding sewer and related issues;
- 4) Compliance with Traffic, Planning & Design review letters including the most recent dated 4/29/10 and as per discussions with the Township engineer;
- 5) Compliance with the 3/24/10 Lower Makefield Township Planning Commission memorandum with attachments;
- 6) Compliance with the Settlement Agreement dated 5/18/06 by and between Matrix/AEW Acquisition LLC, Residents Against Matrix, Dana Weyrick, Bellemead Development Corporation, and the Township of Lower Makefield;
- 7) Compliance with the first Amendment to the above referenced Settlement Agreement, said Amendment dated 2/18/09 by and between Matrix/AEW Acquisition LLC, Residents Against Matrix, Dana Weyrick, Bellemead Development Corporation, and the Township of Lower Makefield;
- 8) Compliance with the applicable Sewage Facility Planning Modules and review letters related to same including but not limited to the PADEP letters of 5/7/07 and 2/24/09;
- 9) Compliance with the Lower Makefield Township Historical Commission memorandum dated 9/14/09;
- 10) Compliance with the Lower Makefield Township Environmental Advisory Council letter dated 10/18/09;
- 11) Compliance with the Bucks County Conservation District review letter dated 8/21/09;
- 12) Compliance with Birdsall Engineering, Inc.'s review letter dated 8/27/09 as per discussions with the Township engineer;
- 13) Compliance with the review letter of James V. C. Yates, Fire Protection Consultant, dated 8/31/09;
- 14) Compliance with jurisdictional determination from the U.S. Army Corps of Engineers dated 8/8/07;

- 15) Parking spaces are to be land banked between Buildings B and C;
- 16) A notation shall be placed on the Plans that the driveway around the loading area and the rear of the buildings will be set as a one-way only;
- 17) An Easement shall be created in lieu of the vacation of Old Oxford Valley Road for the purpose of permitting utilities to gain necessary access subject to solicitor and engineer review and approval with the execution of necessary documents to accomplish same;
- 18) The following Waivers are granted as listed in the Remington & Vernick 3/16/10 review letter:
 - a) Waiver from SALDO Section 178-40.C which requires that where a Subdivision or Land Development abuts or contains an existing street of inadequate cartway width, the Applicant shall be required to widen and/or reconstruct the roadway to meet current Township standards. The Township standard cartway width for the collector is 40' and the Plans now show a short pavement transition on either side of the proposed entrance with no other widening proposed.
 - b) Waiver from SALDO Section 178-47A which states that sidewalks shall be provided on both sides of all streets. The Applicant does not propose any sidewalks along the Road for this project.
 - c) Waiver from SALDO Section 178-93.D4 states that whenever possible the side slopes of the basin shall conform to the natural topography. When such design is impractical the construction of the basin shall utilize slopes as flat as possible to plumb the structure to the terrain. The Plans show a retaining wall at the SWM basin adjoining the parking lot. Structural calculations will be required for the retaining walls.
- 19) Where applicable the Applicant shall comply with all comments from the appropriate authorities responsible for the approval of the proposed utilities;

- 20) The Applicant shall pay all required and appropriate fees associated with this project.

Mr. Truelove asked about the discussion regarding angled parking, and Mr. Murphy stated the Township traffic consultant suggested some angled parking as opposed to perpendicular parking, and it was the opinion of Matrix and Mr. Majewski that the perpendicular parking works better and is more efficient; and they could have appropriate signage as opposed to having angled parking which would cause them to lose parking spaces so that they would not be able to land bank the nine spaces between Buildings B and C.

Mr. Murphy agreed to the Conditions of Approval.

Mr. McLaughlin stated at the Planning Commission there was a question about crossing the street since people from the proposed Residential development may be going to their doctor, get a prescription, and try to cross the street to the pharmacy. Mr. Tepper stated he recalls that there was more concern about promoting pedestrian crossings at that point on Big Oak Road which is fairly well traveled. Mr. McLaughlin stated it seems logical that if there is an over 55 community built adjacent to that property, there could be doctors in that location and the residents would still try to cross since they may want to go to that pharmacy. Mr. Smith stated he feels most people would drive from the doctor across the street to the pharmacy and he expressed concern about the potential for traffic mishaps.

Mr. Tepper stated as part of the retail portion they did locate a sidewalk on Old Oxford Valley Road that was put in to provide a connection to the proposed residential development. He stated there was concern with connecting the office to the retail which they felt would be an unsafe condition, and they did not do this. He stated they did discuss with the Planning Commission that when the residential community is developed, there would be further review of what future connections may be appropriate.

Mr. Smith asked if Traffic Planning & Design made any comments with respect to the flow of traffic; and Mr. Murphy stated the review letter responded to the recommendation made by the Planning Commission that there would be a one-way flow of traffic behind the buildings, and they wanted to insure that motorists within the project knew that it was one-way so there were comments about the need for appropriate signage.

Mr. Harold Koopersmith, 612 B Wren Song Road, stated when you come down Oxford Valley Road on the one side there is a small part when you come up toward the Township Building that needs to be leveled off. Mr. Majewski stated this was part of the Water Company's project, and they need to handle this restoration.

Ms. Virginia Torbert, Citizens Traffic Commission, asked if the intersection meets Warrants for a traffic light; and Mr. Murphy stated it does not. He stated they will have stop signs. Ms. Torbert asked if the Warrant situation will change once the Residential portion is built, and Mr. Tepper stated he does not feel it will. Ms. Torbert stated cars are already going through the CVS parking lot in order to avoid the light at the intersection. Mr. Murphy stated he does not feel they would want to encourage parents with children to walk from the pediatrician's office to the CVS or the age-qualified housing residents to walk to the CVS; and Ms. Torbert agreed.

Ms. Helen Heinz stated the Historic Commission is still concerned about the octagonal school house property which is the reason why the road is not widened, and they are using Old Oxford Valley Road to take the utilities out to the new Oxford Valley Road. She stated currently there is a telephone pole that is up against the foundation of the octagonal school house. She stated this is an archeological site, and during the construction they need to be aware of this site. She encouraged the Board of Supervisors to acquire that property, condemn it since it is in the road right-of-way, and work with developing it in a way that will be safe and will be an asset to the Township.

Motion to approve Plan carried unanimously.

APPROVAL OF EDGEWOOD CROSSING LOT CONSOLIDATION AND PRELIMINARY/FINAL PLAN

Mr. Edward Murphy, attorney, Mr. Kurt Rittler, engineer, and Mr. C.T. Troilo were present. Mr. Murphy stated this project has been reviewed by the Township for a number of months and was the subject of debate in terms of the alignment and the restoration of the existing buildings. He stated the Plan before the Board this evening is a result of a number of revisions and has met with the favor of all the various Boards and Commissions in the Township. He stated Carter VanDyke has been instrumental in conceiving the Plan and its latest adaptation to address some of the ongoing questions that came up during past Planning Commission meetings. He stated they have also had a number of conversations with the Township solicitor and engineer to come up with Conditions to be attached to any Approval the Board may consider this evening.

Mr. Rittler showed the Plan for the property at the intersection of Yardley-Langhorne Road and Stony Hill Road on the northwest corner. He stated it is approximately 1 ³/₄ acres, and they propose to combine two separate existing parcels. He stated the small parcel on the corner contains the existing store and barn behind it, and they propose to construct a new one-story bank on the second parcel which abuts the day care center. They will also have a 5,000 square foot total retail and office building immediately behind the bank. He stated there is parking proposed circling around the two new buildings with a small associated parking area behind where they intend to relocate and

reconstruct the barn with a small expansion. He stated the existing store is intended to be adapted and reused as a deli on the first floor, and they will maintain an apartment on the second floor. The barn will become an ice cream stand.

Mr. Rittler stated the stormwater management facilities will be underground under the parking lot, and they have been able to identify that the soils are percable. He stated all the impervious surface drainage on the site will be directed to that underground stormwater management system and will not leave the site other than through percolation through the soil. He stated they do intend to have some minor road widening along Stony Hill Road, and they will include three on-street parking spaces. They have also created a pedestrian way along Stony Hill Road along with internal circulation paths shown in red on the Plan. He stated to address concerns about the proximity of pedestrians to the Stony Hill Road pavement, they will install some bollards to provide some protection.

Mr. Rittler stated access to the site will be through two driveways, one in, and one out, both located on Stony Hill Road. He stated they have located the driveways as far as possible from the intersection, and the exiting driveway is the furthest away. He stated there are no driveways anticipated immediately across the street on the Flowers Field site so there will not be cross driveway traffic. Mr. Ritter stated previously they had included a small driveway utilizing the existing driveway off of Langhorne-Yardley Road; but in discussions with PennDOT, that driveway has been eliminated.

Mr. Smith asked what accommodations have been made with respect to disabled persons accessing the property. Mr. Rittler noted on the Plan where handicap parking spaces have been provided in accordance with all applicable laws. He stated in addition they have handicap accessible ramps from those spaces. He stated generally the site is extremely flat, so there are no steep slopes.

Mr. Caiola stated the Planning Commission was concerned about the lack of a traffic study. Mr. Majewski stated there were concerns raised with regard to traffic at the Planning Commission meeting. He stated he and the Applicant, together with TPD, the traffic engineer for Flowers Field, and Mr. Murphy met with PennDOT to discuss the overall traffic in the Village. He stated although PennDOT liked the idea of having the right turn in and out only from the existing driveway on the north side of the house, it did not meet PennDOT requirements so this was eliminated. Mr. Majewski stated the Planning Commission had been concerned about that driveway being too close to the intersection, and some residents had concerns about that driveway as well.

Mr. Caiola asked if there is enough area for sidewalks to be placed so that it is safe to traverse the intersection recognizing that they do want to slow down the traffic in this area. Mr. Majewski stated at the PennDOT meeting they did discuss the current speed limit of 45 miles per hour on Stony Hill Road. Mr. Majewski stated they had for some time discussed the need to reduce the speed limit to 35 miles per hour. Mr. Majewski

stated PennDOT felt that this would not be a problem. Mr. Caiola asked if the Township will have to apply for this, and Mr. Majewski stated the Township did send a letter to PennDOT to formally investigate this; and he anticipates they will be notifying the Township shortly that the 35 mile per hour speed limit will be acceptable.

Mr. Majewski stated at the Planning Commission meeting it was also suggested that the speed limit should also be lowered on Yardley-Langhorne Road, and the Township will be requesting that PennDOT look into this as well. He stated the lower speed limit and the on-street parking will serve as a buffer between the sidewalk and the traveled way and will have an effect of providing safe pedestrian access.

Mr. Smith asked when they intend to start construction if this project is approved, and Mr. Murphy stated they intend to start as soon as possible. Mr. Murphy stated on Monday afternoon First Federal Savings of Bucks County acquired a parcel in the Floral Vale project for its future sales and administrative office, and First Federal intends to occupy the bank location at Edgewood Crossing as they intend to expand their presence in Lower Makefield.

Mr. Stainthorpe asked if they are bringing in public sewer and water, and Mr. Murphy stated they are. Mr. Stainthorpe asked if they have tenants committed for the retail, and Mr. Troilo stated they have possible tenants who are looking at the properties.

Mr. Smith asked when they would anticipate completion of the project, and Mr. Murphy stated he feels Mr. Troilo wanted to have something occupied by early next year.

Mr. McLaughlin asked if PennDOT had any reservations about the three on-street parking spots on Stony Hill Road; and Mr. Majewski stated they did not if the speed limit were reduced to 35 miles per hour. Mr. Murphy stated the reason they had the meeting with PennDOT which took place on April 9, was that they did not feel that PennDOT had an appreciation for the recently-adopted Traditional Neighborhood Design Ordinance and its emphasis on walkability. He stated the current speed limit is inconsistent with walkability. He stated they wanted PennDOT to work with them to reduce the speed limits so that they could encourage walkability in the Village. He stated PennDOT does support on-street parking as an additional traffic-calming measure. Mr. Murphy stated there are three on-street spaces associated with Edgewood Crossing and ten to twelve across the street associated with the Flowers Field project. He stated they also asked PennDOT if the speed limits could be reduced further to either 30 or 25 miles per hour; and PennDOT indicated that it was highly unlikely they would ever be reduced to 25 miles per hour, but if and when both projects were built out, they would revisit the issue and maybe reduce the speed to 30 miles per hour.

Mr. Smith asked if the project has been reviewed by the Historic Commission and HARB, and Mr. Murphy agreed it has.

Mr. Truelove stated one of the issues which came up in the course of the reviews had to do with stormwater management, and “snouts” to be installed. Mr. Murphy stated Mr. Rittler had indicated that all of the stormwater being generated from this site will be infiltrated back into the ground and nothing will be discharged off site. He stated there was a concern expressed about stormwater entering the site from across the street on Stony Hill Road, where this water would go, and pollutants that might be in that stormwater running off the traveled portion of Stony Hill Road. Mr. Rittler showed on a Plan the proposed site outlined in green with the pink line representing a proposed pipe network part which exists currently across Stony Hill Road and is slated for replacement. He showed new piping which circumvents their site and discharges at the back of their property. He stated it collects water from approximately three acres of ground across the street at the Flowers Fields site today; and once Flowers Field is developed, that whole drainage area with respect to their pipe system will go away. He stated they will be left with the area outlined in blue on the Plan which is approximately 2/10ths of an acre. He stated what currently drains across their site which is about five acres of drainage area will be removed and reduced down to approximately one half acre which is the 2/10ths of an acre of the street corridor, a little of green space, and some of the perimeter green space around their site. He stated the flow of water off the site will be reduced by about 90%. He stated the “snout” is a device which will be installed on the end of the pipe within an inlet which generates the ability for the water to come up and the inlet to trap both suspended solids and some floating contaminants before the water actually flows through the pipe. He showed on the Plan where the snouts will be located. Mr. Majewski stated this proposal is acceptable and was a suggestion of the EAC and will address the water quality concerns.

Mr. Truelove stated there have been frequent references to Flowers Field which is another project which is part of an integrated approach to this area. Mr. Murphy stated this is a project owned and to be developed by the same applicant, Mr. Troilo. Mr. Truelove stated these are all part of the vision of the TNP Overlay District, and Mr. Murphy agreed. Mr. Murphy stated Flowers Field will be brought before the Board of Supervisors in the next few months.

Mr. Truelove stated the EAC did a thorough review and expressed concern with the lack of an EIA, and Mr. Murphy stated they are requesting a deferral of the EIA until Flowers Field is submitted. Mr. Murphy stated the reason for this request for deferral is because for the site being discussed this evening, the resources on the site that are the most significant are the historic buildings and there are no natural resources as that term is defined in the Ordinance. He stated because of this they felt it made more sense to incorporate the Edgewood Crossing piece with the larger Flowers Field’s piece since it will be an integrated approach.

Mr. Truelove stated they just received today a review letter from Remington & Vernick on the sewer issues. Mr. Murphy stated he understands this came out at the end of the day, and he has discussed it with Mr. Majewski. Mr. Murphy stated they are proposing to connect the sewers to an existing force main that runs from the day care center to their immediate north through an easement on the Edgewood Crossing property. This goes across Yardley-Langhorne Road and connects ultimately to an area by the shopping center. Mr. Murphy stated none of the three prior sewer review letters raised an issue about this configuration; but in this latest review letter, Remington & Vernick have raised an issue as to whether there is a need for DEP approval for connecting more than one private property into a force main. Mr. Murphy stated what they are proposing is only an interim solution; and with the advent of Flowers Fields, they will extend the public sewer mains in the bed of Stony Hill Road and Langhorne-Yardley Road. He stated the Plan was always to connect the Edgewood Crossing site to that main extension once it was constructed. Mr. Murphy stated he discussed this matter earlier this evening with Mr. Majewski, and they would agree to a Condition that they would connect to the main extension within two years or less. Mr. Majewski stated if they connect into the other force main, it then becomes a public sewer system according to DEP regulations, and the Township would be responsible for the ownership and maintenance of the force main system from Giant through the site and to the day care facility. Mr. Truelove asked Mr. Murphy if the Applicant would agree to maintenance responsibility and provide financial security or a bond, and Mr. Murphy agreed.

Mr. Arthur Cohn, Citizens Traffic Commission, stated he is concerned with the proposed driveways since there is a lot of traffic on these roads. Mr. Rittler stated the driveway closest to the intersection will be in only both right-turns in and left-turns in, and the driveway furthest from the intersection will be both right turns and left turns out of the driveway onto Stony Hill Road. Mr. Murphy stated PennDOT did review this configuration and had no concerns. He stated PennDOT was not in favor of the use of the driveway on Langhorne-Yardley Road. Mr. Cohn asked if they intend to provide any left turn lanes, and Mr. Rittler stated they do not with this project. Mr. Smith stated Traffic Planning & Design did review and approve this.

Mr. Dave Miller stated his family has lived in Edgewood Village for forty years. He stated the Village is an entity with National Historic recognition. He stated there are no public sewers or water or a stormwater management plan for the Village as a whole. He stated he wrote a report in 2008 regarding the current status of on-lot disposal systems and drinking water safety in Edgewood Village and he has provided a copy of this report to every current Supervisor. He reviewed the various Exhibits provided in his report including the Act 537 Plan Review Lower Makefield submitted to the Bucks County Department of Health in 1998. He stated that Plan was approved by DEP based on the fact that all areas with existing on-lot systems would be served by public sewers and encouraged the Township to give first priority to serving Edgewood Village as the area

had a long history of on-site problems. Mr. Miller stated the main purpose of the Act 537 Plan is to protect the health, safety, and welfare of the Township residents by correcting malfunctioning on-lot septic systems through proper maintenance, an upgrade of the systems, or an extension of public sewers. He stated six areas of the Township were identified as having problems with on-lot systems, one of which was Edgewood Village. Mr. Miller stated even though it was singled out in 1998 as being one of the areas which should have public sewer and water within five years and given first priority, the Village needs have never been addressed by the Township. He stated it also indicated that upgrading the existing on-lot disposal systems would result in slight to no benefit, and that approach would only temporarily solve the problems. He stated there was listed a scheduled completion date of June, 2004; and over eleven years have passed since the Act was signed. Mr. Miller stated the Village is approximately one half mile, and has never been considered to have public sewer and water or stormwater management.

Mr. Miller noted a report from CKS dated July, 1999 evaluating the on-lot sewage disposal systems in the historic preservation area. He stated they indicated there were twenty six on-lot sewage disposal systems in the historic district, and of these only nine were working properly in 1999 and many were of the type that would not be permitted under the DEP requirements of 1999. He stated the density of the area impacts each systems sewage treatment effectiveness, and most of the property owners do not have enough land to upgrade their existing systems of well water or sewers. He stated his property, which is one of the largest ones in the Village, was not included in this survey. He stated a number of well samples had problems with nitrates as well.

Mr. Miller reviewed the sampling he has done on his well water over the years which indicated a number of problems which he has corrected over the years at his expense because his water was not drinkable. He stated one of the problems he had was chloroform in his well, and he was advised that this could come from a number of sources including rainwater run off containing chemicals from the Patterson Farm and other regional farming activities. He stated they also had e-coli in their water, and no e-coli are acceptable in any amounts in drinking water and can be lethal especially in children. He stated in the past five years, they have spent almost \$7,000 to make their water drinkable.

Mr. Miller noted another report he submitted to the Supervisors which was the Patterson Farm Strategic Vision prepared by Mr. Marshall in August, 2007. He stated in this report they address the negative impacts of the leaf recycling operation on the soil and the detrimental impact on the wells in the Village. He also noted Federal regulations he has provided which require that Townships educate their residents and employees about keeping pollutants washed away by stormwater from contaminating waterways and drinking water. Mr. Miller stated the Patterson Farm is adjacent to the Village and is home to a significant amount of wildlife, and their waste can also pollute the wells through stormwater run off. He stated when the Township collects "road kill," it is

dumped on the Patterson Farm. He stated the amount of stormwater run off from the Patterson Farm that pours onto his property floods the low areas on his property and then floods Yardley-Langhorne Road west of Mirror Lake Road extension in front his home and the CVS pharmacy. He stated this water is also going into his well. He stated Edgewood Crossing is proposing to run a pipe which will dump the water onto the Patterson Farm, and they will still have to have a run-off in case the underground systems do not collect all of the water, and an easement will be given for this to go onto the Patterson Farm and into the woods.

Mr. Miller stated they are not treating this as an entity. He stated this developer has both this property - Edgewood Crossing - and Flowers Field; and the day care center which is adjacent is also developable, and he has heard that it is owned by someone who does developments. He stated there are also other properties in the area which could be developed, and he is concerned that the Township will give approval to everyone to dump their water on Patterson Farm.

Mr. Miller stated the CKS report he referenced earlier indicated two of the wells had nitrogen levels above the acceptable level and that these levels did not appear to be from malfunctioning on-lot systems, but may be the result of erosion of natural deposits in the aquifer or from run off from fertilized areas. He stated this report also recommends that private wells exceeding the acceptable levels of nitrates should be evaluated by the property owners; and he is not sure that anyone was notified about any problems with their wells and cesspools.

Mr. Miller stated he has heard nothing about what this property or Flowers Field will do to improve the Village. He stated there will be major traffic jams, and there has not been a traffic study submitted to the Township about this. He stated sewer, water, and stormwater management are necessary to insure the health of the people who live in the Village. He stated all of the reports he has referenced have been made available to the Board already, and they all indicate that public sewer and water should be extended to everyone in the Village. He stated the installation of public sewer and water is on the ability to pay basis in Lower Makefield. He stated he and others who reside there are not able to get these facilities because these systems being discussed by this developer are only providing sewers to Edgewood Crossing and Flowers Field. He asked that each Supervisor comment on what he has said this evening.

Mr. Truelove advised the Board that they should not make any commitments on this tonight as he has not had an opportunity to review any of this. Mr. Miller asked Mr. Truelove how long he has been the Township solicitor, and Mr. Truelove stated he has been solicitor for over five years. Mr. Miller stated Mr. Fedorchak had all the reports he referenced this evening and also received Mr. Miller's notes and summation and could have made them available to Mr. Truelove.

Mr. Stainthorpe stated what they are doing this evening is a Land Development Approval. He stated he is not clear why they have not moved forward with public water and sewer in the Village, but whenever they have sewered other neighborhoods, the residents had to pay. He stated the developer is not getting anything for free, and they are paying to build sewers. Mr. Stainthorpe stated the Board could put the discussion of sewerage Edgewood Village on a future Agenda, but they should recognize that it will be expensive to the residents. Mr. Miller stated the Township would have to do the planning. He stated he recognizes he would not get this for free, but he does want it.

Mr. McLaughlin stated he would be willing to look into this further and see if they could consider it on a future Agenda.

Mr. Smith stated the Township is not paying for anything for this developer. He stated the Township has an opportunity to take a step in the direction of making Edgewood Village something special. He stated he is glad that someone is moving ahead to try to make this a Town Center. He stated some of the properties in the Village have been an eyesore; and when he sees a group coming in to improve an aspect of the Village at their cost, he feels this will benefit the entire Township. He stated he recognizes that Mr. Miller has a dangerous condition. He stated he heard from Mr. Miller that he needs the Township's assistance, but does not want anything for free. Mr. Miller stated he is not trying to stop this project and knows the Township is not giving the developer anything; but the people who live there deserve the same thing but cannot do it by themselves. Mr. Smith asked Mr. Miller if he is stating that the residents are ready to step forward as part of the community and work with the Township in a partnership to get public water and sewer to their properties. Mr. Miller stated he is not representing anyone other than himself, and he is willing to work with the Township. He stated at least a year ago he was told by Supervisors that he met with that the plan was "shovel ready." Mr. Smith stated he agrees that this is a dangerous situation, but correcting it will come with a "price tag." He stated he is willing to work with the residents in a partnership to correct the problem. He stated on a future Agenda, they could determine the costs to hook the private residences up when it would be appropriate to do so. He stated he would be willing to put this matter on a future Agenda within the next sixty days. Mr. Miller stated he is willing to share in the cost. Mr. Smith stated he feels they should consider the costs to the Township and the residents and how they could get this done at minimal cost.

Mr. Caiola stated he, Mr. Santarsiero, and Mr. Fedorchak met with Mr. Miller last year and agreed to try to pursue a number of avenues for funding. Mr. Fedorchak stated they first went to the Pennvest program, but they were not eligible for a Grant or a low interest loan. Mr. Caiola stated most recently Congressman Murphy's office was involved and there is an opportunity to try to get a \$300,000 Grant. Mr. Caiola stated Mr. Miller did not include any of this in his comments, and the Township has been trying to work on this matter. He stated he feels the Township does know what the costs are, and they

know that the costs are substantial. Mr. Miller asked if the plans for the sewers are “shovel ready,” and Mr. Fedorchak stated only a small amount of design work has been done as it relates to the entire Edgewood Village project, and there are not plans for sewerage the entire Edgewood Village at this time. Mr. Miller stated he feels he was sent an e-mail by Mr. Fedorchak that led him to believe it was “shovel ready.”

Mr. Smith stated the developer this evening has indicated that what they will be doing with stormwater management will improve the existing condition.

Mr. Maloney stated energy has been devoted by Mr. Fedorchak and his staff to seek out funding sources. He stated they should recognize that what they are discussing are large dollar amounts of public money being spent on a small number of residences. He stated the Board’s priority is to try to find funding sources that will not put a large expense onto the taxpayers as a whole. He stated he understands that in the 537 Plan, it was made clear that this is something the Township feels should happen; and they are trying to find the resources to do it. He stated he feels Edgewood Village has always been an opportunity to try to find a partnership where, through large-scale development, they can find ways to fund significant portions of the capital cost of improving that area. He stated whenever this type of development is taking place, they have the opportunity to piggy-back work, and do things effectively and leverage the planning opportunities to come up with a design. He stated he feels the project tonight is an important step forward since they would be moving forward on something they have been trying to do for thirty years and develop this area economically.

Mr. Miller stated he understood that when they discussed the Satterthwaite House, they indicated it was not a matter of money, but because there are only a few residents in the Village, this is a matter of money. Mr. Maloney stated it is not only a matter of money in both cases, but it is a factor. He stated as a property owner with on-site disposal services, he recognized when he purchased his property, it was an element of the property that he purchased and the risks that came with it. He stated he feels it has been made clear that the Township is trying to find opportunities to ameliorate the problem.

Mr. Miller stated with regard to the Grant opportunities, he was involved in the meeting when they indicated that they were going to apply to Pennvest; and he was never informed that it had been turned down. He stated in January he met with Mr. Murphy and his District Director in Bristol, and gave them all the paperwork he had and they advised that they would look into this. He asked why it took a resident to do this, since he feels the people representing the Township should have done this.

Ms. Virginia Torbert, Citizens Traffic Commission, stated the Planning Commission, the traffic engineer, and the CTC are all in agreement that a Traffic Study should be prepared for this project before it moves forward. She stated she also does not understand why an Environmental Impact Assessment Report is not being done before they move forward.

She stated she feels there should at a minimum be a Traffic Impact Analysis. She stated this is a major intersection in the Township and a common route used by commuters. She stated given the current fiscal environment, it is even more important that when the Board approves a development, they make every effort to have the developer study the traffic impacts and provide the traffic improvements for the development.

Mr. Stainthorpe stated he does not know how big a project has to be to warrant a Traffic Impact Study. He stated this is a deli/ice cream shop, and a bank; and he does not feel it will be a big traffic generator. Ms. Torbert stated this is a bank with two drive-ins, a two-story office building, and retail. She stated she feels people will want to go to these facilities, and she is concerned that there is no left-hand turn signal coming down Yardley-Langhorne Road. She stated she feels they should at least do an analysis if they do not do a full Traffic Impact Study. She stated if Flowers Field is really going to be presented in approximately one and half months, she questions why they are not treating both of these projects as one since they are both being developed by the same Applicant.

Mr. Murphy stated they did not ask for a Waiver of the Study, and only asked to defer it and agreed that they would incorporate whatever traffic will be generated from this project into Flowers Field. He stated they also indicated that in sixty days the Study would be completed and submitted. He stated when they went to PennDOT on April 9, they accomplished more at that meeting than numerous traffic studies would have done. He stated at that meeting there were four PennDOT representatives, Township representatives, and representatives for the Applicant in attendance; and they discussed all the issues that a traffic study would have analyzed. He stated PennDOT made decisions at that meeting and provided clear direction, and Meeting Minutes are available. He stated while they will do the Traffic Study for Flowers Fields, he feels it will be superfluous because they already talked about all the issues at the meeting with PennDOT including on-street parking, sidewalk locations, speed limits, access points for both jobs, and Langhorne-Yardley Road issues. He stated they will incorporate the traffic from the Edgewood Crossing project into the Traffic Study being done for Flowers Field.

Ms. Torbert stated TPD questioned what would happen if they did not proceed with Flowers Field in a timely manner, and Mr. Murphy stated they will still have the Traffic Impact Study.

Mr. Harold Koopersmith stated resources going forward are going to be scarce, and the Country needs to come up with a set of principles as to how they are going to spend money.

Ms. Deborah Cimino stated she is part owner of the Chapel in Edgewood Village, which they purchased in 2002. She stated when they purchased it, they were shown plans by the Township which proposed to make Edgewood Village a beautiful historic village. She stated they do want to move forward with these Plans. She thanked Mr. Troilo for developing the property, and she hopes everyone will do what they are supposed to do to make this go smoothly. She stated she has spent a significant amount of money on her property and is concerned that there are properties adjacent to hers which are being totally ignored. She stated she does feel that in the short term, there will be more pollution in the water. She stated she would also like to work together with the Township on the sewer issues as they do have problems with their septic system and water.

Ms. Helen Heinz thanked Mr. Troilo who has worked well with the Historic Commission and HARB to adjust the Plan for the site, but she does feel they should be looking at this as a whole entity even though it has been split in two halves. She reminded the Board that the reason that the TND was passed was to preserve the historic houses. She stated Zoning laws are in place, and the Township should be going in and be stricter with the absentee landlords. She also asked that the Township consider acquiring properties that people are not taking care of. She stated she is also concerned about the sewage problems, and the reason they developed the TND was to try to attract developers to try to work with the Township so they could get water and sewer to both ends of the Village.

Mr. Alan Dresser, EAC, stated he is pleased that they are at least partially treating the stormwater that will be piped toward Patterson Farm that is coming from the roadway. He stated he calculated that 90 trees will have to be planted off site, and he asked who will make the decision where those trees will be planted. Mr. Truelove stated they cannot mandate a developer to replace trees off site under applicable case law; but the Applicant has agreed to replace a substantial number of trees on site, and they will work with Mr. Majewski on this. Mr. Majewski stated although they cannot require them to plant trees off site due to the Commonwealth Court Decision, in consideration for other Waivers that the Board may agree to grant, the Applicant would agree to plant the balance of the replacement trees that they cannot fit on the site at a location subject to approval of the Township. He stated one of the areas they are looking at is the area adjacent to the stream along Mirror Lake Road on the Patterson Farm. He stated in lieu of 3" caliper trees, they will plant 1" caliper trees since they are in an area which will not be highly maintained like an office park, and the 1" caliper trees would have a better chance of surviving.

Mr. Dresser stated the Ordinance has a list of reports that need to be submitted along with a Preliminary Plan Application, and he understands that if all the reports are not there, the Application is not complete, and the ninety-day clock would not start. He asked that the Township solicitor look into this.

Mr. Caiola moved, and Mr. McLaughlin seconded to approve the Edgewood Crossing Lot Consolidation and Preliminary/Final Plan for Tax Parcel #20-14-8 and #20-16-36 Plans dated 8/18/09, last revised 3/10/10 subject to the following Conditions:

- 1) Applicant shall comply with the Lower Makefield SALDO and Zoning Ordinance and all applicable State and Federal Ordinances, Statutes, and/or Laws;
- 2) Receipt of all Permits, Authorizations, or Approvals from all agencies having jurisdiction including but not limited to PADEP and the Bucks County Conservation District;
- 3) Compliance with the Remington & Vernick engineers 4/20/10 review letter;
- 4) Compliance with the review letter from Captain Thomas Roche of the Lower Makefield Township Police Department dated 4/8/10;
- 5) Compliance with the memorandum from the Lower Makefield Township Historical Commission dated 1/13/10 subject to Conditions referenced below;
- 6) Compliance with the review letter from the Lower Makefield Township Environmental Advisory Council dated 5/3/10 subject to Conditions referenced below;
- 7) Compliance with the review letter from Remington, Vernick & Beach Engineers regarding sewer issues dated 5/3/10;
- 8) Compliance with the review letter from Traffic, Planning & Design, Inc. dated 4/22/10;
- 9) Compliance with the review letter from James V.C. Yates, Fire Protection Consultant dated 4/22/10;
- 10) Compliance with the Bucks County Conservation District review letter dated 12/18/09;
- 11) Compliance with the review memorandum from the Bucks County Planning Commission dated 2/2/10;

- 12) Compliance with the Lower Makefield Township Planning Commission review memo;
- 13) The following Waivers are granted as incorporated in the Remington Vernick letter dated 4/20/10;
 - a) SALDO Section 178-20C9 regarding existing buildings, etc. within 200' feet of the site.
 - b) SALDO Section 178-20E23 regarding Traffic Improvement Plan and the Traffic Impact Study which should be performed in accordance with the standards attached to the Appendix to the Chapter referenced and also in accordance with the representation made by Mr. Murphy this evening.
 - c) SALDO Section 178-40A regarding right-of-width for arterial streets and collector streets.
 - d) SALDO Section 178-47A regarding sidewalks located in the right-of-way with planting strips.
 - e) SALDO Section 178-53D regarding lighting and the Edgewood Village Design Guidelines.
 - f) SALDO Section 178-57L regarding parking areas and future right-of-way lines.
 - g) SALDO Section 178-81D regarding street trees.
 - h) SALDO Section 178-85H which indicates trees of 10" caliper or more which are proposed to be removed during any stage of development, grading, and/or construction with a Subdivision or Land Development shall be replaced with an approved tree or trees of the type provided for in this Ordinance. The Plans show 80 replacement trees required and 24 new trees are proposed, and the Applicant agreed to plant the additional 56 replacement trees (the difference between 80 and 24) of 1" caliper in size in the open space area along Mirror Lake Road on the Patterson Farm.

- i) SALDO Section 178-103B1 regarding sanitary sewer system and sewer facilities, referenced later in this Approval as a Condition.
 - j) SALDO Section 178-104 regarding public sewer and water, utilities, and boundary lines and the coordination with the Township and PA American Water for the extension of these utilities to the adjoining property in Stony Hill Road.
- 14) The following request for deferral has been granted subject to the following Conditions:
- a) SALDO Section 178-20G states that an Environmental Impact Assessment shall be submitted for all Land Developments and all Subdivisions that involve three or more dwelling units or lots. The deferral has been requested as follows: A Comprehensive EIA addressing the issues at Edgewood Crossing and the anticipated Flowers Field Development will be submitted with the Application for Final Plan Approval for the Flowers Field project. Applicant agrees to meet all Conditions referenced in said EIA which is anticipated to be completed within 60 days of this approval.
- 15) The Preliminary and Final Plan is approved subject to the Variances granted by the Lower Makefield Township Zoning Hearing Board at Hearings conducted on 10/2/09 and 3/2/10 and those are referenced in the Decision;
- 16) The Applicant will provide appropriate security to provide for maintenance to the sanitary sewer force main from the Kindercare Facility to its connection to the existing public sanitary sewer system until a gravity sanitary sewer is extended to this property. The Applicant agrees to provide appropriate security to insure that the extension of gravity sanitary sewer system is completed within two years from the date of Final Approval. If the use of the sanitary sewer force main is not permitted by the Department of Environmental Protection, the Applicant shall be required to extend the public gravity sanitary sewer to this property.

- 17) Where applicable, the Applicant shall comply with all comments from the appropriate authorities responsible for approval of the proposed utilities;
- 18) The Applicant shall pay all required and appropriate fees associated with this project.

Mr. Murphy stated with regard to Item #4, he feels Captain Roche wrote that review before the meeting with PennDOT and before they reduced the speed limit so that everyone is comfortable with on-street parking. He stated the one portion of Captain Roche's letter they will not comply with is the recommendation against on-street parking. Chief Coluzzi agreed with Mr. Murphy.

Mr. Murphy agreed with all other Conditions.

Mr. Smith stated he is concerned about the lack of an EIA and Traffic Study. He stated he also wants to work with Mr. Miller on his concerns. Mr. Smith stated five years ago he and Mr. Caiola ran on a platform of making Edgewood Village a Town Center, and he feels this project will be a win/win for the community; and while this is only step one, he feels that once this is all completed, there will no longer be demolition by neglect, and they will have an active Town Center of which people can be proud.

Mr. Caiola stated he is not overly concerned about the official Traffic Study because all the parties involved were able to meet at length and address a number of concerns. He stated they also changed the Plans a number of times to address concerns. He stated he feels that if they find that some of the driveways are not working as anticipated, he would expect that the developer would work with the Township to make corrections.

Motion carried unanimously.

ZONING HEARING BOARD MATTERS

With regard to the Michael and Maria Ruibal, 1031 Victory Drive, Variance request to permit construction of a shed not located in the fourth of the lot farthest removed from the abutting streets, it was agreed to leave this matter to the Zoning Hearing Board.

With regard to the Steven Ulrick, 573 Stony Hill Variance request to permit construction of a second 1500 square foot driveway resulting in greater than permitted impervious surface, it was agreed that the Township should participate to address a number of engineering issues.

DISCUSSION AND MOTION ON DEER MANAGEMENT

Mr. Smith stated they have completed their review of what was done in 2009/10 for which they had mixed results. He stated nothing has been Budgeted for 2010. He stated they have received information that a number of the areas where there are deer problems were areas which were not included in the last deer hunt. Mr. Smith stated for the first hunt, they were required to have a public hunt in addition to the professional sharp shoot. He stated money is very tight. He stated last year the Big Oak White Tail Management group (BOWMA) came to the Township and indicated they were willing to have an archery hunt at no expense to the Township. Mr. Smith stated the Board authorized \$60,000 for the sharp shoot by White Buffalo, with final total being paid of approximately \$40,000. He stated he feels it came to \$600 a deer for the deer that were taken by White Buffalo. He stated he would assume that the Township will be required to have a public hunt again, and Mr. Fedorchak stated the public hunt was a condition of the Township receiving the Deer Control Permit from the Pennsylvania Game Commission for the sharp shoot. He stated if it is the intention of the Board to have a sharp shoot in the future, he does feel they will have to have a public hunt. Mr. Smith stated he assumes they would have to spend the same amount of money for the next hunt.

Mr. Maloney stated a majority of the Board did vote in favor of spending money on a sharp shoot. He stated the intention was to have the professionals come in and remove deer without any recreational element. He stated White Buffalo had indicated they needed more properties than the Township was willing to provide. Mr. Maloney stated he feels this project was doomed to failure from the beginning because there was no coordination between the two groups. He stated the way the Pennsylvania Game Commission sets it up, the two groups are not coordinated; and by the time White Buffalo was going to do their work, there was already a disruption of the herd. Mr. Maloney stated the Township also did not give White Buffalo enough sites. He stated White Buffalo has done this in dozens of Municipalities, and they had indicated the number of sites they needed, but the Township would not give them to them. He stated if they are going to spend this kind of money in the future, they need to have better coordination between the recreational hunt and the rifle hunt and/or give White Buffalo a lot more sites. He stated if the Township does not do this, he does not feel they can expect White Buffalo to do any better than they did during the last hunt.

Mr. Smith stated he feels if they do nothing they will have wasted the money already spent, and Mr. Maloney agreed. Mr. Smith stated he understood that part of the money spent was for the professionals to train local people to accomplish this same task in the future when White Buffalo was gone. Mr. Fedorchak stated there were two different proposals submitted by White Buffalo, one of which had a training component, and one did not; and the Township ultimately went with the straight sharp shoot.

Mr. Smith stated he would propose expanding the recreational hunt for 2010-2011, and have the local archery group take on this project on their own; and at the least they will maintain the status quo. He stated they will then have a yardstick to measure how they do and compare it to last year. He stated he knows that this can probably not be done for free, but they would have to do this at a nominal fee because of current finances.

Mr. Stainthorpe stated they went through a lot of anxiety to get where they were last year. He stated he has already expressed how disappointed he was with the results. He stated he does not feel they need to make a decision tonight, but they should set a direction tonight. He suggested that the Township Manager engage in discussions with White Buffalo starting soon as to what they would do differently in order that there could be a hunt where they would harvest 250 to 300 deer which was what was supposed to have happened with the first hunt. He stated he feels they need to have this professional element in order to get the number of deer they are looking for. He stated he would not have a problem with a public hunt this year of some type, and then Budget for a professional hunt in 2011. He stated they should discuss with White Buffalo what they would do differently, what it would cost, and to make sure there is coordination with the local hunters. He stated he would like to see if the car/deer collisions go down having killed approximately 100 deer. He stated he feels they need to build on what has already been done.

Mr. Caiola stated he would be willing to have both groups do this again since they have both proven that they can do this safely, but they need better coordination between both groups. He stated he also feels they will have to give both groups more sites.

Mr. McLaughlin stated he was disappointed that White Buffalo's position was very antagonistic on the failure of the hunt and felt they should have reached out to the Township on what could have been done better. He stated he would not want to spend the same amount of money for the same results, and he would be open to a per deer killed scenario. He feels the archers should be given the opportunity to prove what they can do if given an adequate number of tracts to hunt and ample time to hunt them.

Ms. Helen Heinz stated they had a bloody deer come into their back yard when she had her grandchildren at her home which was very disturbing. She stated she called the Police who indicated they could not help and indicated she should call the Animal Control Officer. She stated the Animal Control Officer was called and said they could not help either and told her to call the State Game Commission. She stated when they got them on the phone, they indicated they could not help either. She stated the deer ran into the Harris property which is adjacent to her home. She stated three Lower Makefield Police cars did arrive and did communicate with some hunters who described what had happened. Mr. Maloney stated that parcel was not being hunted as part of the Township's authorized hunt. Ms. Heinz stated while she realizes this, she feels if

something like this were to happen in the Five Mile Woods or one of the other sites, there should be someone to talk to at the local Township level to deal with this. Mr. Maloney stated there are procedures in place for the Township-run hunt for what should be done were a deer to get away after being hit with an arrow or bullet. Mr. Fedorchak stated phone numbers were posted and the Police and Mr. Heilferty were involved. He stated letters were also sent out to adjacent property owners providing phone numbers to be called if there was a problem.

Mr. John Heilferty, Five Mile Woods Naturalist, stated for years he has been actively involved in the process leading up to the hunt. He stated it was always anticipated that it would be a long-term process to get the Township deer herd under control. He stated they now have one year's worth of experience. He stated he does not feel it would be appropriate at this time to dramatically change their course of action; and they should instead see where they feel they can make improvements. He stated he recognizes that finances are a huge issue. Mr. Smith stated the Township is under intense financial pressure every day; and while he recognizes that this will be a long-term project, they need to consider what they can do to be the most effective with limited funds.

Mr. Maloney stated he feels they should continue to do this for a few years to get a sense of effectiveness; but they must do it in a way that is productive as opposed to how it was done the last time. Mr. Heilferty stated he feels the number of \$600 per deer is incorrect, and it was actually \$419 per deer since White Buffalo harvested 94 deer and the Township paid them \$39,000. Mr. Smith stated they still need to consider if over \$400 per deer is worth the cost. Mr. Heilferty stated he feels this first year was a first effort to get started with this program and educate the public. He recommended that the Township identify realistic areas where improvements can be made. He stated he feels there was a legitimate concern by White Buffalo about the limited number of sites where they were allowed to hunt, and he feels they can address this. He stated they also need to have better coordination with the volunteers from BOWMA.

Mr. Heilferty stated he sent an e-mail to the Board this morning with his suggestions.

Mr. Heilferty stated he would recommend that the Board continue to follow the recommendations of the experts that were retained. He stated he feels they should start working right now with the Pennsylvania Game Commission to get them to provide more clear and concise information on what their requirements really are. He stated while Mr. Fedorchak did an excellent job negotiating that bureaucracy, it happened last minute which made it more difficult. He stated he would recommend that they have a sharp shoot again, and he feels they will probably have to have a recreational hunt again. He stated BOWMA has demonstrated that they can operate a recreational hunt for the Township at very low cost with no safety concerns. Mr. Heilferty stated he feels that the recreational hunt at the Five Mile Woods was too long, and they should shorten it.

Mr. Dave Kimball, BOWMA, stated both White Buffalo and BOWMA had issues with the bad weather. He stated BOWMA would be willing to coordinate with White Buffalo in the future. He stated the key to using archery effectively in the Township is to increase the number of properties on which they can hunt, but still have the same number of hunters which were used last year which was thirty-five. He stated with increased properties across the span of the hunting season, they would be able to rest properties and rotate the hunters into different areas so that they could not be accused of over-pressuring an area. Mr. Kimball stated it was previously noted that Upper Makefield still has fifty deer per square mile after using archery, but they neglected to state that they had started with over 160 deer per square mile when that program started. Mr. Kimball stated they could do a hunt for minimal cost to cover their expenses which would be approximately \$2,000 to \$3,000. He stated this year they did not have time to study the properties and could not scout any of the properties except the Five Mile Woods. He stated if they proceed with an archery hunt this year, he would like to put together a team and go into the properties that they will hunt now so that they can design an effective plan for each property. He stated he read the e-mail about deer in the north end of the Township, and Monday night spent time in that area. Mr. Smith stated the e-mail was from Mr. Minehart who indicated one evening he counted approximately 38 deer in the north part of the Township. Mr. Kimball stated they need to know where the deer are, and his group did not have an opportunity to scout this out. He stated he looked at seven different locations along Woodside Road which need attention. He stated a lot of Townships alternate a sharp shoot one year and an archery hunt as a follow up the next year as a maintenance program. He stated any program will require maintenance on a yearly basis.

Mr. Pete Olivieri was introduced by Mr. Kimball who noted Mr. Olivieri was last year's hunt manager. Mr. Kimball stated they have others in their organization who can do this job as well if they are given more properties. Mr. Heilferty stated Mr. Olivieri did a great job of communicating with the Township last year. Mr. Olivieri stated they would like to expand their program throughout the Township, and their success will be based on how many properties are available to them. He stated they would also like to establish property lines early on, post the properties, and make an effective plan.

Mr. Heilferty stated in 2009 Ecologix had indicated that in Upper Makefield they experienced better success using archery on smaller properties. He stated he agrees with the representatives from BOWMA that they need to expand the program to increase the likelihood for success and use smaller, possibly private properties where they will get better results.

Mr. Smith asked Chief Coluzzi if he had any problems with coordination with either of the two groups, and Chief Coluzzi stated they had no problems with them during the entire hunt. He stated they did have a few calls that involved hunters that were not part of BOWMA or White Buffalo. Mr. Smith stated he was very impressed by the professionalism of BOWMA.

Mr. Stainthorpe stated he feels they need to direct the Township Manager to immediately contact the Game Commission and find out the parameters for a recreational hunt which he feels should be scheduled for the later part of 2010. He stated this would involve identifying the properties. Mr. Stainthorpe stated Mr. Fedorchak should also work with White Buffalo to develop a budget number for 2011 for the professional shoot which the Board should consider during the Budget process. He stated the Township Manager should report back to the Board before they move forward.

Mr. Smith stated he feels they are doing a disservice to BOWMA and the Township residents financially by bringing in the sharpshooters after the first of the year at whatever costs they determine. Mr. Stainthorpe stated he feels the Township Manager will need to negotiate this. He stated this will have to be coordinated between BOWMA and the sharp shooters well in advance as to the best timeframe; however, in terms of the Budget, they will not have money for this until 2011. He stated he feels that if they do not continue with the professional hunt, they will have wasted the \$39,000. He stated he is not advocating a specific amount of money at this time, but they must determine how many properties they will hunt, and how many hunters they will have.

Mr. Smith moved to charge the Township Manager with exploring all aspects of deer management including archers in first and professionals after the first of the year as well as the option of allowing the bow hunting group to have the entire hunting season before and after the first of the year and come back with this information to the Board.

Mr. Stainthorpe stated BOWMA was able to get 29 deer and the professionals got 90; and while he was very disappointed with the number the professionals got, it was still three times as many as BOWMA. He stated the professionals are also allowed to bait which the bow hunters are not allowed to do, and this is why he feels the professionals need to remain a component of the program. Mr. Stainthorpe stated he has no problem giving BOWMA more properties and more time to hunt. He stated the objective is to harvest as many deer possible and get to a point where BOWMA can just do the maintenance.

Mr. Caiola stated when they took this on last year, they recognized that they were not going to do this for just one year. He stated he feels it can be done cooperatively by BOWMA and White Buffalo. He stated he agrees with Mr. Stainthorpe that they do need the sharp shoot to complement what BOWMA can do; and they need to decide how much they can put in the Budget for 2011.

Mr. McLaughlin stated White Buffalo had indicated the bow hunters' pressure in Five Mile Woods was a leading factor to the non-success of their hunt. He stated he is concerned that if they allow the bow hunters to hunt more properties for a longer period of time, White Buffalo would be even less successful. Mr. Stainthorpe stated this is where the coordination comes in, and they must decide when the public hunt will take place and the time in between the two hunts in order to provide for a successful sharp shoot.

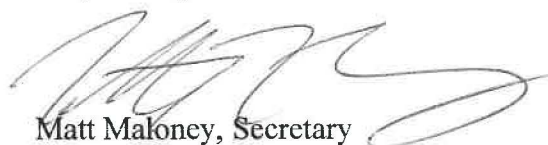
Mr. Heilferty stated White Buffalo recognized that the Pennsylvania Game Commission requires that there be a recreational hunt; and they are asking for better coordination between the two organizations. He stated Mr. Kimball has indicated that they are willing to do this. Mr. Heilferty stated he feels the goal is to have a recreational hunt which will satisfy the Pennsylvania Game Commission, but do so in a manner that has a much smaller footprint and results in much less pressure on the deer. Mr. McLaughlin stated it was his understanding that White Buffalo had indicated the presence of the bow hunters in Five Mile Woods disturbed the hunt in the rest of the Township. He asked how much time was between the public hunt and the sharp shoot; and Mr. Heilferty stated BOWMA stopped on December 23, and the sharp shoot started February 22. Mr. McLaughlin stated this seems like a lot of time. Mr. Kimball stated on the Snipes Tract and the tract behind the Township BOWMA went until January 16, and White Buffalo came into the Five Mile Woods and started baiting January 17. Mr. Fedorchak stated White Buffalo started hunting in the Five Mile Woods in the middle of February. Mr. Kimball stated in his experience, if you pull out of an area you have been putting pressure on, and leave it for a week or two and then go back in, things are back to normal. Mr. Heilferty stated the professionals do not agree with this, and added the bow hunters own efforts experienced diminished harvest over time; and they had over a week between their cycles. He stated one explanation for this would be that they took all the deer out, but they know that this was not the case.

Mr. Kimball stated hunting licenses need to be purchased in July, and in August they would need to begin filling out Permits. He stated they would also like to be able to scout out the sites. Mr. Fedorchak asked to meet with them and Mr. Heilferty next week.

Mr. Stainthorpe seconded the Motion, and the Motion carried unanimously.

There being no further business, Mr. Caiola moved, Mr. McLaughlin seconded and it was unanimously carried to adjourn the meeting at 11:45 p.m.

Respectfully Submitted,



Matt Maloney, Secretary