

TOWNSHIP OF LOWER MAKEFIELD
BOARD OF SUPERVISORS
MINUTES - FEBRUARY 18, 2002

The regular meeting of the Board of Supervisors of the Township of Lower Makefield was held in the Municipal Building on February 18, 2002. Chairman Fegley called the meeting to order at 7:35 p.m. noting that the Board had been meeting in Executive Session since 6:30 p.m. to discuss pending legal and personnel matters.

Those present:

Board of Supervisors: Scott Fegley, Chairman
 Grace Godshalk, Vice Chairman
 Wesley Hackman, Secretary/Treasurer
 Frank Fazzalore, Supervisor
 Pete Stainthorpe, Supervisor

Others: Terry Fedorchak, Township Manager
 Jeffrey Garton, Township Solicitor
 Bob Williams, Engineer
 Kenneth Coluzzi, Chief of Police

PUBLIC COMMENT

Ms. Diane Mayes, Lanyard Road, asked that the Board consider naming the Senior Citizen Center, if built, in memory of the events of 9/11/01.

Mr. Chuck Patterson, Pinebrook II, asked the status of the Yardley Estate on Dolington Road. Mr. Fegley noted this will be discussed later on this evening and comments can be made at that time.

Mr. Bill Gibney stated he feels it is imperative that the speed be reduced to 25 miles per hour on Edgewood Road as it will soon be summer and children will be using this road. He suggested that the Board ask the Township Manager to advise PennDOT that the Township will take over the road and ask PennDOT to put in writing that they will do the repairs to the Bridge. M. Fazzalore stated they have asked the Township engineer to do a study on Edgewood Road and Lindenhurst Road.

Ms. Dorethea Scott asked if Lower Makefield Township has been approached by Wawa for permission to construct a store/gas station between Dolington Road and I-95.

Mr. Fegley stated they have not to his knowledge.

Mr. Bill Gibney stated William Major has indicated that they will build a Senior Citizen Center for half the price the Township has received from other companies. He stated if they use this firm, the Board will not have to raise taxes to build the Center. He asked that the Board include this firm when they send out requests for bids.

APPROVAL OF MINUTES

Mr. Hackman moved, Mrs. Godshalk seconded and it was unanimously carried to approve the Minutes of February 4, 2002 as written.

DISCUSSION OF COMCAST ISSUE CONCERNING POOR SERVICE

Mr. Elliott Paul, Chairman of the Cable TV Advisory Council, was present and commented on the large number of calls he has received recently about poor service. He stated the Franchise Agreement requires that a representative from Comcast attend the CATV meetings, but no one attended their January or February meetings. Because of this lack of attendance, they were unable to discuss issues with Comcast including the pending rate increase which is scheduled to take effect March 1, 2002. Many of the complaints the CATV receives relate to Comcast's phone service and the fact that it takes several attempts to get through to an individual at Comcast. He stated the digital service equipment Comcast supplied has also resulted in numerous complaints. He was advised today that by 12:30 a.m. tomorrow morning, Comcast will be loading new software in the boxes which should address the problems people are having. He stated they also receive numerous complaints about the Emergency Broadcast testing interruptions. Mr. Paul stated the high speed broadband service has also resulted in problems. They have been getting reports that it is difficult to have someone come out for service.

Mr. Paul stated Middletown is in the middle of discussions with Comcast regarding the increase in rates for commercial customers. He is not sure if Lower Makefield has any rights regarding commercial rates charged in the Township. He stated he did receive a call from someone from the VFW who indicated their rates were being doubled.

Mrs. Godshalk stated her neighborhood has experienced complete black outs for many hours.

Mr. Garton stated he will review the Agreement. He stated poor service can be a basis for not renewing the Agreement. Mr. Paul stated he feels the Agreement runs out in 2005. Mr. Fazzalore stated he is concerned that if there is no cable, the Township residents will be making even more complains. Mr. Paul stated competition is the solution, but they just learned that RCN is not going to proceed. Mr. Paul stated they would be more than willing to listen to other vendors. He stated it is very rare for a community to have more than one cable company, however.

Ms. Cheryl Williams, General Manager of Comcast, Levittown, was present with Steve Rabbit, Area Vice President for Bucks County, and Mr. Bill Bride, Technical Operations Manager. Ms. Williams stated the commercial rate issue is currently under discussion with Middletown, and she cannot speak to that matter this evening. Mr. Hackman asked about the VFW. Ms. Williams stated they were on as a commercial customer. The increase effective December 1 raised commercial accounts from \$35 to \$70. Ms. William stated with regard to the data broadband service, they found out there are pockets in the area where they are having problems with two-way communication. They have sweep teams out addressing these problems which is the reason for a number of outages which are occurring throughout the system. They found that the system was not totally two-way capable. With regard to the Emergency Broadcast System tests, they have found that the prior owners were not in compliance with the System, and they have now brought the

system into compliance. They cannot interrupt those systems which are occurring three times a week. Mr. Rabbit stated these are random times sent out by the Emergency Broadcast System. With regard to the digital lock-up, they are doing upgrades tonight and all digital customers are being advised that the upgrade will be **happening and** will address the problems they are having. Ms. Williams stated they realize **with the volume** of calls that are coming through because of the new launches, that the phone system they acquired could not handle the amount of calls. They upgraded the system the end of January and she has not heard the number of complaints they previously had. With regard to the rate increase, Ms. Williams stated a number of customers will actually receive a rate decrease. The Marquee Tier will no longer exist and those channels will now be part of the Standard Tier. Customers turning in their IHT can further reduce their costs.

Mrs. Godshalk asked if they will be getting the Preview of Programs without a special box. Ms. Williams stated the TV Guide is still on and you do not need addressable equipment to access it. Mr. Paul stated if you have an older television set that does not go up into the higher channels, you would still need the box.

Mr. Fegley stated he feels they are forcing people to pay the higher rates for channels they are not interested in. He asked that the Solicitor look into the commercial rate issue. He also asked that someone from Comcast begin to attend the CATV meetings again. Mr. Rabbit apologized for their absence and stated this will not happen again.

APPROVE RETAINING CLARKE CATON HINTZ TO PREPARE CONCEPT DRAWING FOR A SENIOR CENTER

Mr. Hackman stated at the last meeting he indicated the next step on moving ahead with a Senior Center was to get an updated drawing for a Senior Center only. He noted they have twice before looked at other Plans which included a Senior Center with one of those plans also including a Performing Arts Center and the other including a Performing Arts Center and a gymnasium. Both of these were Referendum items, and neither of them passed. Mr. Hackman stated he feels they should scale this back to a Senior Center only and feels it will cost \$2 million for a 10,000 square foot building. He noted the Township Manager spoke to a number of architects, and for \$3,000 they can get an updated drawing and then move ahead with the discussions.

Mr. Hackman moved and Mr. Stainthorpe seconded to retain Clarke Caton Hintz to prepare a concept drawing for a Senior Center at a cost of \$3,000.

Mrs. Godshalk stated this evening she brought up a proposal where they might piggyback with a non-profit group that already exists in the Township which is expanding and needs additional space. This is a nationwide program and a lot of corporations would donate to this non-profit group. She stated she feels they could save a large historic barn and it would cost the same as building a new cinderblock building. There would be room for this non-profit group and for the Seniors as well. She stated they have never considered how much it will cost to run the Senior Center. She stated she visited the Bristol Center and they have a staff of eleven paid people running their Senior Center.

Mr. Stainthorpe stated he is in favor of moving forward with the architects since it gets the project moving forward. He does feel they will have to consider a variety of ways to fund

the project and feels they should consider private/public partnerships and other creative ways to fund and operate the Senior Center.

Mr. Fazzalore stated he hopes they tell the architect to come up with something more original than the drawing they have already presented to them in the past.

Mr. Hackman stated the Seniors indicated how much space they would need and it adds up to roughly 10,000 square feet.

Mrs. Godshalk stated she does not feel they have to pay \$3,000 for them to prepare a drawing since they have already done some drawings.

Mr. Fegley stated there were two Referenda on a Community Center and no one has proposed a third Referendum for a stand-alone Senior Center. He stated that until they find out how they can build this without a tax increase, he is concerned with proceeding. He feels this is where their efforts should be directed.

Mrs. Godshalk stated there is already a Senior Center on the plans which were already prepared, and they could cut this portion off and get an estimate on how much this would cost to build.

Mr. Fedorchak stated they will create a new floor plan based on the comments received from the Senior Citizen group. He stated they will produce a new set of Plans and a Budget.

Mr. Stainthorpe stated he does feel they need a basic plan before they can proceed on the financing.

Mr. Hackman stated the Township currently carries balances in excess of \$10 million. If they wanted to, they could take \$2 million out of the road improvement fund and build the Senior Center and not raise taxes. He stated this may not be wise since they want to keep some balances. If they borrow the money, they can then pay it off over a number of years. He added if Lower Makefield Township had some type of industry in the Township that would contribute funds to the Township, they could have these types of facilities. Since the Township does not have this type of industry, the Township will have to pay for a Senior Center.

Mr. Fazzalore stated \$2 million would cost taxpayers 1.25 mills which equals \$15 a year. Mrs. Godshalk stated this is for the building only.

Ms. Dena Stein stated she cannot understand why Lower Makefield Township is one of the few Bucks County communities that does not have a Senior Center despite the higher income rating.

Ms. Sophie Blazakas stated she feels they can get Federal funding once the building is up to help run the building.

Mr. Bill Gibney stated William G. Major constructed the Bristol Senior Center, and he feels it is the most efficient Senior Center. He asked Mr. Major for a quote for a similar building, and he indicated it would cost \$750,000 for a 7,500 square foot building.

Mr. Fegley stated there is 7,500 square feet of space available next to the Township Municipal Building. Mr. Gibney stated they want their own Center, not a garage.

Mr. Art Florack stated monies can be obtained for furniture and an individual to run the facility if they apply for funds. He stated because they do not have a place currently, they cannot get money from corporations.

Motion carried with Mrs. Godshalk opposed.

Mr. Fegley stated he will not vote in favor of raising taxes to build the Senior Center.

Mr. Florack stated the Township spent \$7.2 million for a farm and he does not know why they cannot spend \$2 million for the Seniors. Mr. Fegley stated the community voted in favor of open space and did not vote in favor of a Community Center.

APPROVAL OF RESOLUTION NO. 2002 AUTHORIZING THE EXTENSION OF THE TOWNSHIP'S SEWER SYSTEM TO INCLUDE SPRING AND HILLSIDE LANES

Mr. Fazzalore moved and Mr. Hackman seconded to approve Resolution No. 2002 authorizing the extension of the Township's sewer system to include Spring and Hillside Lanes.

Mr. Garton stated the Township will have to advertise for three consecutive weeks and they will go to bid and once bids are received, decide whether to proceed.

Motion carried unanimously.

APPROVAL OF RESOLUTION NO. 2003 ACQUIRING AN EASEMENT THROUGH THE FLOWERS TRACT

Mr. Garton stated this is an off-site easement. He stated they have been trying to negotiate for the acquisition and do not have time to wait.

Mr. Stainthorpe moved and Mr. Fazzalore seconded to approve Resolution No. 2003 acquiring an easement through the Flowers Tracts.

Mrs. Godshalk asked why they cannot bring it through the other parcel since that individual may be more amenable. Mr. Garton stated they are connecting to an existing easement which is on the attached open space. Mr. Hoffmeister agreed with Mr. Garton and noted this is the lowest point in the system and this is the reason they have to go out to the Flowers property. Mr. Hoffmeister stated discussions are still taking place, but they have not yet received a positive response from the Flowers family.

Motion carried unanimously.

DISCUSSION AND MOTION ON ROAD RECONSTRUCTION AND STORM SEWER DESIGN ISSUES WITH REGARD TO THE SPRING & HILLSIDE SEWER PROJECT

Mr. Williams stated the design is on hold pending the Board's decision on the roadway width. Once they get the final width, they will complete the plans and seek appropriate permits from PennDOT, DEP, and the Conservation District and go out to bid. They anticipate that the paving will not be done until 2003.

Mr. Hackman stated there is a detention basin at Quarry and Lindenhurst Roads, and the Board had asked Mr. Doherty if it made any sense to redirect this to this stormwater system to help reduce the flooding that occurs behind the houses. He also feels the Grey Nuns will eventually be selling a portion of their property; and with additional homes in the area, there could be additional problems. Ms. Irene Koehler stated that detention basin never gets water in it. Mr. Hackman stated the water comes off the field. Mr. Fazzalore stated the Township engineer checked all the basins in the Township to make sure they were working.

Mr. Fazzalore stated he felt the Board agreed some time ago to proceed with a 26 foot wide road. Mrs. Godshalk stated no vote was ever taken on this. Mr. Stainthorpe stated he has reviewed the paperwork and the study done by the Morris Arboretum which has indicated that a 26 foot wide road will impact the trees in the area. He stated he does not feel preservation only involves historic homes, and it should also include the character of older neighborhoods in the Township. Mr. Fazzalore stated where there is a car parked on either side of a 26 foot wide road there are problems with cars traveling through if another car is coming the opposite way. Mr. Stainthorpe stated he feels there was discussion about parking being permitted only on one side of the street. He stated the road is currently 18 feet wide and he feels a 22 foot width would be sufficient for emergency vehicles to access. Mrs. Godshalk stated she would also be in favor of a 22 foot wide cartway. She would be opposed to taking down the mature trees. She stated this will also result in less costs to the Township if there is a narrower road. Mr. Hackman stated he feels most of the trees are on Hillside Lane. Mr. Fegley stated the study that was done showed that quite a number of the trees on both streets would be impacted because of the root structure.

Ms. Koehler requested that the road width be 22 feet so that they can preserve their trees and maintain the character of their neighborhood. She stated a vast majority of the neighbors agreed to having parking being permitted on only one side of the street. She stated they are also concerned that if the roads are constructed to 26 feet, it will result in greater impervious surface and will add to the flooding problems.

Mr. Harris Ford, 13 Hillside Lane, stated there was recently a fire in the area; and while it took fifteen minutes for the fire truck to arrive, it was able to safely access the street and a school bus was able to safely pass by the fire truck.

A woman residing at 11 Spring Lane stated she purchased her home four years ago because it was an older neighborhood and because of the mature trees. She stated she has had a wall built; and if they pave the road wider than 26 feet, it will impact her wall. She stated she does not want a curb installed. She stated she has a school bus company and the buses occasionally come to her property, and there have been no problems.

Mr. Stainthorpe moved and Mrs. Godshalk seconded that the street be no wider than 22 feet. Motion carried with Mr. Fazzalore abstained.

One gentleman asked why they need a curb, and Mr. Fegley stated they need a curb to direct the storm water.

Mr. Hackman stated at the last meeting there was discussion on the public sewer and water. He stated he would like a lateral for public water installed at least inside the curb so that they do not have to dig up the street when hook ups are desired in the future. Mr. Hoffmeister stated this was reviewed with the Water Company, and there will not be any future dig ups of the street. Mr. Fedorchak stated the Water Company is running the lines to the property line at the time of the initial construction.

There was discussion on whether the Motion passed included the installation of curbs within the 22 feet. Ms. Koehler stated if the curbs are not included in the 22 feet, it will impact the trees.

Mr. Stainthorpe revised his Motion and Mrs. Godshalk seconded that the cartway and curbs be no wider than 22 feet. Parking will be restricted to one side of the street. Motion carried with Mr. Fazzalore and Mr. Hackman voting no.

DISCUSSION OF INTERGOVERNMENTAL AGREEMENT WITH NEWTOWN TOWNSHIP RELATING TO TRAFFIC ISSUES

Mr. Garton stated nothing can be approved without advertising an Ordinance. He stated there would have to be a public hearing. He stated they cannot advertise an Ordinance if the other party has not agreed to it. He feels they should discuss the matter this evening and then send it to Newtown Township for their comments. He stated when he drafted this, he did so with input from Mr. Steil and Ms. Herman.

Mr. Hackman stated some of this is based on the Motion when the Board approved PennDOT going ahead with the loops. He noted Item #4 regarding the loop ramps and stated he feels his Motion called for provisions being made for additional loops in the other non-developed quadrants, and he feels this should be included in the Agreement. Mr. Hackman noted Item #6 regarding truck traffic and taking back Lindenhurst and his concern with Page 3, top sentence, and the word "may." Mr. Garton stated if they use the word "shall" and they are not be able to achieve this take-over, he questions what this would mean for the Agreement. Mr. Hackman stated this only refers to Newtown Township and this was one of the key items and the only reason he agreed to the loops. Mr. Fegley stated it already appears that Upper Makefield will not agree to a turnback of Lindenhurst Road. Mr. Hackman stated this Agreement is with Newtown Township - not Upper Makefield. Mr. Fegley stated they would still need Upper Makefield's approval.

Mr. Hackman moved to notify PennDOT to discontinue all work on the I-95 loops. Motion died due to lack of a Second.

Mrs. Godshalk stated she would object to the word "develop" in Item #6 because she does not feel they are building new roadways. She stated she feels they should get access to the Newtown By-Pass.

Ms. Herman asked that the residents be provided a copy of this since they would like to be able to review it. She asked that no vote be taken on this until they can review and comment on it.

Mr. David Steil was present and stated he did have an opportunity to review this. He stated he did have a conversation with PennDOT, and they indicated they would not normally turn back a section of road. If there was an agreement of all the parties along the entire road, PennDOT would be willing to enter into discussions. He stated a regional traffic plan is going to be very important. Any plan that simply takes trucks off one road and puts them on another is not going to go far. He stated he does feel PennDOT would be willing to discuss regional plans. He stated if Upper Makefield is opposed to the turnback of Lindenhurst Road, he does not feel it could be accomplished. Mr. Fegley stated Upper Makefield made it clear that they did not want to turn back their portion of Lindenhurst Road. Mr. Steil stated this is why they would need a regional approach. Mr. Fegley stated Upper Makefield felt the repair of the culvert on Swamp Road was the best solution and they agreed to use their influence on the jointure to get Newtown and Wrightstown to have the culvert fixed. Mr. Steil stated he feels they should frame the Agreement the way Lower Makefield wants to see it and then send it to Newtown Township and they can discuss it with them from there. Mr. Steil noted Item #5 and stated there is no connector road. He stated CAU does have a parking lot which exits on the internal road on one side and Lindenhurst Road on the other. He stated currently on the map there is nothing that would prevent a car from accessing the parking lot from Lindenhurst Road and driving through to the other side. He stated this is Roadway B. Ms. Herman stated this would be of concern to her.

Mr. Hackman asked if any Plans have been submitted for the Roberts Tract, and Mr. Steil stated he is not aware of any Plans other than for the western side of the loop road which would not impact this.

Mrs. Godshalk stated she saw Bob Pellegrino at a meeting last week and asked him about the CAU connection, and he indicated there was no connection out of the CAU parking lot in that direction. Mr. Steil stated it is possible that the Plans have changed since they had their discussion last summer.

Mr. Fegley stated he is concerned with the language of Paragraph #6 as he does not want there to be an absolute requirement of the turnback of Lindenhurst Road. He stated he feels it should remain "may" rather than "shall." Mr. Hackman stated he wants Newtown Township to agree to pursue this along with Lower Makefield Township.

Mrs. Godshalk stated when this is brought up for discussion again, she feels they should have a map available. Mr. Fegley asked that this matter be brought back at the next meeting. Ms. Herman asked that they provide a copy of the revised draft to the residents.

Ms. Marcy Conti asked who Mr. Steil has been speaking to at PennDot noting that she has had discussions with Division Chief Patrick Sullivan who indicated that they do turn back portions of roads.

APPROVAL OF PROFESSIONAL SERVICES AGREEMENT WITH DGW ELECTRICAL ENGINEERING FOR ENGINEERING SERVICES RELATING TO THE MACCLESFIELD PARK ELECTRICAL UPGRADE

Mr. Fedorchak stated in the 2002 Budget, monies were set aside in Park & Recreation for renovations at the concession stand at Macclesfield Park and one component is the electrical upgrade. Mr. Fazzalore stated the Contract indicates this is for more than just the

concession stand. Mr. Fedorchak stated this is just the general area where the work will be done. He noted the current system is operating at minimal capacity while the number of events they are having there requires more power.

One gentleman asked why so many lights are lit at Macclesfield Park when no one is there. Mr. Fazzalore stated this is also true at the Township Complex Recreation area. Mr. Hackman stated sometimes this is a timer problem. Mr. Fedorchak stated at Macclesfield Park the teams are responsible for the lights, and they are paying for the light usage. Mr. Fedorchak stated he feels they turn off at 10:00 p.m. at Macclesfield. He agreed to look into the possibility of turning the lights off rather than relying on a timer.

Mr. Fazzalore moved and Mr. Stainthorpe seconded to approve the Professional Services Agreement with DGW Electrical Engineering for engineering services relating to the Macclesfield Park electrical upgrade. Motion carried with Mr. Fazzalore, Mr. Fegley, Mrs. Godshalk and Mr. Stainthorpe in favor. Mr. Hackman was not present for the vote.

DISCUSSION AND APPROVAL OF EXTENSION FOR VALLEY DAY SCHOOL PRELIMINARY PLAN

Mr. Michael Carr, attorney, Mr. Phil Kashner, engineer, and Mr. Nick Casey were present. Mr. Garton reviewed possible conditions of approval and the Waivers being requested for the Preliminary Plans dated 5/12/99, last revised 1/16/02 as follows:

- 1) Compliance with PCS letter dated 2/4/02;
- 2) Waivers to be granted as follows:
 - a) Applicant pay Fee-In-Lieu of Recreation;
 - b) Applicant not be required to do improvements to Mill Road with the Township to receive Fee-In-Lieu;
 - c) Township grant a Waiver to reduce cartway width to 30 feet with payment to the Township of Fee-In-Lieu;
 - d) For reasons associated with storm detention basins, that a Waiver be granted for endwalls;
 - e) Waiver for reduction in stormwater flows from 50% to 29.8% to save additional trees.
- 3) Compliance with CKS letter dated 10/31/01;
- 4) Receipt of all permits and approvals by all agencies having jurisdiction;
- 5) Compliance with Lower Makefield Township Traffic Impact Fee Ordinance;
- 6) Compliance with Fire Marshall letter dated 6/18/01.

Mr. Carr agreed to these Conditions.

Mr. Hackman stated Amberwood Road is a stub road which was put in so adjacent developments could tie in. This is not being done on this plan. Mr. Casey stated in order to provide access from Amberwood, they would have to cross a wetlands corridor. There was also opposition from the existing residents. Mr. Hackman stated he does not feel this would become a through road and create problems for the existing residents. He stated it would also provide a second entrance for emergency vehicle access.

Mr. Hackman stated they plan to dedicate to the Township all of the open space and there are three different open space areas shown which will result in a maintenance problem.

Mrs. Godshalk stated when they discussed this property with a prior developer, they wanted access to the open space and wanted it contiguous to existing Township open space. Mr. Casey stated Open Space Lot A is contiguous to Township open space and has access to Amberwood Drive. He noted there is a problem with wetlands in this area. Mr. Hackman asked how they would access Open Space Lot C, and Mr. Casey stated there is an easement for sanitary sewers and they could designate this as an access easement for this as well. He stated this is also contiguous to lands owned by Lower Makefield Township on Mill Road.

Mr. Fegley asked the location of their detention basin, and Mr. Casey stated it is in the center of the loop so it provides easy access. Mr. Fegley stated he was not in favor of this location. It was noted that Open Spaces A and C are not detention basins. Mr. Casey stated these are wooded areas. Mr. Fazzalore stated the Township still needs to maintain these by taking out dead trees, etc. Mr. Fegley stated he is not in favor of Open Space B being in the center of the tract and feels it should adjoin Open Space C.

Mr. Garton stated the question is does the Plan comply with the Ordinances. He stated the only Waivers that do not deal with a payment of Fee-In-Lieu are the ones that have to do with the endwalls and the reduction in run off.

It was noted that the road is more than 800 feet long, and the Board asked if this is considered a cul-de-sac since it is their only access. Mr. Garton stated the definition would not appear to indicate that this is a cul-de-sac as it does not have a end - it is a loop road. Mr. Casey stated they felt the road access shown was in agreement with the requests of the residents and was acceptable to the Planning Commission. He stated they have taken into consideration the preservation of the natural and steep slope areas. He stated they are also providing the right-of-way for a 36 foot wide right-of-way and paying the difference to the Township for the reduction in cartway width which will be installed. He stated if the Township wants the 36 foot wide cartway and the sidewalk, they will agree to install this. In the alternative, they will pay Fee-In-Lieu.

Mr. Hackman asked if the adjoining development has a 36 foot wide cartway, since he feels this development should match.

Mrs. Godshalk stated she feels they should have a cul-de-sac at the end of Amberwood since people will be driving in and the road maintenance equipment will need to be able to turn around. She stated if that is the only access to the open space, people will also be driving into that location and parking. Mr. Casey stated they would agree to this and would also agree to pay Fee-In-Lieu to have this built if they are paying Fee-In-Lieu for other items. He stated they are not required to install this cul-de-sac.

Mr. Hackman stated the stub was put in there to be connected to this development. He stated if they have to build a bridge to make the connection, they may have to build a bridge. Mr. Casey stated the Township would then be asking them to violate the Wetlands Ordinance. He noted they were aware of the stub at Amberwood but it is not practical because of environmental concerns. They cooperated with the Planning Commission to come up with the Plan as shown. They would be willing to work with the Board of Supervisors to get access to the open space if this is the Board's desire. Mr. Casey stated he would be willing to pay Fee-In-Lieu of the cul-de-sac. Mr. Hackman stated he does not want payment of Fee-In-Lieu - he wants them to finish it up in this area.

Mr. Hackman stated he also does not feel the basin should be where shown on the Plan. Mr. Casey stated originally the basin was located at Open Space Area C, and this was altered to provide for the loop road. He stated the Planning Commission seemed much more in favor of this lay out being shown and having the basin where it is easy to access. Mrs. Godshalk stated she is opposed to the basin being located in the middle of the development. She noted the basins are not manicured in the Township; and all the homeowners will be looking out onto this basin, and the Township will be receiving complaints.

Mr. Fegley stated if the Plan meets the Ordinance, he is not sure he wants up rip up the woodlands and wetlands in order to install a basin in another location.

Mr. Casey stated they are providing a landscaped buffer along the basin except where areas for access are needed.

Mr. Hackman stated he feels they should put houses in the middle facing the loop road and have the open space contiguous to the existing Township open space.

Mr. Fegley stated he would agree that there should not be a connection to the stub street.

Mr. Casey reviewed work done with regard to the public utility connections. He stated they have had to go to the railroad and the Water Company to be able to extend through to their properties.

Mr. Fegley noted the wetlands specialists has not yet signed off. Mr. Casey stated this will be on the Final Plan. He stated the Corps of Engineers issued a jurisdictional determination.

Mr. Fegley stated they are asking that the basin be installed where Lots 12 and 13 are located and to put homes in the center of the tract.

Mr. Hackman stated he feels the basin should be moved, a cul-de-sac be installed at Amberwood, and the roads be the same width as the adjoining development.

Mr. Fegley asked what the basis of a Denial would be, and Mr. Garton stated they could refuse to grant the Wavier to Section 178-93(c)(2)(a).

Mr. Casey stated the basin would be narrower and they would need more area on the sides. Mr. Fegley stated he would be willing to go to 30 feet for the roads to get the basin on the other side. Mr. Carr stated the location where the basin is currently shown is more accessible by a truck than it would be were it to be moved. Mr. Fazzalore stated he feels Mr. Coyne should review the basin and see what his comments are as well as with the rest of the open space.

Mr. Hackman asked if they would be willing to provide an Extension. Mr. Casey asked if the Board would be willing to agree to a thirty day extension which would give them the opportunity to meet with the Mr. Coyne and other Township representatives and try to resolve the issues. He noted they have put a lot of time and effort into trying to meet the mandates of the Planning Commission in terms of the site constraints. He noted they have spent extensive sums to obtain the easements for the sanitary system. Mr. Hackman stated he does not feel those items will change. Mr. Casey stated they would have to take into

consideration the dimensional constraints of moving the detention basin. Mr. Fazzalore stated he did not feel they would be able to get this all done in thirty days. Mr. Casey agreed to provide an extension until the end of March, and Mr. Carr provided a written extension to the end of March this evening.

Mr. Stainthorpe moved, Mr. Fazzalore seconded and it was unanimously carried to approve an Extension until March 31, 2002.

DISCUSSION OF STORAGE BUILDINGS AT SUMMIT STONEFIELD APARTMENTS

Mr. Michael Carr, attorney, was present and provided information on what they are proposing. He stated there are over five hundred apartment units. They are proposing installation of four 128 square foot buildings. They will be 8' by 16'. Mr. Hackman noted the letter from Mr. VanLuvanee which indicates they will be 18' by 16', and Mr. Carr stated this is an error. Mr. Carr stated they would be designed to meet the appearance of the existing buildings. Mr. Carr noted the photos provided showing where they will place the buildings. He stated Ms. Frick had questions whether a Waiver or Land Development approval would be needed. Mr. Carr stated he provided her with information as to how these meet the requirements of the Ordinance. He stated they also presented pictures of these buildings on some of their other properties. Mr. Carr stated these will provide additional storage for the residents of the apartments. The buildings will be rented to them. Mr. Carr stated these buildings are not visible to the nearby Condominium owners since they are in a different section of the property.

Mr. Fedorchak asked if they have any plans for more of these buildings, and Mr. Carr stated they do not.

Mrs. Godshalk stated she feels this is a commercial enterprise being operated in a residential zone.

Mr. Kevin Holly from Storage Line LLC was present. Mr. Carr stated this is no different than the renting of apartment space.

Mr. Fegley stated he does not feel this would be a commercial use since it is not open for rent by the public and is only available for rent by the apartment renters.

Mr. Holly stated he started this process in July of 2000 and would be willing to state or sign anything that would indicate that they would not request any further buildings to be installed in the Township.

Mr. Hackman asked if these units have foundations, and Mr. Holly stated they are set on block. He stated they also addressed footings and tie down issues with the Township. Mr. Hackman stated it appears they are going to be delivered by a truck and simply set down. Mr. Holly stated they place it on block every 8' although it is not a foundation. He stated they also have the ability to take them out. Mr. Hackman asked who owns the units, and Mr. Holly stated his company owns them and they collect the rent. He stated the renters will get a lease. Mr. Hackman stated he feels this is a commercial enterprise. Mr. Carr stated this is akin to a property manager offering amenities to the renters.

Mr. Garton stated they are prepared to go to Land Development if they are required to do so although they are requesting a Waiver from the requirement to go to Land Development.

Mr. Carr stated the site is not so tight that there would be any difficulty in complying with the various Township Ordinance requirements.

Mr. Fegley stated he does not feel these are that objectionable and he would be willing to waive Land Development subject to the condition that in some fashion they agree there will be no additional units placed at this particular complex.

Mrs. Godshalk stated when they built these apartments, they built a certain number of units to occupy the space that they were allowed. Mr. Carr stated the density and impervious surface are under the maximum allowed, and there is extra room on the site for development of this sort. He stated they would agree to come in with a Land Development Plan if this is what is required.

Mr. Garton stated it appears since the Board has taken no action, they will need to file an Application for Land Development if they want to proceed.

REVIEW INFORMAL SKETCH PLAN FOR METZ PROPERTY

Mr. Edward Murphy, attorney, Mr. Bill Briegel, engineer, and Mr. Doyle were present. Mr. Murphy stated they were asked to come back with a Plan giving more land to the historic home and an unimpeded view of the house. The new Plan (Plan A) shows 28 lots. The house would be on a lot of slightly over one acre with a monument or some identifying feature. He noted this plan does encroach somewhat more into the woodlands in the north. Mr. Murphy stated they will sell the house.

Option B was shown which lines up Knoll Drive with the entrance roadway going through the site. It provides a lot on which the historic home will sit of 4.3 acres and moves the access point on Dolington Road 100 feet further west. It has a cul-de-sac with six lots fronting on it. The total number of lots goes from 31 to 24 in this Plan.

Mrs. Godshalk asked how much they would get for the house on half an acre, and Mr. Murphy stated they feel the difference between the first Plan and Plan B would be \$100,000. The original estimate was \$500,000 for 3/4 of an acre. He noted the house is in good condition. Mr. Murphy stated they do have certain contractual obligations with the seller.

Mr. Victor Fiori stated this property is one of the most historic properties in the area. Mrs. Godshalk stated this is the William Yardley house. She stated she feels it should take access to Dolington Road where people can see it.

Mr. Garton stated they did secure an extension of time **form the seller but they must come** to some conclusion by the next meeting of the Board. **Mr. Hackman stated if the Township** is considering purchasing some of the land, he does not feel they will be able to get this done in the next two weeks.

Mr. Hackman stated he would be in favor of Option A since it will not provide a direct cut through.

One woman stated she is one of the homeowners on the private lane and stated the EPA indicated that there could be no building on this tract because of the wetlands.

Mr. Murphy asked about improvements to Dolington Road. Mrs. Godshalk stated she feels that because of the historic home, it should not be improved. Mr. Murphy stated any improvements of Dolington Road would eliminate the sycamore trees. Mr. Murphy stated items to be considered would be improvements to Dolington Road, reduction in cartway width from 36 feet to some other number, and whether the Board wants sidewalks on one side or both sides of the street. It was noted the bikepaths are on the other side of Dolington Road.

Mrs. Godshalk stated she feels the house should be preserved on the larger lot and feels there is a market for it.

Mr. Murphy noted they could eliminate the loop road and have a driveway go up to the house.

Mrs. Godshalk noted the Plan indicates that the barn will remain. Mr. Briegel stated this is mislabeled. The house and the garage will be maintained. Mr. Murphy stated the barn is not historic.

Mr. Hackman stated if the Township gets involved in some way monetarily so that whoever buys the house will have more ground, this does not seem to make sense. Mr. Fegley stated he would be in favor of buying the land so that they would have continuous frontage hopefully with the Fiori Tract, and the Township can then sell the house and whatever acreage they decide is appropriate. He feels they should use the Open Space money to purchase land shown on Plan B plus some additional land. He noted Plan B and stated he feels they should also purchase the land adjacent to the historic home so that it is contiguous to the Fiori property. He feels the Township should buy the house and the land and they can then sell the house and some of the ground. Mr. Fegley stated he does not feel the Township should keep the house, rather it should be sold with deed restrictions and the money would then come back to the Township. Mr. Hackman stated he feels they are going to have to pay more than they are going to be able to get.

Ms. Diane Mays stated she does not feel the Township should buy another house. She feels the developer has more experience in selling property.

Mr. Fiori stated his father has a written agreement with Mr. Metz for a road that goes from Dolington Road past the apartments. Mr. Murphy stated he has only heard about this Agreement.

Mrs. Godshalk asked about the possibility of the developer selling the house with four acres and the Township buying the land adjacent to it. Mr. Murphy asked how the developer would be compensated.

Mr. Fegley asked if they need any Waivers or exceptions for the original Plan, and Mr. Murphy stated they do not feel they do.

Mr. Hackman stated he would still like to see the entrance road moved up and building a cul-de-sac if they go back to the original Plan.

Mrs. Godshalk stated she does not feel the property should be reverse frontage in this area.

Mr. Fazzalore stated he will not vote for anything that costs the Township money. Mr. Fegley stated they can use the Open Space funds. Mr. Fazzalore stated he does not feel this is Open Space - he feels it is a house.

Mrs. Godshalk stated she would be in favor of proceeding with the Plan proposed by Mr. Fegley.

Mr. Stainthorpe stated he feels the Township residents wanted the Township to purchase Open Space, and this is a very important piece of property in the Township.

Mr. Hackman stated they do not know anything about the plans for the Fiori property, and they are discussing purchasing land adjacent to it.

Mrs. Godshalk stated she would like to see the Township purchase Lots #1, #15, #16, #17 and the main house.

Mr. Fegley stated they would need the developer to give them some idea what it would cost for them to purchase the tract from the developer.

Mr. Hackman stated if the Township is going to take a third of the land, he feels the Township will have to pay at least one third of what the developer paid plus their profits that would have been realized.

Mr. Fegley stated it appears that there are three Supervisors for the more ambitious Plan B as Mrs. Godshalk, Mr. Fegley, and Mr. Stainthorpe were in favor, and Mr. Hackman and Mr. Fazzalore were opposed.

Mr. Murphy stated he will agree to meet with Mr. Garton to provide some numbers.

APPROVE EXTENSION FOR MISKIEL/DARRAH TRACT

Mr. Stainthorpe moved, Mr. Hackman seconded and it was unanimously carried to approve an Extension for the Miskiel/Darrah Tract to 5/22/02.

APPROVE EXTENSION FOR FIELDSTONE AT YARDLEY (HARRIS FARM)

Mr. Stainthorpe moved, Mr. Hackman seconded and it was unanimously carried to approve an Extension for Fieldstone at Yardley (Harris Farm) to 5/31/02.

APPROVAL OF FEBRUARY 4, 2002 AND FEBRUARY 18, 2002 WARRANT LISTS AND JANUARY, 2002 PAYROLL

Mr. Hackman moved, Mr. Fazzalore seconded and it was unanimously carried to approve February 4, 2002 and February 18, 2002 Warrant Lists and January, 2002 Payroll as attached to the Minutes.

ZONING HEARING BOARD MATTERS

The Peter and Cathy Smith, 105 Tudor Lane, Variance request to construct an addition encroaching into the front yard setback was noted, and it was agreed that the Zoning Hearing Board should decide this issue.

The Newcastle Group Variance request for property located on Penn Valley Road to permit driveway slope in excess of 8 percent was noted, and it was agreed that the Zoning Hearing Board should decide this issue.

The John Alastick, 6 Manor Lane N. Variance request to construct an addition resulting in greater than the permitted impervious surface was noted, and it was agreed that the Solicitor should appear at the Hearing and report back to the Board.

There being no further business, Mr. Hackman moved, Mr. Stainthorpe seconded and it was unanimously carried to adjourn the meeting at 11:15 p.m.

Respectfully Submitted,

A handwritten signature in cursive script, appearing to read "Wes Hackman".

Wes Hackman, Secretary



Township of Lower Makefield

BOARD OF SUPERVISORS

Scott I. Fegley, Chairman
Grace M. Godshalk, Vice-Chairman
Wesley W. Hackman, Secretary/Treasurer
Frank J. Fazzalore, Supervisor
Pete Stainthorpe, Supervisor

**FEBRUARY, 2002 WARRANT LISTS AND
JANUARY 2002 PAYROLL COSTS FOR APPROVAL
@ FEBRUARY 18, 2002 BOARD OF SUPERVISORS MEETING**

02/04/02 Warrant List	\$ 324,710.14	
03/02 Prepaid Expenditures	30,100.54	
02/19/02 Warrant List	476,280.54	
Total Warrants & Prepays		831,091.22
<u>PAYROLL COSTS:</u>		
January, 2002 Payroll	283,322.26	
01/02 Payroll Taxes, etc.	21,674.16	
Total Payroll Costs		304,996.42
TOTAL TO BE APPROVED		\$ 1,136,087.64

