

TOWNSHIP OF LOWER MAKEFIELD
BOARD OF SUPERVISORS
MINUTES – OCTOBER 19, 2011

The regular meeting of the Board of Supervisors of the Township of Lower Makefield was held in the Municipal Building on October 19, 2011. Chairman Caiola called the meeting to order at 7:35 p.m. Mr. Smith called the roll.

Those present:

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

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

PUBLIC COMMENT

Ms. Virginia Torbert, Citizens Traffic Commission stated on Saturday, October 29, they are partnering with Pennsbury LYFT and the Pennsbury School District to bring the Save A Life Tour to Pennsbury High School East. She stated the program is aimed at teens and their parents regarding safe driving. A short video about the program was shown at this time. Ms. Maura Papazian, the Community Outreach Coordinator for Pennsbury LYFT, was present to discuss the purpose of LYFT. She asked for the support of the Township and invited everyone to the event which will be held from 10:00 a.m. to 3:00 p.m. with three different sessions. Information on the event was provided this evening.

Mr. Harold Koopersmith, 612 B Wren Song Road, stated he understands the Township has agreed to pick up the cost of the Seniors Newsletter for which they were paying \$1,700. Mr. Koopersmith stated he feels it would be a good idea to put it on the Township Website so that they could save money. Mr. Fedorchak stated it will be on the Website; and for those who do not have Web access, they will be able to get a hard copy.

Ms. Chris Laquidara, 4 Fenwood Place, stated she is having problems with a neighbor's fence. She stated she first filed a complaint with the Township in June, 2006; and the Township sent a letter which her neighbor has ignored. She stated the fence continues to get dilapidated, and there are nails sticking out for about fifty feet of the fence. She showed a piece of the fencing which fell into her yard. She stated there have been verbal

altercations, and she is filing another complaint tonight with pictures. Mr. Truelove stated she should contact the Township Administration as this is a property maintenance issue, and the Township is empowered to enforce the Property Maintenance Code. Ms. Laquidara stated her neighbor did receive a letter five years ago which he ignored. Mr. Truelove stated that is only the first step; and if there are continuing violations, there are enforcement procedures they can begin. Mr. Fedorchak stated they will start the process first thing tomorrow morning. Ms. Laquidara provided information to Mr. Fedorchak this evening.

Mr. Alan Dresser, Environmental Advisory Council, announced that there will be a Green Vendor Expo on Saturday, October 22 between 10:00 a.m. and 2:00 p.m. which will be held at the Makefield Elementary School, 1939 Makefield Road. He stated the event is free, and there will be discussions on how to save energy and save money. He stated they anticipate at least twenty-five vendors and other participants who are local vendors and include home and business energy auditors, solar energy and geo-thermal energy companies, PECO, recyclers, local farmers, Cool Cities, and eco-artists. He stated the architect who designed the newly-renovated Makefield School will be giving tours of the addition including the green roof. Mr. Dresser stated the sponsors of the event are the Lower Makefield Township EAC, the Lower Makefield Township Economic Development Commission, the Yardley Business Association, and the Morrisville Business Association. Mr. Caiola asked how the partnership was developed, and Mr. Dresser stated the EAC initiated this and got the Economic Development Commission on board and they then reached out to the Yardley Business Association and the Morrisville Business Association.

Mr. Jeff Benedetto, 22 Green Ridge, stated he read in the Bucks County Courier Times an article about the Townships getting extra State funds for the Pensions for non-uniform and Police, and he asked the additional amount received by Lower Makefield. Mr. Fedorchak reported that Lower Makefield had expected to receive approximately \$352,000, and they received \$607,000.

APPROVAL OF MINUTES

Mr. Maloney moved, Mr. Stainthorpe seconded and it was unanimously carried to approve the Minutes of October 5, 2011 as written.

APPROVAL OF OCTOBER 3 AND OCTOBER 17, 2011 WARRANT LISTS, AND
SEPTEMBER, 2011 PAYROLL

Mr. McLaughlin moved, Mr. Stainthorpe seconded and it was unanimously carried to approve the October 3 and October 17, 2011 Warrant Lists and September, 2011 Payroll as attached to the Minutes.

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

DISCUSSION OF FLOOD ISSUES

Mr. Scott Burgess, RAFT, was present and stated RAFT was formed in July, 2006. He thanked the Board of Supervisors for all the help they have provided as well as from Mr. Fedorchak, Mr. Majewski, and Chief Coluzzi. Mr. Burgess stated they were able to get many mitigation items done in the Township including dredging the Canal, enlargement of the culvert, and installation of backflow preventers which were very helpful over the last few years. He stated over the last six months, RAFT members and others up and down the River have become very concerned again as things have escalated in the flooding area. He stated they recognize that some of this is due to nature, but they would like to raise a few issues; and if they do not have answers this evening, they could respond at a future meeting.

Mr. Burgess stated RAFT held a meeting approximately two weeks ago with approximately thirty-five people present. He stated they invited people from the Township, the County, the State, and the Federal Government. He stated Congressman Fitzpatrick sent a representative as did Representative Santarsiero, but neither the County nor the Township was represented at that meeting. He stated one of the main things they discussed was flood insurance and the effect on the homeowners and property owners.

Mr. Burgess stated they would like to know how often the back flow preventers are maintained as they want to make sure that they are working. He also asked if a special effort is given to them before a rain event. Mr. Majewski stated when they see a big rain event coming, they go out to make sure that there are no obstructions at the back flow preventers to make sure that they will function properly. He stated now that the flood waters have gone down, they will go out and inspect them again to make sure there is no damage or accumulated debris that might cause a problem in the future. He stated there is no set schedule. Mr. Burgess stated they feel they should be looked at least on an annual basis. Mr. Majewski stated Public Works often does the inspections, but if he is in the area, he himself will look at them as well.

Mr. Burgess stated they also discussed storm drain maintenance in general noting that there was one on Black Rock Road that was completely blocked last month, and one of the members of RAFT was clearing it out. He stated it was completely covered in debris, and the water was rolling right over it. Mr. Burgess also noted the grate in front of his home is in need of maintenance. He stated over the years he has filled in some of the holes that have formed.

Mr. McLaughlin asked that Mr. Hoffmeister be directed to address these issues, and Mr. Fedorchak agreed. Mr. Caiola stated he feels in the problem areas, the Township should have a plan to look at them on a more regular basis. Mr. Smith asked if there is a preventive maintenance program, and added if they do not have one, he feels Public Works should adopt something.

Mr. Hoffmeister was present and stated the back flow preventers were inspected prior to the March/April rain events and were also inspected late August before Hurricane Irene. He stated they were also inspected again today because they knew additional rain was coming. He stated there is not a regular schedule, but they do check them regularly. Mr. Hoffmeister stated they are inspected at least annually.

Mr. Burgess stated in 2007 they worked with Chief Coluzzi on an emergency contact list that included cell phone numbers. He stated for the last few events, he received a number of calls at his residence, but not on his cell phone. Chief Coluzzi stated they went through the Ready/Notify PA system, and calls and text messages were made to cell phones. He stated they did target the effected areas and provided calls and texts to those who were signed up for Ready/Notify PA. He stated approximately two months ago there were 500 residents signed up; and when he checked again last week, there were seven hundred signed up. Mr. Fedorchak stated information on this is on the Township Website Home Page. Chief Coluzzi stated he would like more people to sign up.

Mr. Burgess stated there was a discussion about sandbagging, and he asked if there are places where sandbags would be beneficial in the event of a big storm. He noted some areas where he feels they would be beneficial. Mr. Caiola asked Chief Coluzzi if the Emergency Management Committee has considered this. Chief Coluzzi stated there are only a few locations in the Township which would be conducive to sandbagging. He stated along the River they would not have enough sandbags to stop the River from coming over River Road. He stated he knows that in the past over 300 sandbags were filled and delivered to Black Rock Road, and he hopes they made use of them. He stated an effort to get 300 to 400 sandbags ready would be helpful, although there are storage and logistical issues.

Mr. Burgess stated at the last Board of Supervisors' meeting, Ms. Smith discussed the calculations in the engineering study, and Mr. Majewski stated the CD he provided to Mr. Burgess has the mapping of the flood stages.

Mr. Burgess stated they also discussed what they could do to either petition FEMA or take other efforts to lower the risk factor with regard to their flood insurance. He stated some people in his neighborhood pay four to five times the amount of homeowners insurance for flood insurance, and the risk in their area is not the same as those who live in Yardley or north of Yardley. He stated his family has been there forty-five years, and they have had one flood insurance claim for \$7,000, but he has paid more than that in the last two and a half years.

Mr. Caiola asked if they have an opportunity to advise FEMA what the community has done to try to resolve some of the issues; and Mr. Burgess stated this is what they are looking to do, and they would like the Township to support them. Mr. Majewski stated there is a way for Lower Makefield to help lower the flood insurance rates for Township residents called the Community Rating System. He stated if your community is rated by FEMA to be prepared for flood problems as Lower Makefield is, all the proactive steps they have taken count toward points to be accumulated to lower the residents' flood insurance. He stated another component is educating the residents. He stated next year would be the perfect time to pursue getting the community rated. He stated it is estimated that the Application forms take thirty-two hours to fill out.

Mr. Stainthorpe stated he feels they should pursue this as this is the first he has heard of this. He stated he was under the impression that dealing with FEMA and flood insurance was on the Federal level, and you had to get your Congressman involved. He stated if the Township can help in this, he feels they should absolutely pursue this. Mr. Caiola asked what is the first step to be taken as to the **documentation**, and Mr. Majewski stated you fill out the initial Application, and then every year you have to do some reporting. He stated currently they do keep a lot of these records; and in order to maintain the flood insurance discount that the residents get, you need to keep all the records centralized.

Mr. McLaughlin asked Mr. Majewski if he has an idea how much of a discount they would get, and Mr. Majewski stated he did a rough calculation of somewhere between 35% and 40%.

Mr. McLaughlin moved, Mr. Stainthorpe seconded and it was unanimously carried to instruct the Township Manager and Township engineer to proceed in completing the FEMA Community Rating program related to flood insurance.

Mr. Burgess stated they are going to work more with the other groups up and down the Delaware regarding the reservoirs, and they would like to have the support of the Board of Supervisors. He stated as of 10/17, the reservoirs in New York were at 96.4% capacity with two of the reservoirs overflowing at this point in time. He stated this compares to a normal of 71.7% so they are 25% above the normal going into the winter which is when snow packs start developing, and this does not bode well for the spring if things do not change. He stated they continue to ask the DRBC to put in voids in the reservoirs, and they continue to block any real voids that would have any kind of effect.

UPDATE ON COOL CITIES PROGRAM

Mr. Jim Bray, Mr. Alan Dresser, and Ms. Gail Stringer, of the Environmental Advisory Council were present to provide a progress report on the Lower Makefield Township Cool Cities initiative. Mr. Dresser stated they recently achieved a major milestone with the drafting of the Lower Makefield Township Cool Cities Sustainability Action Plan which provides a guide to making a more environmentally and economically sustainable Township. He stated this document is subject to change in the future when revisions are required to meet the changing needs of the community.

Mr. Bray stated Cool Cities was originally developed by the Sierra Club. He stated Cool Cities is a local project to reduce energy consumption and the consequent emissions. He reviewed the history of Cool Cities as it developed in Lower Makefield. He stated in April, 2007 the Board of Supervisors approved the Cool Cities Plan by signing the Mayor's Climate Agreement. Mr. Bray stated a local emissions inventory was conducted in 8/08, and they then created the Action Plan which is being presented this evening. He stated the fourth step is to implement and monitor progress. Mr. Bray noted that Lower Makefield was the first Municipality in Bucks County to join the Cool Cities Program. He stated that on 4/22/09, the Township received the Governor's Environmental Excellence Award. He stated this Award will help the Township get Grants in the future. He stated Ms. Susan Mazatelli, who does some of the Grant writing for Lower Makefield, advised him that she feels the Township received the recent Grant for \$250,000 for LED lights because of the environmental track record established by the Township as well as the other awards the Township has received over the years.

Ms. Gail Stringer stated the Cool Cities Sustainability Action Plan which they have produced was prepared by volunteers. She noted the different areas that went into the Plan. She also noted other projects the EAC has completed over the years particularly the naturalization of the drainage basins which are very attractive and have saved the Township a significant amount of money. Ms. Stringer stated they have also discussed potential future projects with the most likely project to be a Buy Local and Buy Green Campaign, and they will provide information to residents as to where they can find local

vendors which is a good economic benefit for the Township and is a good way for people to learn how to be green. She stated this will be the follow-up for the Green Expo to be held this Saturday. She stated this idea was initiated by Ms. Jean Bray and she and Mr. Ed Kuszmar from the Economic Development Commission have done an enormous amount of work on this.

Ms. Stringer stated the next step is to reconvene the Cool Cities Committee and move forward with the projects they have proposed. She stated the Board of Supervisors will be included in the discussions of new projects as they proceed. Ms. Stringer thanked the more than thirty people who contributed to the Plan, and she also thanked the Board of Supervisors for their support.

Mr. Smith asked what other projects they plan to propose in the future, and Ms. Stringer stated besides the Buy Local Campaign, they would like to provide workshops to provide information on composting, chemical-free lawns, and updating the information on bike paths and walking paths. She stated the work would be done mostly by the volunteers; and if there was something they wanted to do which might require money, they would seek funding from outside sources.

Mr. Bray stated if the Board of Supervisors has any specific projects they would like the EAC to work on, they would be receptive to this as well. Mr. Maloney encouraged the EAC to continue coming to the Board of Supervisors with their ideas.

Mr. Caiola asked if there have been other communities in Bucks County that the EAC has had an opportunity to speak to or provide input to about this program. Mr. Bray stated Bucks County became the first County in the State of Pennsylvania to join the Cool Cities program, and the rationale for them doing so was using Lower Makefield Township as a model. He stated Yardley Borough has adopted their own LID Ordinance, and the Lower Makefield EAC has spoken to several communities in the surrounding area who have also joined the Cool Cities Program and others in the area have adopted the Township's Native Plan Ordinance. Mr. Smith stated he agrees that Lower Makefield is on the cutting edge on these issues.

Mr. Harold Koopersmith asked how they can transfer what they are doing to the National and International level so that they can make progress on solving some of these problems. Mr. Maloney stated he feels the genesis of this came from the breakdown of the Kyoto Treaty, and Cool Cities looked at the failure of global Governments to do anything about this challenge so they decided to do it as a grass-roots approach. He stated it works much better when the individual communities band together to do this. Ms. Stringer stated she does not feel they will get as much done expecting the top to trickle down, and they will have to do it themselves and trickle up to higher levels of Government.

Mr. Bray stated Cool Cities has taken off throughout the Country. He stated Lower Makefield signed up in 2007 and 40 million Americans were covered by the program, and now he feels it is close to 80 million. He stated this is a local movement performed by local people to make their own lives better, and this is catching on.

NEW CINGULAR WIRELESS PCS, LLC CONDITIONAL USE APPLICATION

Mr. Truelove stated this matter was originally scheduled to be heard this evening; but as noted at the last meeting, the Applicant granted an Extension because they needed to supply more information to the satisfaction of the Planning Commission and the Township. He stated that Extension is to 12/21/11; and the Hearing will take place that night.

Mr. Stainthorpe moved, Mr. Smith seconded and it was unanimously carried to extend the Conditional Use Application to December 21, 2011

FLOWERS FIELD AT EDGEWOOD PRELIMINARY/FINAL PLAN DISCUSSION AND APPROVAL

Mr. Edward Murphy, attorney, Mr. C. T. Troilo, and Mr. Kurt Rittler, engineer, were present. Mr. Truelove stated while this is listed on the Agenda as a Preliminary Plan Approval request, the Applicant has indicated that they would like the Board to consider Final Plan Approval.

Mr. Murphy stated the genesis of the project started six to seven years ago when the first effort was made to reach out to Mr. Carter VanDyke to consider a possible Zoning Ordinance Amendment to create the TND Ordinance that was subsequently adopted and which provides the foundation for this Plan. Mr. Murphy stated last month the Planning Commission favorably recommended approval of the Plan. He stated the Plan has been in front of the various Boards and Commissions in the Township for a number of years. He agreed that they are seeking a combined Preliminary/Final Approval this evening.

Mr. Rittler showed the Plan which is a mixed-use Traditional Neighborhood Development project located on fifteen acres bounded by Langhorne-Yardley Road, Stony Hill Road, and I-95. He stated the project consists of forty-eight, single-family dwellings in a Residential portion toward the back and approximately 90,000 square feet of Commercial Development along the two street frontages. He stated primarily the first floor uses will be Retail, and the second floor uses will be a mix of primarily office space and approximately a dozen apartments.

Mr. Rittler stated the existing structure on the corner of Stony Hill and Langhorne-Yardley is intended to be rehabilitated and turned into a restaurant. He noted another existing dwelling on Langhorne-Yardley Road which will be converted to Retail/Office space. He noted a third existing structure on Stony Hill Road which will be converted to Retail/Office space. Mr. Rittler stated a fourth structure has been dismantled and will be re-constructed in the center of the site in conjunction with a small central park area, and that building will be used as a centralized post office and possibly community meeting room. Mr. Rittler noted the existing Heston Hall Office space which is intended to be expanded slightly with two stories of additional office space to be architecturally-consistent with the existing structure.

Mr. Rittler showed the locations of site access – one driveway off of Stony Hill Road, another driveway access off of Langhorne-Yardley, and a secondary access off of Langhorne-Yardley at the western end. Mr. Rittler stated there are also two secondary access points which he noted on the plan one of which is strictly egress associated with a drive-through for the proposed bank use and a second to access the Commercial parking area behind the restaurant and Commercial space fronting on Stony Hill Road.

Mr. Truelove stated the four areas along Langhorne-Yardley Road are required by PennDOT; and Mr. Rittler stated this was the Applicant's proposal to PennDOT, and they have found that those four access points are acceptable in concept, and they are working through the details.

Mr. Rittler stated stormwater management is going to be provided entirely on site even though the Ordinance requires them to only provide for the ten-year storm with excess being conveyed to a regional facility. He showed the location on the Plan of the underground facilities, and also showed the location of the above-ground detention basin which is essentially a modification of the existing basin behind Heston Hall.

Mr. Rittler noted the location of the proposed green space which consists of a fairly large area of a central park; and in addition, they have green space both as buffer and additional space in and around the Residential portions, as well as a sizable area with some mature trees in front of Heston Hall.

Mr. Rittler noted the pedestrian circulation paths on the Plan. He stated they are providing on-street parking for both the internal roads and along the two boundary street frontages at locations he showed on the Plan. Mr. Rittler stated PennDOT has seen these in concept and has not commented negatively toward them at this time.

Mr. Murphy stated they did discuss some design issues with the Planning Commission at their last meeting. He stated the Planning Commission had asked if it was possible to reduce the amount of impervious and thus increase the amount of green space; and Mr. Murphy stated the Applicant looked at trying to reserve in green some of the parking spaces on the site in areas where they might have the most benefit. He stated since the

Planning Commission meeting, the Applicant has had discussions about this with the Township staff and looked at creating an area surrounding the central green space making it larger by reserving in green an area of twenty-seven parking spaces. These were shown as highlighted in the upper left hand corner of the Plan, and Mr. Rittler stated this is a blow-up of the central park area, and they are proposing to take out and put into reserve twenty spaces from the Commercial parking lot and an additional seven spaces adjoining that along Residential Road B.

Mr. Stainthorpe asked how this would be handled and asked if it would be left green but could be paved over later if found necessary; and Mr. Murphy agreed and stated this would be depending on the need either the Applicant or the Township perceives that it was getting uncomfortable without the parking spaces, and at some point in the future, those spaces could be installed. He stated the intention would be to leave it in green at this time to expand the area of the open space. Mr. Murphy stated the Plan does meet the requirements of the Ordinance for parking; and while they need to show that they can do it, they would be willing to look at areas where it might make sense to leave them in green where there may be excess parking.

Mr. Maloney asked if the Applicant feels they can do without this parking; and Mr. Murphy stated Mr. Troilo is prepared to try to make the effort to do without this parking even though he is not convinced at full development, which could be years in the future, that this would not be needed. Mr. Murphy stated it does provide the opportunity for the foreseeable future to have additional green space. He stated given the current market conditions, the likelihood of this being built out any time in the near term is very remote.

Mr. Murphy stated the other design issue involves the principal access point on Stony Hill Road. He stated for the last two and a half years since the spring of 2009, they have been meeting on a fairly regular basis with PennDOT; and this includes Mr. Majewski and the Township's traffic consultant. Mr. Murphy stated they have been trying to get PennDOT to agree with all of them that they want to create a TND environment in this area and try to establish traffic-calming measures in the Village by virtue of creating on-street parking, reduce speed limits, etc. Mr. Murphy stated it has been a struggle to try to get PennDOT to go along with all of them collectively, but they have made good progress; and he feels PennDOT is now on board. Mr. Murphy stated the only area where they continue to have some resistance is at the principal entrance to the project on Stony Hill Road, and the width of that entrance based on PennDOT recommendations is over 62'. Mr. Murphy stated it is incredibly large and none of them who participated in the meetings including the Township representatives think they need something that is essentially a four-lane highway.

Mr. Stainthorpe asked PennDOT's rationale behind this. Mr. Rittler stated PennDOT's approach is that traffic volumes will always be high and beyond the capability of the facility. He stated he feels they are out of line. He stated they have applied their maximum standards, and they are hoping they can shrink this down. Mr. Murphy stated he feels PennDOT has been influenced by the pending Hospital Application and what they perceive to be its future impact. Mr. Murphy stated clearly you do not need something like this for the Village for what is proposed or what is existing today. Mr. Murphy stated while they recognize they must comply with PennDOT requirements, they would like to continue to have dialogue with PennDOT with the support of the Township and have Township staff participate in the meetings to see if they can continue to try to narrow this down somewhat as they feel it is inconsistent with the TND concept that all of them have spent many years to try to bring to fruition.

Mr. Maloney asked at what point they have to get PennDOT's final approval, and Mr. Murphy stated it is now since the Highway Occupancy Permit is pending. Mr. Murphy stated currently they have told the Applicant this is what they want, but the Applicant would like to try to make one final effort with PennDOT. Mr. Maloney asked what the Hospital has to do with this project, and Mr. Murphy stated PennDOT is basing it on the projected levels of traffic on Stony Hill Road and what they perceive to be the number of cars that may be entering or exiting this site. Mr. Murphy stated the Applicants feel it is overbuilt. Mr. Murphy noted this width is for a relatively short distance, but it is still the principal feature that you see when driving down Stony Hill Road.

Mr. Murphy stated they have also had dialogue with the staff regarding the trees. He stated on the Plan they have identified a total of seventy-eight trees to be removed. He stated in their discussions with the Township, they have proposed that in addition to what they are planting on site which more than satisfies the Ordinance requirement, they are proposing to plant an additional eighty-eight trees on the Patterson Farm frontage along Mirror Lake Road as recommended by the Township staff. Mr. Murphy stated the other choice would have been to try to plant more trees in the central green area and the other green areas on the site which they felt was inconsistent with the approach to providing usable green area. He stated they did not want to re-forest the areas and not have people be able to use them. Mr. Truelove stated this was also something that was done with the Edgewood Crossing project, and Mr. Murphy agreed. Mr. Maloney asked where the trees would be planted on Mirror Lake Road, and Mr. Majewski stated they are considering the area that is all grass in between the road and the tree line where the stream is. He added this is an area where they currently cut the grass; and if they plant trees there, the Township will not have to do that cutting.

Mr. Murphy stated there has also been discussion among staff and Mr. Troilo about the fees to be paid. Mr. Murphy stated while they understand their obligation, there are certain considerations they would like the Board and the staff to consider as they determine what the fees should be. He noted the Traffic Improvement Fee is based on the p.m. peak hour trips that the project is generating. He stated earlier calculations showed this to be 190 trips, but the most recent study they have submitted which has been reviewed and approved by the Township's traffic consultant, reduced this number to 173. Mr. Murphy stated they would like to discuss this further with the Township so everyone knows what the right number should be. He stated they would also like to discuss, which the Ordinance authorizes, a credit against that fee for the other off-site improvements that there are going to do beyond the intersection. Mr. Murphy stated they would commit to a Condition if approval is given tonight that they would have to negotiate an acceptable fee arrangement with the Township. He stated this is also true for the Park and Rec Fee.

Mr. Maloney stated it was noted on the Agenda that they were considering Preliminary Approval, and he asked how it was represented to the Committees that reviewed the Plan; and he asked if the Planning Commission's review was under the presumption of it being Preliminary or Preliminary/Final. Mr. Majewski stated when it was presented to the Planning Commission, it was presented as a Preliminary Approval. Mr. Murphy agreed; but he added the practice of the Township has been that the Applicant is always able if the Plan is in good shape and ready to move forward to ask for consideration as a Final Plan. Mr. Maloney stated he recognizes that this is something that they do from time to time, but this is a sensitive project so he is hesitant to proceed with Final Approval this evening. Mr. Stainthorpe stated unless there are other things the Planning Commission asked for which have not been acted on, he does not have a problem with moving forward. He asked Mr. Majewski if there were other items. Mr. Maloney stated the Committees may have held back on certain details that they otherwise would have commented on. Mr. Smith stated the Planning Commission was concerned about the green space, and he feels they have addressed this. Mr. Murphy stated they also asked about the trees. Mr. Majewski stated the EAC was also concerned about green space, tree replacement, and stormwater impacts. Mr. Murphy stated he does not feel there are any other planning issues that have not been discussed before.

Mr. McLaughlin asked how the fees will be handled, and asked if they are agreeing to negotiate the fees with the Applicant. Mr. Stainthorpe stated the approval would be contingent on reaching an agreement. Mr. Truelove stated he has included a Condition of Approval that the Applicant shall pay all required and appropriate fees associated with this project.

Mr. Stainthorpe moved to grant Preliminary/Final Plan Approval of Flowers Field at Edgewood Tax Parcel #20-12-04, #20-12-05, #20-13-04, and #20-14-07 Plan dated 5/10/2011, last revised 7/29/11 subject to the following Conditions:

- 1) Applicant to comply with Lower Makefield Subdivision and Land Development Ordinance (SALDO) the Lower Makefield Township Zoning Ordinance (except as indicated in Variances granted by the Zoning Hearing Board, referenced herein), and all applicable local, 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, PennDOT, and the Bucks County Conservation District;
- 3) Compliance with Remington & Vernick Engineers review letter authored by James R. Majewski, P.E., P.P., dated August 19, 2011;
- 4) Compliance with TPD review letters dated September 8, 2011 and August 18, 2011;
- 5) Compliance with Remington & Vernick Engineers review letter dated August 22, 2011 authored by Danielle Farrell, P.E., regarding the sewer engineering issues, except for compliance with Item #13 (drawing comments), as the Parties have agreed that this Condition is no longer required;
- 6) Compliance with Lower Makefield Township Planning Commission review memo dated September 13, 2011, with attachments;
- 7) Compliance with Lower Makefield Township Zoning Hearing Board Decision dated October 19, 2010 with the fourteen Variances permitted therein, referenced in the August 19, 2011 Remington & Vernick review letter;
- 8) The following Waivers are granted:
 - A. SALDO Section 178-20.C.(9) requires showing existing buildings, driveways, sewer lines, storm drains, culverts, bridges, utility easements, quarries, railroads and other significant man-made features within 200 feet of and within the site. Applicant requests a Waiver from this requirement by providing aerial photography to satisfy the requirement of showing all existing features within 200 feet of the property.

- B. SALDO Section 178-20.E. (23) states that a traffic impact study shall be required. The Applicant has submitted the study; therefore this Waiver is no longer required.
- C. SALDO Section 178-40.A requires standard dimensions for the various classifications for streets. Applicant requests a Waiver from these roadway standards to allow right-of-way widths and cartway widths to be in conformance with the TND Overlay District.
- D. SALDO Section 178-41.B states that local street centerline radii shall be a minimum of 150 feet. Applicant requests that the internal street system have minimum centerline radii of 50 feet.
- E. SALDO Section 178-43.A requires the intersection of streets be at ninety degrees. Applicant requests that the internal street system be allowed to intersect at 81 degrees and 85 degrees.
- F. SALDO Sections 178-44.D and 178-55.B state that residential lots shall front on a street or have a minimum 25 foot wide open space between the dwelling and the street. Applicant proposes four lots which front on Green Space Area 1.
- G. SALDO Section 178-47.A(1) requires sidewalks in a street right-of-way to be located a minimum of five feet behind the curb. Applicant proposes to place the sidewalk against the curb as stipulated in the Edgewood Village Historic District Study.
- H. SALDO Section 178-53.D states that within the Historic District, all lighting shall comply with the Edgewood Village Design Guidelines adopted in 2002. Applicant is proposing to allow the parking lot and street lights to be placed and detailed as shown on the lighting plan.
- I. SALDO Section 178-56.A requires easements with a minimum width of 30 feet shall be provided as necessary for sanitary sewer and storm drainage. Applicant proposes “Blanket Easements” throughout the site for this project.
- J. SALDO Section 178-81.D states that street trees must have a setback of at least four feet from curbs and sidewalks; but no more than 15 feet beyond the street right-of-way line. Applicant is requesting to be allowed to place the street trees less than five feet and more than 15 feet beyond the street right-of-way line.

- K. SALDO Section 178.82.1(2)(a)(2)&(4) states that between nonresidential/residential units there shall be a minimum 5 foot wide buffer with plant materials for a Type I buffer. Applicant is requesting that it be allowed to be as shown on the landscaping plan.
- L. SALDO Section 178-82.1(2)(b) stated that between single family dwellings/single family detached dwellings there shall be a separation buffer. Applicant is requesting a Waiver from this requirement.
- M. SALDO Section 178-82.1(2)(c) states that between open space/residential lots there shall be a minimum 5 foot wide buffer with plant materials for a Type I buffer. Applicant is requesting a Waiver from this requirement.
- N. SALDO Section 178-92.1(2)(g) states that a five foot landscaped area shall be provided around the periphery of commercial and office use parking lots. Applicant is requesting a Waiver for providing a five foot buffer between parking lots and residential lots.
- O. SALDO Section 178-93.D(6) requires the maximum slope of the earthen detention basin embankments shall be four horizontal to one vertical. Applicant requests portions of the basin to be at a 3:1 slope to obtain additional water storage volume.
- P. SALDO Section 178-93.D(7) requires the top or toe of any slope shall be located a minimum of five feet from any property line. Applicant requests that the toe of the detention basin berm be 2 ½ to 3 feet from the I-95 right-of-way.
- Q. SALDO Section 178-93.F(3)(c) states that the minimum pipe diameter shall be 18". Applicant would like to use 15" storm piping for the site generated flows.
- R. SALDO Section 178-93.F(3)(d) states that the minimum pipe diameter incremental change shall be 6". Applicant is requesting that pipe diameter incremental changes of 3" be allowed.
- S. SALDO Section 178-93.G(1) states all storm water collection and management systems shall be designed to be underground, such as porous pavement with infiltration bed, underground tank or pipe storage, cisterns, all of which shall be subject to approval by the Township engineer. Applicant requests to design an above-ground detention basin due to hardship created by lack of Township off-site regional basin in the existing Neshaminy Creek Watershed.

- T. SALDO Section 178-95.D(1) states no excavation or fill shall be made with a face or surface slope steeper than four horizontal to one vertical unless a retaining wall, constructed in accordance with approved standards, is provided to support the face or surface slope of said excavation or fill. Applicant proposes 3:1 slopes along portions of the north and western property lines.
- U. SALDO Section 178-43.F requires a curb radius of 20 feet for local streets and collector streets within the Historic District. Applicant is requesting to allow a curb radius of ten (10) feet on proposed roads 'A' and 'B' and a curb radius of fifteen (15) feet at the intersection of site driveways and/or proposed roads 'A' and 'B' with Stony Hill Road and Langhorne-Yardley Roads.
- V. SALDO Section 178-44.A states that in all Zoning Districts, local streets, private driveways or other access points shall be controlled and shall be located as to provide a minimum distance of 40 feet from any other street access point, driveway or the intersection of another street, except that a private driveway for a single-family residential dwelling may be permitted within 40 feet from any other such driveway. Applicant is requesting to allow a thirty-eight (38) foot separation between proposed road 'IF' and the existing driveway on TMP 20-012-114.
- W. SALDO Section 178-47.E states that sidewalks and walkways adjacent to angle parking areas shall be set back a minimum of five feet to prevent car overhang from restricting pedestrian movement along the sidewalk. Applicant is requesting to allow concrete wheel stops to be used to prevent car overhangs from restricting pedestrian movement along the sidewalk instead of the required five (5) foot separation.
- X. SALDO Section 178-93.F(5)(b) states that when there is a change in pipe size in an inlet, the elevation for the top of the pipes shall be the same or the small pipe shall be higher. A minimum drop of two inches shall be provided in the inlet between the lowest inlet pipe invert elevation and the outlet pipe invert elevation. Applicant is requesting to allow pipe crowns to not match at inlets on the basis of demonstrated hydraulic capacity, and to allow inlet inverts to be level where they are part of the storm water management detention system or are sumped.

9. Stormwater Controls and Best Management Practice Operations and Maintenance Agreement as outlined in Chapter 173-34.A of the Township Code shall be signed and recorded for the stormwater management facilities prior to the signing of mylars;
10. Where applicable, Applicant shall comply with all comments from the appropriate authorities responsible for the approval of the proposed utilities;
11. Applicant agrees to include payment of Final Plan Application Fees.
12. Applicant shall pay all required and appropriate fees associated with this project.

Mr. Majewski stated he has reviewed the Waiver requests, and would recommend that the Waivers be granted.

Mr. Murphy stated he would agree to the Conditions

Mr. Caiola seconded the Motion.

Mr. Maloney stated one of the Planning Commission recommendations was about removing one of the townhouse units, and he asked if that change was made. Mr. Murphy stated it was not. Mr. Caiola asked where they were speaking of, and Mr. Majewski stated they were hoping to pick up some additional green space. Mr. Maloney stated the Planning Commission also indicated that their recommendation was subject to compliance with the eight letters they cited – including Traffic Planning & Design, etc.; and Mr. Truelove stated Condition #6 of the Motion calls for compliance with Lower Makefield Township Planning Commission review memo and its attachments.

Mr. Koopersmith expressed concern with Stony Hill Road as you approach McCaffrey's and the left-hand turn into this project. He asked if there are any plans to widen Stony Hill since if they are not, they will create a traffic nightmare. Mr. Majewski stated there are two alternatives being considered – one is to have a left-hand turn lane going into the site, and the other is to leave enough room on the road that if people are backed up to take the left into the site, there will be a shoulder area drivers can drive around.

Ms. Virginia Torbert, Citizens Traffic Commission, stated they were concerned about the excessive number of access points on Yardley-Langhorne Road. She stated this concern is shared by the Bucks County Planning Commission and was also commented on by the Township's traffic engineer. Ms. Torbert stated she knows that PennDOT is just going along with this and is not requiring this. She stated this is one of the busiest intersections in the Township and also one of the smallest. Ms. Torbert asked the footage between the intersection and the last access point.

Mr. Murphy noted that PennDOT does not just “go along” with anyone. Ms. Torbert asked if PennDOT is requiring them to have four accesses on Yardley-Langhorne Road; and Mr. Murphy stated the Applicant proposed this, and PennDOT has scrutinized it and determined that they are appropriate given the nature of the uses and the separation distances between them.

Mr. Rittler stated the distance from the center line of the intersection to the center line of the first access moving westward is approximately 120'. Ms. Torbert stated she would like to know the distance from the intersection to the last access on the other side; and she noted the area she is concerned with on the Plan. Mr. Rittler stated the site frontage is in excess of 1500'. Ms. Torbert stated she understands from the TPD letter that warrants are met at each of the access points and the access point on Stony Hill Road to justify left turn lanes, and Mr. Rittler stated this is incorrect. Mr. Rittler stated the only warrant that is met, and it is met in the 2018 year which is five years after development of the project, is for northbound Stony Hill making a left hand turn. He stated this is on the basis of a lot of assumptions of background traffic growth. He stated PennDOT, who has jurisdiction over whether those left hand turn lanes are or are not warranted, has discussed with the Applicant that it is a marginal situation by the numbers; and they are willing to defer the construction of those left hand turn lanes unless and until it is clear that they are warranted in the design year which could be 2018.

Ms. Torbert stated TPD has said that warrants are met, but Mr. Rittler is saying they are not met. She stated it appears that after the traffic is created, they will then think about putting in left hand turn lanes. Mr. Rittler stated the background numbers of traffic growth between 2013 which is the design base for the project and 2018 which is projected out five years includes background growth numbers which the Applicant's feel are overly conservative. He stated PennDOT also feels that those numbers are also not accurate, and they are willing to defer with the promise that the developer will put them in if those warrants are met in 2018. Ms. Torbert asked if the developer is going to put money in escrow for those turn lanes, and Mr. Rittler stated they will if PennDOT requires this.

Ms. Torbert stated anyone who has lived in the Township for any length of time knows that traffic is already backing up from the intersection down Stony Hill Road and up and down Yardley-Langhorne Road. She stated she was concerned when she read the developer's traffic study that the traffic impact of the development would be minimal, and she feels everyone knows that this is not true. She stated she feels this is in an area where they have to use common sense and really look at reducing the number of access points on Yardley-Langhorne Road since at present without this development it backs up already.

Ms. Torbert stated she also feels that given all the outstanding issues that have to be worked out, it would be a grave mistake to give Preliminary/Final. She asked if there is any advantage to the Township to give them Preliminary as opposed to Preliminary/Final. Mr. Truelove stated arguably there would be more review time. He stated there is not normally that much more to discuss at Final unless there is something one of the reviewing agencies, Commissions, or professionals feel needs to be done. Mr. Truelove stated it may also cost more to have the professionals review it as well. Ms. Torbert stated once Final is given, there is not much more that can be done. Mr. Truelove stated many of the issues being discussed tonight are PennDOT issues which are outside of the jurisdiction of the Township. He stated the Township is still discussing the fees, and there are other items to be determined before construction begins; and the Township does have control between escrows, Development Agreements, the fees, etc.

Ms Torbert stated traffic is not the only issue as she believes there are outstanding environmental issues and she feels there may also be historic issues. Mr. Murphy disagreed. Mr. Truelove stated an extensive letter was presented from Mr. Dresser about some of the issues including the trees, and this is what prompted the discussions with himself and Mr. Majewski about resolving this issue with regard to off-site planting of the trees. Mr. Truelove stated there are some items in terms of the Ordinance which could lead to litigation in the future when there are Ordinance requirements that may or may not be enforceable based upon recent Case Law, and the Township needs to be careful. He stated they have looked at these issues in a fairly extensive manner. He stated this has also been reviewed by the Zoning Hearing Board. He stated he feels there has been significant review of this project.

Ms. Torbert stated she would like to hear from TPD to see if they are in agreement with what is proposed. Mr. Murphy stated TPD has already issued their review on this. Ms. Christy Staudt, TPD, was present and stated one of the issues raised was the impact on the intersection; and while the traffic study did indicate there would be “minimal impact,” they are proposing to install left turn lanes on the northbound and southbound approach so based on this, the analysis they have seen has shown negation of their impact. She stated they are waiting for one final analysis of queue results and she showed on the Plan an access they are looking at as to whether any movements would need to be restricted but added this is something PennDOT will decide and will not change the internal lay out. Ms. Staudt stated it should be remembered that when you are trying to create an urban district, one of the philosophies behind creating some friction for traffic is so that you will slow down the traffic; and there are trade offs when you are trying to create friction and there will be some congestion, on-street parking, narrower lanes, etc. She stated another concept is the grid system and having additional access points does this. She stated one of the things that can be done with PennDOT is reserving right-of-way and extra width to construct that left turn if needed, and this sounds like what the negotiations are leading to with PennDOT. She stated she feels the issues in their review letter are issues that can be resolved during negotiations with PennDOT; and she added that internally, the Applicant has addressed all of their comments.

Ms. Torbert asked if the Applicant is paying for the construction of a left hand turn lane and improvements to the signal system, and Ms. Staudt agreed. Ms. Staudt stated they will also have to time it with the adjacent signals to the south to make sure that this functions properly, and PennDOT will review and enforce this. Ms. Torbert asked if the pedestrian and bicycle paths being provided are adequate, and Ms. Staudt stated they have provided an extensive system internally. She stated one of their earlier comments was to insure that they are not precluding a connection in the future, and she noted on the Plan a path that runs along Stony Hill, and they had the Applicant continue their sidewalks to the edge of their development so that eventually a connection could be made. She stated also with providing shoulder width and extra paving this would be considered the treatment you would want to implement for bicycle travel as you would not always need a bike lane.

Ms. Torbert stated the Edgewood Crossing Development across the street is not finished, and she stated she feels it would make sense to wait and see the traffic impact of Edgewood Crossing before approving this Plan. She stated she feels this is one reason to only give Preliminary Approval at this time; and they should wait to give Final Approval until after they see the effect of Edgewood Crossing. Ms. Staudt stated the traffic volumes were put into the Traffic Study for that as part of the base development. She stated there will be extra time since negotiations with PennDOT will not be resolved within the month. Ms. Torbert asked if it is possible that the negotiations with PennDOT will result in design changes to the Development; and Ms. Staudt stated they would not be internally although there may be changes to right-of-way designations and lane markings. She feels the internal lay-out is resolved.

Ms. Torbert stated she feels to give Final Approval when negotiations are still going on with PennDOT for such a major development does not make sense.

Mr. Murphy stated when they have the discussions with PennDOT Mr. Majewski and Ms. Staudt are present as well so the negotiations are being done with the full knowledge and participation of the Township. He stated since the beginning they have all been trying to get PennDOT to understand that this is a TND, and they want to do something different to create the Village concept that the Board of Supervisors encouraged the developer to create.

Mr. Matthew DiSantos, 755 Stony Hill Road, stated he adjoins the project. He stated his main issue is the sewer coming up Stony Hill Road, and they were told their properties would be served with sewer. He stated the water is only being brought up to the end of the development, and they would like to know what they can do so they can have water as well since if they do not receive it now, he does not know when they would receive water. Mr. Majewski stated he should contact the PA American Water Company and tell them they are interested in having the water line extended to their properties at the time the Applicant is extending the water up to the edge of his property. He stated PA

American Water Company may be interested in providing that extension. Mr. DiSantos asked what would happen if they are not interested. Mr. Maloney stated the Water Company is a private entity which makes that decision somewhat unilateral.

Mr. Stainthorpe stated the Township owns the sewers and are putting them in, but they do not own the water line as this is owned by a private company. He stated the developer is paying to have water brought to his property, and it could be convenient to have it extended to the other properties which is the reason Mr. DiSantos should contact PA American. Mr. Stainthorpe stated the Township cannot force the Water Company to do anything since it is a private water company, but they may be interested in having additional customers. He stated the fact that they are bringing the pipes in at this point would make it easy for them to extend them to those other residences.

Mr. DiSantos stated their properties have been re-zoned for further development, and they want to make sure that the water line and sewer main are sufficient to handle more development. Mr. Majewski stated the sewer line is sufficient to handle future development. Mr. Maloney asked that Mr. DiSantos contact Mr. Fedorchak's office who can get him in touch with the Water Company.

Mr. Zachary Rubin, 1661 Covington Road stated Mr. Murphy had indicated that there was a 62' wide entrance on Stony Hill Road and that PennDOT had information about the effects of Aria Hospital on that street. Mr. Rubin stated he is on the Executive Board of Residents Against Frankford Hospital Relocation (RAFR), and this case for Special Exception has been Remanded back to the Zoning Hearing Board. Mr. Rubin stated RAFR will be in Court next week trying to get the Common Pleas Court to support a Subpoena for the Zoning Hearing Board to get PennDOT to release certain documents RAFR feels are important to their case before the Zoning Hearing Board specifically about the Scudders Falls revitalization for the bridge and the effects on I-95. Mr. Rubin asked if this is just speculation about PennDOT or is there a document that says that Aria Hospital will impact Stony Hill Road.

Mr. Murphy stated in the meetings he has attended at PennDOT, PennDOT would invariably comment that this development is just down the street from the Hospital site, and they repeatedly referenced the fact that they have reviewed the Hospital Traffic Study.

Mr. Rubin asked if the Township did a traffic study for this development, and Mr. Murphy stated the Applicant did the traffic study which TPD reviewed and commented on. Mr. Rubin asked Ms. Staudt if the traffic study included a Hospital of Aria's size. Ms. Staudt stated there was no base development for a hospital but there is an assumption that is done typically in a traffic study where a growth rate is applied to traffic passing by the site, and this would typically incorporate things that are occurring outside of the immediate area. Mr. Rubin asked if she is indicating that a generic hospital

was included in the projections or was it a hospital of a specific size that would be one half mile up the road. Ms. Staudt stated typically what would happen in this instance is that whoever came in first would analyze the traffic, and the developer that comes later would analyze their traffic on top of this. She stated she assumes that Flowers Field was in first since she has not seen the Hospital traffic analyzed. Mr. Rubin stated he assumes that the answer is that “yes” the Traffic Study included the proposed Hospital, and Ms. Staudt stated this is incorrect, and the Hospital would include Flowers Field in their Study. Mr. Rubin stated he is not talking about the Hospital Study, he is talking about the Applicant’s traffic study; and Mr. Stainthorpe stated she has already indicated that the Hospital was not included in the Applicant’s Traffic Study, but it would be incumbent on the Hospital when they do their Traffic Study to consider the Flowers Field traffic. Mr. Truelove stated the Hospital has still not submitted their Land Development Plans.

Ms. Helen Heinz, 1335 Edgewood Road, stated she has been working on this for a long time and helped do the TND. She stated they are very happy with what Mr. Troilo has done across the street in terms of restoring the store, and she commended the contractor working on that. She stated she would like to see this happen in other places in the Village, and they are hopeful about the building on the corner.

Ms. Heinz stated that Mr. Murphy failed to mention that the Historic Commission wrote a rather extensive memo on issues they have with this development, particularly the Commercial development. She stated she counted approximately eighteen structures along Langhorne Road and Stony Hill Road. She stated they could solve a lot of the traffic issues if they did not have Commercial establishments going in there. She stated she does agree that this was what was planned for the TND; however, what the developer has presented is way too much. She stated this is a crossroads Village and is not Newtown, and what they are showing is going to look like Goodnoe’s; and the Supervisors should understand this. She stated the architecture they have seen thus far shows stone, stucco, and brick that looks like Newtown and not like a small crossroads village.

Ms. Heinz noted the size of the Flowers House on the Plan, and she stated the TND anticipated trying to preserve historic structures that were there. She stated they all agree that they were bad looking houses, but this does not matter as this is what made the National Historic Register; and what they wanted to see developed along Stony Hill Road and along Langhorne Road were houses in the cadence of the houses that were already there in Edgewood Village. She stated what they have now is a “monstrosity” wall along Stony Hill Road and a second wall along Langhorne Road.

Ms. Heinz stated they had discussed with the developer the potential of putting a small little house with some structure that would connect in back so that he could get his Commercial use, and the Historic Commission was willing to negotiate that. She stated traditionally when a developer comes into the Township they ask “for the moon” and usually the Supervisors say “calm it down.” She stated here they have given the developers everything they have asked for.

Ms. Heinz stated part of what was in the TND was if there was a vacant spot in the strip along Stony Hill or **Yardley-Langhorne Road**, what would go in its place would be a structure that would be similar in the queue that was already next to it, and she does not understand why the Planning Commission did not pick up on this. She stated when the developer took down those little houses, he destroyed that context; and what they are left with are the largest houses that were there at the crossroads. She stated now he is duplicating those structures. She stated they had also put in the TND that to an existing structure you could add 50%; and possibly they erred when they wrote the TND in this way, and they should have been more specific. Ms. Heinz stated the developer is getting much more than 50%. She stated Heston Hall, which already had an addition, is getting another 50% addition; and the house on the corner is also getting a 50% addition. She stated this is fine if there is a gap somewhere else in the Village. She stated they do not get the gap and get to fill in too, and the Historic Commission is very upset about this.

Ms. Heinz stated in the past the Township Supervisors have asked for escrow holdings should the developers not carry through on their Plans. She stated against her advice, they allowed this developer to take down the historic structures, but he has agreed to re-build them; and she does not feel it is unreasonable to ask for escrow. She stated if they do not get re-built, it is on the Supervisors. Ms. Heinz stated they only get one chance to do this, and they want to do it right.

Mr. Caiola asked Ms. Heinz how many structures she feels there should be if it is not eighteen. Ms. Heinz stated it is more the cadence and the envelope. She stated they did alert HARB that this could be an issue, and she knows that HARB has not seen this Plan which is a major problem as well particularly if they are considering Preliminary/Final Approval this evening. She stated they have also not seen any real architecture and have only seen suggested proposals.

Mr. Maloney stated HARB did review the Plan on June 9, and there has been a letter incorporated from them. Mr. Stainthorpe stated HARB would also become involved once they finalize the architecture. Ms. Heinz stated they do have to issue the Certificate of Appropriateness; but once the outline is approved, it is locked in and they will get the wall. She stated having written the TND, this is what they did not want to see. She stated they agreed with Mr. Troilo that perhaps they should think about the greenhouses that were across the street and do some kind of connecting piece with small

structures in front that looked like the little cottages, and there would be other ways to design this if they needed that space. She stated they should not give them 50% extra on top of filling in.

Mr. Stainthorpe stated he recalls a discussion about what the retail component should be, and a big part of the discussion was that there would have to be enough square footage to attract good retailers and give them an opportunity to succeed. Ms. Heinz stated this is correct which is why they were saying there could be some kind of connecting structure behind similar to a Peddler's Village look. She stated they have said this since the beginning, and the developer does not seem to want to change that.

Mr. Murphy stated this Plan has been the same for years. Ms. Heinz agreed and stated they have been complaining about it for years. Mr. Murphy stated this is the Concept Plan that the Township's consultant envisioned, and the developer retained that consultant at their cost at the Township's request to help develop the Village. Ms. Heinz stated this is why they are concerned that Mr. VanDyke is not present since he has agreed with them at their meetings and agrees with the developer at his meetings so there seems to be a disconnect. She stated she understood that Mr. VanDyke was working for the Township, and he was supposed to be telling the developer what they wanted changed; and this is not what happened.

Mr. Dave Kelliher, 591 Aspen Woods Drive, noted the intersection of Stony Hill and Langhorne-Yardley Road where he feels they are creating a situation similar to what they have at Matrix where they have a development that they want people to walk to, but there is no way to get there for pedestrians. He stated the intersection is not conducive to pedestrians. Ms. Staudt stated they looked to have connections where there are existing paths, and she noted the location on the Plan at the corner that runs down to the shopping center. She stated she feels pedestrians will come up the east side of the road, and there will be pedestrian accommodations at each corner except for one location she showed on the Plan where there is a feasibility issue with the proximity of the building to the road. She stated there will be crosswalks, ADA ramps, and signals; and all signal equipment will be put in after PennDOT review. She also noted other locations on the Plan where there will be sidewalks.

Mr. Alan Dresser, Environmental Advisory Council, stated with regard to the tree replacement issue, they are taking down 78 trees, and there is an equation in the Ordinance that gives the formula on how to calculate the number of replacement trees. He stated if you do this, you come up with 456 replacement trees. Mr. Dresser stated the developer is required by Ordinance to put in a certain number of trees because of the parking lot and the streets, and this turns out to be 368 trees. He stated the way they got to 78 trees is they subtracted the 368 from the 456. However, he stated the Tree Replacement Ordinance reads, "Replacement trees may be planted within, but not in place of required buffers, street trees, trees in parking lots, or trees planted on individual

lots or common open space.” He stated he feels that it is clear that you should not be able to subtract the 368 out from the 456. He stated this is not a fully-wooded lot, so they really do not have to plant off site, and they could not force them to anyway because of the Court case. He stated they could plant on the site, and they could take down some of the homes. He stated there is nothing physically stopping them from planting 456 trees there, but they will not force them because the Ordinance also has a clause where they can contribute a fee-in-lieu of those 456 trees; and that would be for an on-site improvement which is allowed by the Court case in Solebury. He stated they are going to plant approximately 70 trees at the Patterson Farm which he feels is enough for that short stretch of creek; and he feels they should take the money for the 456 trees at \$100 per tree. He stated they can use trees at Macclesfield, Memorial Park, and the Samost Tract.

Mr. Dresser asked when they will plant the trees for Edgewood Crossing which was approved one and a half years ago. Mr. Murphy stated the job is not completed yet, and they will be planting the trees.

Mr. Dresser stated he also has an issue with stormwater and flooding. He stated he reviewed the meeting Minutes from 2007 when the TND was discussed, and there was a lot of discussion about stormwater. He stated people have admitted that there is an existing problem in the area, and this new development will add to that problem. He stated the Ordinance indicates that there should be a regional stormwater management system to be paid for by the developer of Edgewood Village. Mr. Dresser stated he feels they should study the off-site impacts. He showed on the Plan a two-acre area that is draining into an underground pipe that goes under the road and empties out into a detention basin by Giant, is then piped underground to a detention basin by CVS, and then goes into Patterson Farm and into Buck Creek that goes all through the Township. Mr. Dresser stated instead of just two acres draining to this point, after the development, there will be thirteen acres which includes eight acres of impervious surface.

Mr. Dresser stated he looked at their Stormwater Management Plan, and the peak flow is not going to increase coming through the pipe; but peak flow is only one parameter to look at the off-site stormwater impact, and the other is the volume of stormwater. He stated the Stormwater Management Plan shows that for the two-year storm which is the guideline storm, there will be about 362,000 additional gallons of water leaving the site underground assuming the infiltration basin and underground detention basin works as planned. Mr. Dresser stated it will be really difficult to check whether they are working right as it is leaving the site underground. Mr. Dresser stated he feels if this is a problem, the Township will have to pay for it. Mr. Dresser read the Delaware River Stormwater Ordinance 173-23C4 which he feels indicates the developer should be studying this now before they are given Final Approval.

Mr. Dresser stated with regard to the green space, they meet the 8% requirement but only by including the drainage basin which they had to get a Variance to include. He stated they also had to get a Variance to put the detention basin above ground. He stated they have also counted a small area in front of Heston Hall. He stated if you take away these areas, they have less than half their required green space. He stated the Planning Commission had suggested they take out one house and put in a playground since some of these homes have four bedrooms, so there will be smaller children in the neighborhood with no place to play.

Mr. Caiola asked about the Stormwater Plan, and Mr. Murphy stated the Stormwater Plan was designed and reviewed by Mr. Majewski and included some if not all of the design elements that the Ordinance requires. Mr. Majewski stated Mr. Dresser was concerned about the impact of the downstream storm drainage system; and during the hurricane he went and checked to see if the downstream pipes had capacity to take a hurricane-type flow, and they all performed adequately during that storm. He stated these were the pipes that go from the intersection through Giant and into their basin.

Mr. Maloney stated ultimately that water will stop where it already accumulates which is along Mirror Lake Road and the Patterson Farm. Mr. Maloney stated this is already full of water when it rains a lot, and if there is any more water Mirror Lake Road will be under water; and is sometimes already under water when there are heavy rains.

Mr. Majewski agreed, but added he is not sure PennDOT could resolve that problem. He stated there are ponds on both sides of the road and there is a pipe system; and short of re-aligning the road through the area or building another detention basin, he is not sure how PennDOT could resolve the flooding problem they have on Mirror Lake Road.

Mr. Maloney asked if the study analyzed what kind of impact it would have on that area where flooding already exists, or was it only focused on how much the pipes could carry. Mr. Majewski stated the volume equation of stormwater management deals primarily with the two year storm which is a 3" rainfall over twenty-four hours. He stated when Mirror Lake floods it is usually from a more intense storm where there is 5" to 7" of rain over a day and a half which is a much larger amount of rain than the two year storm.

Mr. Maloney stated a lot of rain storms produce flooding conditions in that part of the Township already, and he asked if the study that was done focused only on what the pipes could take away from the site or did it do an analysis to tell how much water will be sitting in that standing area; and Mr. Majewski stated the study did not go that far downstream. Mr. Maloney stated already when it rains, there are Police patrolling that area because the road is flooded; and it has to be closed off. He stated he is concerned what it will be like if it were to get worse, and he does not feel they should go forward with this Plan without knowing what it is going to do to that area, although he recognizes that this is not part of the standard package. He stated he is not concerned who pays for this study, but he feels the residents are going to be very concerned if that part of the Township gets worse because they did not look into this. Mr. Maloney stated he is

concerned that they have not gone far enough in terms of being able to say they did their due diligence for that area. Mr. Maloney stated this is another reason why he would suggest that they only give Preliminary Approval at this time, and then look at this again to see what this will do.

Mr. Murphy stated the Applicant has met their burden under the Ordinance to do what they have to do; and Mr. Maloney stated while he agrees, he feels the Board has the authority to grant Preliminary Approval to give the Township the time to look into this. He stated he feels there is a big impact there, and he feels the Township is not doing their duty to the community by not looking into this. He stated this part of the Township is a disaster already, and it will be even worse if they are moving this kind of water there. Mr. Maloney stated a resident in that area does not know what the decision they are making this evening will do to them; and the Board, as their representatives, has a duty to look at this and tell them what is going to happen. He stated those residents also have the right to come to the Board and voice their opinion if it is going to have an adverse effect. Mr. Maloney stated this is not the forum for a debate of whether the Applicant should pay for this study, but he feels the residents of Mirror Lake Road would want them to spend time and energy looking into this.

Mr. Stainthorpe stated this development is going to be built over time; and while he agrees the Township should look into this issue, he does not feel the burden is on this developer nor does something have to be done about it tonight. He stated they have met the Ordinance, and it is incumbent on the Township to make sure that the downstream stormwater system is adequate. Mr. Maloney stated while he agrees, it is not the Board's burden to give them Final Approval tonight; and by giving Final Approval, they have waived all rights to make any remedial requirements. He stated if this study reveals something that the Delaware Watershed Ordinance would give the Township the authority and the burden to do, they should deal with this. He stated he does not feel they should give Final Approval and indicate that they will look into it when it happens. He feels it is the job of the Supervisors to look into this as it has dire consequences for the people who live there; and he feels it is foolish for the Board to waive their right to hold off on Final Approval until they know the answers to these questions. He stated they can give Preliminary Approval.

Mr. Smith asked the downside of giving Preliminary Approval. He stated he is one of the residents who are effected by this as he lives at the corner, and he would like to know the impact. Mr. Stainthorpe stated he feels the upside of giving Final Approval is that the project has been under discussion for years. He stated the concept of Edgewood Village was discussed before he was on the Board. He stated there is no development going on in the Township; and this is a potential economic engine for tax dollars, real estate transfer taxes, Permit and Impact Fees; and it is financially very good for the Township. He stated he would like the Board to move forward sooner rather than later. He stated every time there is a delay it is six months to a year. He stated he feels there is time to

address these items. He stated the Township is fortunate to have a developer who wants to do something in these economic times as there is nothing happening in other Townships. He stated this will generate jobs and transfer taxes, and he feels it is a good thing. He stated he is not saying that they should ignore the stormwater issue, but he feels they can deal with that in the future.

Mr. Maloney stated he is asking that they take one step instead of two steps. He stated while he is appreciative of the fact that there is a developer who wants to develop in the Township, he will not ignore what is a potential issue solely because he does not want to lose the opportunity. He stated he is concerned about the residents who will now be flooded because it was not worth the cost of deferring another few months.

Mr. Caiola asked the timetable for determining whether they can resolve the issues. Mr. Majewski stated the real problem on Mirror Lake Road is over a mile downstream from this project. He stated at that point the watershed contains about 600 acres; and this site is fifteen acres. Mr. Majewski stated he feels the stormwater management system proposed is adequate. He stated in the Development Agreement they always put in the provision that in the event they see that additional stormwater management measures are needed to help control the run off, that the developer will install those at their own cost. He stated he does understand that Mr. Maloney is concerned that there is a problem downstream. Mr. Maloney stated he does not want to make it worse.

Mr. Murphy stated if they are only 1% or 1 1/2 % of the total watershed and acknowledge the developer has met their obligation, he does not feel they will make it worse. Mr. Maloney stated the watershed itself is largely permeable surface. He stated the water coming off this site is being piped right to this spot. He also stated just because it is a small piece, it still contributes. Mr. Murphy stated the stormwater from their site already gets to that location, but they will now control it. He stated they will control the rate and volume. He stated it is a controlled discharge as they are retaining the water on site and then discharging it in accordance with the Ordinance.

Mr. McLaughlin stated the Township is tasked with fixing the existing problem, and he does not feel they can use this as a reason to hold up this development since it currently floods. He feels they should deal with it as a separate issue.

Ms. Joyce Begley, 1793 Yardley-Langhorne Road, stated she will be impacted by the traffic. She stated she agrees with Mr. Maloney and asked what is the harm in waiting and making sure that the problem is taken care of. She stated they have a chance to make sure that the people are not impacted as much. She stated it will come down with a rush of water once there is all of this impervious surface. She stated the water will not be able to permeate because there is more asphalt. Ms. Begley stated she also does not feel there should be on-street parking on Stony Hill Road. She stated this is now going to be an urban area and not a Village. She stated a lot of people from the area are going to

by pass this area because they do not want to be there. She noted on the Plan where she feels there should be a bridge with fencing as opposed to people having to cross in the middle of traffic. She also noted on the plan locations where there are already back-ups.

Mr. Jim Bray, 12 Terracedale Road, stated he is a member of the EAC. He stated he likes the concept but wants it done correctly. He stated stormwater management in a densely-clustered project like this is essential. He stated if it is not done correctly, the results could be disastrous. He stated he does not see any issue with waiting a month or two to make sure that they get this done correctly. Mr. Bray stated these volumes are going to be added to a problem that already exists. He stated he feels they should look at this, and the Board of Supervisors is charged with the responsibility of taking care of the people of the Township. He stated he would not have a problem with granting Preliminary Approval, but Final Approval should be held pending a study about this volume of water that will be cascading into the area. Mr. Bray stated this is an Overlay District; and in a normal situation, Zoning would probably allow one third of the houses they are proposing so impervious surface is a huge issue as is stormwater management.

Mr. Arthur Cohn, 7906 Spruce Mill Drive, stated since everything has been approved and the developer has met his obligations, could there be a legal problem if the Township stops the process for something that is not the developer's purview. Mr. Stainthorpe stated this has happened in the past. He noted the Kohl's Shopping Center which has the worst traffic pattern in the Township, and this project was forced on the Township by a Court. He stated developers have money concerns and pressures on them; and if the Township inflicts more on them that is not their problem, it can come back on the Township, and the Township will be forced to do something that could be worse than what is being discussed this evening.

Mr. Maloney stated if they adopt the Preliminary Plan, the Township has still met their timeline burden. He stated there is no litigation risk by giving them only Preliminary Approval as Final is at the Board's discretion.

Mr. Truelove stated both Mr. Stainthorpe and Mr. Maloney are correct; and while they could just give Preliminary Approval, the challenge would be if the additional requirements were to make the developer do something for Final Plan Approval that is not part of an Ordinance requirement. He stated that they also know that some parts of some of these Ordinances are enforceable and some are not. He stated they already know that there is a case that indicates you cannot force a developer to plant trees off site, and this was also in the Ordinance.

Mr. Maloney stated once they come back with more information, the Board will be able to make an informed decision. He stated if the study comes back and indicates the flooding could be 4' worse, they would then be able to consider whether it was worth going to litigation.

Ms. Torbert stated they earlier discussed the fact that the Township is a leader in the environment, and she now is hearing from some Board members that they are not willing to stand up for the environmental Ordinances they have.

Mr. Caiola stated Mr. Majewski indicated earlier that there are provisions in the Development Agreements to resolve future issues; and he asked if they grant Final Approval this evening and begin tomorrow to look into these issues, would the developer have any responsibility to resolving the problem or would this be a Township problem. Mr. Majewski stated he feels this is primarily a Township problem, and the developer's contribution is small. He agrees the matter should be looked at, although to a certain extent he feels the road is going to flood because of the elevation and the pipes underneath Mirror Lake Road are not the right size for that situation.

Mr. Murphy stated he is concerned that there seems to be in the public's view a presumption that this is the first time the issue has come up. He stated they have been studying the stormwater issues for two to three years, and they have devoted the better part of the design time on stormwater issues. He stated he feels it is unfair to everyone to infer that this is the first time this issue has come up. Mr. Maloney stated he agrees that this is not the first time this has come up, but it is the first time the perspective has been shared with him that part of the downstream effects have not really been analyzed. He stated possibly they need to change the Township Ordinance. He stated he is not saying that the developer or anyone else did not do their job.

Mr. Smith stated he does like the concept and wants to move this along, but he is concerned about this impact.

Motion carried with Mr. Caiola, Mr. McLaughlin, and Mr. Stainthorpe in favor and Mr. Maloney and Mr. Smith opposed.

ZONING HEARING BOARD MATTERS

With regard to the Michael Masterson, 272 S. Flint Court, Variance request to permit construction of a deck and patio resulting in encroachment into the rear yard setback, it was agreed to leave the matter to the Zoning Hearing Board.

With regard to the Wells Fargo Bank, property located at the corner of Heacock and Stony Hill Roads, Variance request to permit a stacking lane for the drive-in teller windows and request for modification of a 1984 Zoning Hearing Board Order to allow the ATM to operate on a 24 hour basis, it was agreed that the Township would participate in order to obtain review and clarification as to how this may impact on other retail establishments.

With regard to the Maurice and Viviane Maleh, 398 Collins Grant Court, Variance request to permit construction of a single-family residence resulting in encroachment into front and rear yard setbacks, it was agreed to leave the matter to the Zoning Hearing Board.

With regard to the Toll PA XV, LP, property located at Oxford Valley Road, Variance request to construct two permanent entrance signs for Regency at Yardley which will exceed the maximum allowable sign area and also exceed the maximum permitted height, it was agreed to leave the matter to the Zoning Hearing Board.

SUPERVISORS REPORTS

Mr. Smith stated the Citizens Budget Committee is working very hard on the Budget for 2012 and will be reporting at the Budget Workshops.

Mr. McLaughlin stated the Veterans Day Parade will be held on November 13 at 1:00 p.m.

AWARD BID FOR LEAF COLLECTION SERVICES

Mr. Hank Hoffmeister, Public Works Director, was present. Mr. McLaughlin stated he had asked how this was bid out. Mr. Hoffmeister stated they bid this out as they have in the past with sealed bids. He stated they received eight bids and made **recommendations** on the bids. Mr. Hoffmeister stated the firms will provide their own crews, and the Township will provide their own crews for the Township's seven machines.

Mr. Hoffmeister stated while they do take the low bid, they have worked with these firms in the past; and he is comfortable with their quality of work.

Mr. Stainthorpe moved, Mr. Maloney seconded and it was unanimously carried to award the Bid for leaf collection services as recommended by the Director of Public Works to Ken's Lawn Service and Kent's Quality Tree Service.

AWARD BID FOR SNOW PLOWING SERVICES

Mr. Hoffmeister stated these are local contractors they have worked with in the past, and he is satisfied with the quality of their work. He stated while they are on call for the Township, they are not always called out nor do they start their work exactly when the Township crews do.

Mr. McLaughlin asked if the hourly rates are all the same, and Mr. Hoffmeister stated the Township presented the rates as they have done since 2008 which is permissible under the Second Class Township Code. He stated they accepted the rates that the Township had been setting for the last three years. He stated there was one individual who changed the rates, and he was therefore disqualified.

Mr. Smith stated in the past the leaf collection and snow removal costs have impacted the Budget, and he asked Mr. Fedorchak if he had any early predictions as to how this would impact the Budget and taxes for the coming year. Mr. Fedorchak stated the last few years, they have done a good job of controlling the leaf collection costs. He stated snow removal costs are not something that they can control. He stated he feels the numbers are less than or no more than what they have been paying for the last two years.

Mr. Fedorchak stated in 2008 Mr. Hoffmeister came up with the idea of setting a price, and he asked Mr. Hoffmeister to explain to the Board what was happening before that and why he went in this direction. Mr. Hoffmeister stated prior to 2008, the Township went out for bids but the problem was several contractors were using their vehicles but with the Township's equipment and charging the Township approximately \$135 to \$145 per hour. Mr. Hoffmeister stated he discussed this with a neighboring Municipality who was already doing what the Township is doing currently and felt that this was the way to proceed in order for the Township to save money. He stated when the Township began setting the rates, some contractors were changing the rates similar to what the one bidder did this year. He feels they have saved the Township money over the last four years by doing it in this way. Mr. Fedorchak stated in 2006 and 2007 the contractors were charging \$135 to \$150 per hour, and the next year the costs were between \$100 to \$130; and Mr. Hoffmeister was successful in getting contractors to accept those prices. Mr. Hoffmeister stated the rates have remained the same for specified levels of vehicles.

Mr. Stainthorpe moved, Mr. McLaughlin seconded and it was unanimously carried to award the Bid for snow plowing services as recommended by the Director of Public Works to Corcoran Landscaping, Ken's Lawn Service, Harris Blacktopping, C.S. Harris Constructors, KBS Property Manager, Marrazzo's Manor Lane, and Scott's All Season.

AWARD CONTRACT FOR TENNIS AND BASKETBALL RESURFACING

Mr. Majewski stated early this morning the Township opened the bids for the tennis court and basketball court resurfacing project which is funded by the Grant, and they received four bids ranging from \$186,343 to \$224,000. Mr. Majewski stated they recommend that the Township award the bid to the low bidder, Harris Blacktopping for Base Bid Items 1 through 6 and Alternate #1 Item 7 which is the fence replacement in the amount of \$186,343. Mr. Majewski stated since they are one of the snow plowing service

contractors and they are familiar with their qualifications, he would recommend waiving the contractor review period and reducing the public comment period to fourteen days so that they can have the Contract signed at the next meeting.

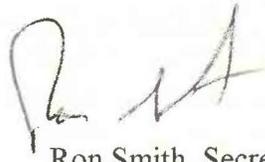
Mr. Smith asked if there is an estimated date when the work will be done; and Mr. Majewski stated depending on weather, they may be able to finish the work this year.

Mr. Maloney asked how this compares to the original estimate for this work; and Mr. Majewski stated it is \$50,000 higher than the estimate, but he feels the prices they received were good based on the different cost items from each contractor. He also noted that the specs for the tennis courts were changed from the time they originally gave the estimate in order to make sure the court surface that would be done would be a longer-lasting court surface, and they would not have the problem with cracking that they currently have.

Mr. Smith moved, Mr. Maloney seconded and it was unanimously carried to award the Bid to Harris Blacktopping as recommended by the Township engineer.

There being no further business, Mr. Maloney moved, Mr. McLaughlin seconded and it was unanimously carried to adjourn the meeting at 10:50 p.m.

Respectfully Submitted,

A handwritten signature in black ink, appearing to be 'R. Smith', written in a cursive style.

Ron Smith, Secretary



Township of Lower Makefield

BOARD OF SUPERVISORS
Ron Smith, Chairman
Greg Caiola, Vice-Chairman
Matt Maloney, Secretary
Daniel McLaughlin, Treasurer
Pete Stainthorpe, Supervisor

OCTOBER 2011 WARRANT LIST AND SEPTEMBER 2011 PAYROLL COSTS FOR APPROVAL OCTOBER 19, 2011 BOARD OF SUPERVISORS MEETING

Accounts Payable Warrant Report:		
Printed Checks:		
10/03/11 Warrant List	\$ 415,661.49	
10/17/11 Warrant List	\$ 721,191.08	
Manual Checks:		
10/03/11 Warrant List	\$ 9,974.49	
10/17/11 Warrant List	\$ 628,708.36	
Total Warrant Reports		\$ 1,775,535.42
Payroll Costs:		
September 2011 Payroll	\$ 490,498.02	
September 2011 Payroll Taxes, etc.	\$ 205,939.74	
Total Payroll Costs		\$ 696,437.76
TOTAL TO BE APPROVED		\$ 2,471,973.18

