

TOWNSHIP OF LOWER MAKEFIELD  
BOARD OF SUPERVISORS  
MINUTES - MAY 20, 2002

The regular meeting of the Board of Supervisors of the Township of Lower Makefield was held in the Municipal Building on May 20, 2002. Chairman Fegley called the meeting to order at 7:30 p.m. noting that the Board had been meeting in Executive Session since 6:30 p.m. to discuss personnel and legal matters.

Those present:

Board of Supervisors: Scott Fegley, Chairman  
Grace Godshalk, Vice Chairman (joined meeting in progress)  
Wes Hackman, Secretary/Treasurer  
Frank Fazzalore, Supervisor  
Pete Stainthorpe, Supervisor

Others: William Taylor, Finance Director  
Jeffrey Garton, Township Solicitor  
Robert Williams, Township Engineer  
Kenneth Coluzzi, Chief of Police

Absent: Terry Fedorchak, Township Manager

**ANNOUNCEMENT OF EAGLE SCOUT PROCLAMATIONS**

Mr. Fegley stated he and Mr. Fazzalore attended the Eagle Scout Ceremony yesterday for the following: Nicholas Daddario, Matthew Fenty, Laszlo Oroszvary, Lawrence Wind, and Brett Zaba. He noted they were presented their Proclamations at the Ceremony and are recognized again this evening.

Mrs. Godshalk joined the meeting at this time.

**RECOGNIZE WINNERS OF EARTH DAY CONTESTS**

Mr. Fegley and Ms. Donna Liney, Recreation Director, presented the Awards to the Earth Day Art Contest winners who were present this evening. Mr. Fegley stated there were approximately 100 entries and the winners in each category were announced. Mr. Fegley noted most of the Fishing Derby Contest awards were presented at the Event. One winner was present this evening to receive his award. Mr. Fegley thanked Ms. Liney for the work she did for the Earth Day Event.

**PUBLIC COMMENT**

Mr. Dave Miller stated he lives across the street from the site of the new CVS Pharmacy. He stated the external lights were turned on last week and were on all night long. He stated the McCaffrey Shopping Center lights were installed in such a way that there is no glare from the lights or horizontal light going out to the neighborhood. He stated the CVS lights are very bright and glaring with the light going in all directions. He stated while Yardley

Borough has similar gas light replicas, they do not cast the same light as do the CVS fixtures. He stated there is also an overhang in front of their building and lights are shining into the road and the surrounding neighborhood. He asked that the Board of Supervisors require that there be a timer on the lights so that they go out at closing time and that the lights at the overhang be changed so that they shine downward. He asked that the lights be changed similar to the McCaffrey parking lot lights so that the light is not spilling out onto the neighborhood. Mr. Taylor was asked to have the developer appear at the next meeting to discuss this matter. Mr. Williams stated he would like to go back and check that they have installed what was approved, and he will report back to the Board of Supervisors. Mrs. Godshalk stated some of the design committee people went with the developer to Yardley to look at their fixtures. Mr. Fazzalore stated he is very disappointed with the look of the building since he felt it was to look similar to a historic structure. Mr. Fegley stated if the matter can be resolved prior to the next meeting, the developer would not have to appear before the Board. Mrs. Godshalk stated she does not feel all the lights should be on all night long.

Mr. Chuck Patterson, Pine Brook II stated at a previous meeting he noted that the Macclesfield Park lights were on late at night with no one on the fields and this has occurred again. He asked who is paying for this. Mr. Hackman stated the Leagues pay for this but they should not be on late at night if no one is playing. Mr. Fazzalore stated they did discuss at the last meeting that there should be a timer that turns off the lights automatically at a certain time.

Ms. Lee Ann Purse noted the Trenton Mercer Airport Environmental Assessment Report has indicated that there should be no significant impact on Lower Makefield. Mr. Fegley stated at the last meeting, the Board approved retaining an attorney to assist BRRAM, which is a local group that has been very proactive in this situation, to respond to this Report. A letter has also gone out to Congressman Greenwood asking that the Public Hearing be pushed back so that the public has more time to respond to the Report. Mr. Fegley suggested that Ms. Purse contact Mr. Krupp from BRRAM who can advise her of the exact status.

Ms. Virginia Torbert expressed concern with what she feels is a biased and misleading Newsletter which was sent out to Township residents at taxpayer expense with regard to the Referendum. She stated she feels there are a number of areas in the Township where there could be improvements, and the issue should be studied.

#### APPROVAL OF MINUTES

Mr. Fazzalore moved and Mr. Hackman seconded to Approve the Minutes of May 6, 2002 as written. Motion carried with Mr. Stainthorpe abstained.

#### DISCUSSION OF INTERGOVERNMENTAL COOPERATION AGREEMENT WITH NEWTOWN

Mr. Fegley stated he is disappointed with the response, or lack thereof, which they received from Newtown. He stated they received a two statement letter which states they are not going to take this up at this time. There was no explanation given. He has discussed the matter with Mr. Steil, and they feel it would be best to have another meeting

of Newtown Township and Lower Makefield Township officials at Mr. Steil's office to see if they can get this back on track. He noted there have been some changes to the Newtown Township Board of Supervisors since they had an Agreement in principal with Newtown Township. Mr. Fazzalore and Mr. Hackman agreed that there should be another meeting. Mrs. Godshalk stated she did not agree. She stated for five years they have been meeting in a small group and this has not worked. She stated she feels there should be a public meeting. Mr. Fegley stated he feels it has worked and this is how they had gotten to the point they had previously. Mr. Fegley stated he feels this is an important issue and he does not want to create more bad feelings on either side. Mr. Fazzalore recommend that Mr. Fegley and Mr. Hackman be the representatives for Lower Makefield Township. Mr. Stainthorpe stated he would also be in favor of such a meeting.

Ms. Sue Herman stated she would like them to continue to push to get this resolved in an effective manner. She stated time is of the essence since certain plans are proceeding.

Ms. Torbert asked if there is not more going on now in the O/R District in Newtown Township. She feels it would be worthwhile taking a fresh look at what they can do. Mr. Fegley stated they had an Agreement in principal with Newtown Township on several major issues.

#### APPROVAL OF CONDITIONAL USE FOR VERIZON WIRELESS

Mr. Garton stated Verizon has filed a Conditional Use Application, Plan dated 1/17/02, last revised 2/18/02. They are seeking to co-locate on the tower on the Township property. Notice has been sent to the Applicant, legal notices have been published, and the property was posted. He noted this matter was originally scheduled for May 6, but due to the crowded Agenda, they asked that the Applicant attend this evening's meeting. The Township file was made part of the record. Mr. Garton noted the Planning Commission has recommended approval. Mr. Garton reviewed possible Conditions of Approval. The Applicant identified the Exhibits being presented this evening. The attorney asked that the Bond be set at \$2,000 which is consistent with the other users, and this was acceptable to the Board of Supervisors.

Mr. Hackman asked if this will max out the permitted users for the tower, and it was noted this will. They are taking the spot of Metricom. Mr. Hackman stated the Township does receive funds from these users, and Mr. Taylor stated the Township received \$100,000 last year in total.

Mr. Fazzalore moved and Mr. Hackman seconded to Approve the Conditional Use for Verizon for the Plan dated 1/17/02, last revised 2/18/02 subject to:

- 1) Receipt of all permits and approvals by agencies having jurisdiction;
- 2) Compliance with the PCS letter dated 3/27/02;
- 3) Applicant to provide to the Township guaranty of removal of facilities if no longer needed as required by Ordinance;
- 4) Appearance of any buildings to be consistent with other buildings and be to the satisfaction of the Township Manager;
- 5) Land Development be waived;
- 6) Payment of any Township expenses to the extent not paid;
- 7) Confirmation that Metricom has abandoned the site.
- 8) Compliance with Section 200-50.1 of the Zoning Ordinance.

The Conditions were acceptable to the Applicant. There was no public comment. Motion carried unanimously.

#### APPROVAL OF VOICESTREAM (OMNIPOINT) CONDITIONAL USE

Mr. Garton noted the Plans dated 2/4/02, last revised 3/5/02. He stated this is the Callahan site and is a co-location. Notice was sent to the Applicant, notice appeared in the newspaper, and the property was posted. The contents of the Application and the Exhibits were incorporated into the Record. Mr. Garton stated the Planning Commission has recommended Approval. He reviewed possible Conditions of Approval.

Mr. Lawrence Lahr was present on behalf of the Applicant and stated the Exhibits make their Record. He asked that Bond be the same as other co-locators. Mr. Hackman asked how many users are on this tower, and Mr. Lahr stated they will be the fourth carrier. Mr. Lahr stated it is unlikely that anyone could go lower because of the trees and they feel this Approval will max out this tower. Mr. Fazzalore asked if Voicestream is in good financial condition, and Mr. Lahr stated he feels they are.

Mr. Stainthorpe moved and Mr. Fazzalore seconded to Approve the Conditional Use for Voicestream (Omnipoint) for the Plans dated 2/16/02 Last revised 3/5/02 subject to:

- 1) Receipt of all permits and approvals by agencies having jurisdiction;
- 2) Compliance with PCS letter dated 4/ 8/02.
- 3) Applicant to provide to the Township guaranty of removal of facilities if no longer needed as required by Ordinance;
- 4) Appearance of any buildings to be consistent with other buildings and to the satisfaction of the Township Manager;
- 5) Land Development be waived;
- 6) Payment of any Township expenses to the extent not paid;
- 7) Compliance with Section 200-50.1 of the Zoning Ordinance.

Mr. Lahr agreed to the Conditions of Approval. There was no public comment. Motion carried unanimously.

#### DISCUSSION AND TABLING OF CONDITIONAL USE HEARING FOR MOTIVATIONAL EDUCATION TRAINING CENTER, INC. AND NEW HOPE ACADEMY

Mr. Garton stated the Applicant has filed for Conditional Use. Notice was sent to the Applicant and the matter was advertised in the paper. The property was posted. This matter was continued from the last meeting. Mr. Garton stated this property is the former Grange building and is located in the Historic/Commercial District. Section 200-36b was noted. The recommendations made by the Planning Commission were noted.

Ms. Kathy Gana was present with her attorney, Mr. Michael Carr.

Mr. Fegley stated he will not be voting on this matter since he is a member of the Woodside Presbyterian Church which adjoins this property.

Mr. Garton asked if anyone was present who wished to be a party to the proceedings which would permit them to be given the opportunity to ask questions and preserve future rights if any appeal or action is taken which they feel is objectionable. The Pastor of the Woodside Presbyterian Church stated he would like to express his interest in the matter but was not interested in becoming a party in the legal sense.

Mr. Carr stated these are companies offering training, tutoring, and educational assistance. He noted the presence of Bob Pelke, engineer, and the owner of the property, Mr. Frank Mignoni. Mr. Carr stated they are currently operating out of the Summit Square Shopping Center, but their building is proposed to be demolished. They feel the Grange property is an ideal location for their use. The building contains a number of small rooms. The Mignoni family rehabilitated the building and used it for their real estate business but they have since moved on to a different building. Mr. Carr stated they feel this building represents a small school use similar to that which would have existed many years ago and is consistent with the type of school use their operation has. They have recently become accredited and registered by the State as a school but it is a very different type of school than normally found. They have highly individualized programs to address very specific needs of their students. In their Application, they suggest that this is not a school as defined by the Township Ordinance. He noted their company is a for-profit business. He stated this has presented some difficulty as has been expressed in the Township engineer's review letter.

Mr. Carr stated parking concerns have been expressed by the Planning Commission. He stated in the most recent past the bulk of the parking has been accommodated in the adjacent Church parking lot. The Planning Commission felt there should be at least twenty-five parking spaces available to the School for the duration of the lease. They have communicated with the Church, and the Church issued a letter indicating that they would continue the 1995 Parking Agreement which would mean that the Agreement could be terminated in thirty days by either party. The Mignoni family has expressed a willingness to apply for the two Variances that would be needed to construct parking on the Grange property. One would be for minimum distance between the parking and the building and the minimum distance between parking and the property boundary. They would have to come closer than permitted. There are six existing parking spaces, and they would have to construct nineteen more to get the twenty-five required by the Planning Commission. The Applicant projects into the reasonable future a maximum of eighteen parking spaces would be needed, but the Planning Commission felt that they wanted to see twenty-five spaces. They will not need a Variance for impervious surface according to Mr. Carr.

A Sketch Plan was shown, a copy of which was provided this evening and marked as Applicant's Exhibit 1 showing the site with frontage on Edgewood Road and the surrounding parcels. The existing driveway and parking were noted. Mr. Carr noted areas on the Plan where they could provide additional parking.

Mr. Garton asked how those using the facility would get to the property. Mr. Carr stated there are a total of 210 students who, over the course of a year, would be enrolled. The vast majority of those would be on a very part-time basis once to three times a week for several hours. These tend to be young people who would be dropped off at the site by their parents who then leave the site and return for them at a later time.

Ms. Kathy Gana was sworn in and stated they started as a tutorial center and as they grew, they began to do more outreach work as well so this building would work as an office

building for them as well. She stated they also have programs for businesses. She stated their reputation grew in the area Schools and those Schools then began sending them children who were having problems learning in a traditional school environment for a variety of reasons. Some of the parents of those students then wanted to be able to bring their children to a school where they could get a diploma after working with their teachers one on one or two to one. They take children in High School and Middle School. The majority of their students are from Pennsbury and Council Rock.

Ms. Gana stated they are open from 9:00 a.m. to 9:00 p.m. Most students come for one hour, one to three times a week. They are open on Saturday from 9:00 a.m. to 1:00 p.m. and on Sunday there are occasional programs in the afternoon but nothing in the morning. Ms. Gana stated they met with the Church and indicated that if there were any special meetings that the Church would have which would require use of the parking, they would cooperate. She stated the relation with the Church would end if the School provided their own parking on site.

Mr. Stainthorpe asked how many students would be on the site at any one time, and Ms. Gana stated the most would be fifteen. She stated most of the parents drop off their children and then come back and pick them up when their session is over. Ms. Gana stated there could also be fifteen teachers in the building. Mr. Stainthorpe asked how many of the full-time students would be there at any one time, and when would they attend. Ms. Gana stated some of them work during the day and come to School at night. Others have morning anxiety problems and do not come until later in the morning. Mr. Stainthorpe asked if there are any special events. Ms. Gana stated if they do have them they use the Hampton Inn. They do have some parent meetings but the most they would have would be ten to twelve students and parents.

Mrs. Godshalk stated she finds it hard to believe that on 6/10's of an acre, they could get the number of parking spaces they are proposing.

Mr. Carr stated there are a number of small rooms that would be used as classrooms, one for an office, and one gathering room. There was further discussion on the parking, and Mr. Carr stated the Woodside Church property has in excess of 120 spaces. He stated they do not feel that they will be able to work out a long-term Agreement with the Church for the parking on their property and they would therefore have to make the property self-contained. He stated there is a driveway on their property that currently goes to the Church lot.

Mr. Carr stated tonight he is requesting of the Board of Supervisors a favorable Conditional Use Approval conditioned on parking and whatever Variances would need to be obtained and approval of the Plan. He stated they recognize that they will also have to adhere to the stormwater management requirements when they install parking.

Mrs. Godshalk asked if they will purchase the property from Mignoni, and Mr. Carr stated it is a five year, renewable lease.

Mr. Carr stated the other possibility they could pursue would be to continue the status quo with the Church and try to build parking if and when the Church indicated that the parking is no longer available. He stated they could also proceed with the approvals that would be necessary to build the parking and not build it unless there was a termination of the Agreement with the Church with the hope that this would never happen.

Mr. Hackman stated in order to have a School, there is a minimum lot size requirement of five acres, and this property is only slightly more than a half acre. He stated he is not aware of the impervious surface permitted; but according to their calculations, it appears that it will be 62% and probably more. He stated if they build up to the permitted impervious surface, they will also need a detention basin, and he does not feel there is any place to locate a basin on the property. He stated they also have a major access point to the shopping center on the west side of the property where there is heavy truck and other traffic. He stated on the other side of the property is the current exit from the Church which will now be an entrance and an exit and will further compound safety problems in this area. Mr. Hackman stated he does not feel this property is suitable for this use, and he would not be in favor of this Application. Mr. Carr stated the objection Mr. Hackman has raised would be the same for any commercial use of this property. Mr. Hackman stated a School which accommodates one hundred people over a period of time is not the same as other uses. Mr. Carr noted Section 200-68(28) defines a School, but does not really apply to this use. Mr. Hackman stated they are conferring degrees, and he feels that this is a School. Mr. Carr stated he does not feel this use fits into the Township Ordinance. He stated this use is very different from a typical school.

Mr. Hackman stated the Ordinance does have requirements for calculating how much parking is required based on square footage and employees and asked what this number would be as it relates to their proposal. Mr. Carr stated that criteria does not apply for this use. Mr. Hackman asked how the Planning Commission determined that twenty-five was the appropriate number. Mr. Carr stated they considered the Applicant's information that indicated they would need eighteen spaces, and the Planning Commission then added seven additional spaces.

Mr. Carr referred to the specific Sections of the Ordinance relating to the Historic District regulations and stated the Planning Commission felt that this use was consistent with uses of the District in the past. Mrs. Godshalk stated the use may be consistent with the character of the District, but she does not feel digging up the property for parking is appropriate. She stated this District will be undergoing a change officially in the future and it will allow for other type uses. She is concerned that they are taking 6/10s of an acre and paving it over which is definitely not in the character of the Village.

Mr. Carr stated he feels they are not allowing the property owner to have reasonable use of his property. He stated in order to use the property for anything, they need more than six parking spaces.

Mr. Fegley stated it does not appear that there is a majority of the Board in favor of this project.

Mr. Hackman stated he has reviewed the uses permitted by right and nowhere does it mention anything about a school other than teaching of cooking or crafts. Mr. Carr noted other uses permitted which he feels are very much like professional services.

Ms. Gana stated they have to be licensed as a School by the Department of Education in Harrisburg in order to give credit but it is not a School in the traditional sense of the word. She stated everything is done on a very personal basis. Their students do have to put in a certain number of hours and they did give the School a name so that the children would have a name for their facility rather than state that they received their diploma from a tutorial center. She stated they never have one hundred children in the building at one time and this

would be over a year's time. She stated the majority of their parking is needed for staff and teachers. They have no Preschool or Elementary School age children before 3:00 p.m. She stated their students do not belong in a traditional alternative school because they have very specific needs. She stated they are not a School - they are a place of learning. She stated there is no recess and no lunchroom for the faculty or the students. She stated from 3:00 p.m. to 9:00 p.m. they are solely a tutorial center. She noted that two students will receive diplomas this year from their School.

Mrs. Godshalk asked if the School bus will drop off students to their facility, and Ms. Gana stated they will and these would be small buses for a few of their students. Mrs. Godshalk stated she is not against the program, she is just not in favor of using this site for the program.

Mr. Stainthorpe stated he does agree that it is not a school - it is a tutorial center. He stated he would support the Conditional Use, but he feels this is not the right site for the facility.

Mr. Carr stated stormwater management can be accommodated on site and they can meet the impervious surface requirements. The proximity of their access to the property next door will get better because less traffic will take access if it is not going back to the Church parking lot. He asked that they send them to the Zoning Hearing Board, and if the Zoning Hearing Board sees fit to allow this, they would like to know the use is not a problem.

Mr. Fegley stated he feels they are putting the Board of Supervisors in an awkward situation because they want them to approve this looking solely at the use.

Mr. Stainthorpe moved to approve the Conditional Use conditioned on receiving Land Development Approval and the Zoning relief required to consider additional parking. There was no second to the Motion.

Mr. Carr stated they would ask that the Board table this matter at this time until they complete the process.

Mr. Stainthorpe moved and Mr. Fazzalore seconded to table pending a decision from the Zoning Hearing Board. Motion carried with Mr. Fegley abstained.

#### DISCUSSION AND TABLING OF MANTO MINOR SUBDIVISION

Mrs. Manto was present with Ms. Moonlight Tong, engineer. Mr. Garton reviewed possible conditions of Approval for the Plans dated 5/15/01, last revised 1/19/02 as follows:

- 1) Receipt of all permits and approvals by agencies having jurisdiction;
- 2) Compliance with the PCS letter dated 4/2/02;
- 3) Compliance with the CKS letter dated 3/25/02;
- 4) Payment of all Township expenses;
- 5) Note to be added to the Plan that there can be no further subdivision.

Ms. Tong agreed to these conditions.



Mr. Fegley asked if the stormwater management issues have been resolved, and Ms. Tong stated they have requested a Waiver by letter to Ms Frick. Mr. Garton stated there is **nothing in the request regarding a Waiver**. Mr. Williams stated this Waiver request was not reviewed by the Planning Commission. Ms. Tong stated this is only a Minor Subdivision for two lots, and there is a huge detention basin in the area which Ms. Tong showed on the plan. She noted the property is very restricted as to what they can disturb. She stated this development will have a very minor impact. Mr. Fegley stated they need a report from the engineer indicating that the downstream detention basin is adequate to handle the flow off this property. Ms. Tong stated at the Planning Commission meeting they did discuss this, and the Planning Commission recommended the Waiver. Ms. Garton stated he sees nothing in the Planning Commission review letter indicating a Waiver.

Mr. Fazzalore moved and Mr. Stainthorpe seconded to table and continue the matter to the June 3, 2002 meeting once they receive a letter from the engineer.

Mr. Fegley noted the PCS letter which states Skelly & Loy is to review the wetlands delineation. Ms. Tong stated there is a letter from Skelly & Loy. Mr. Fegley stated this was not in the materials the Board was given. Mr. Hackman stated he is also concerned with the driveway coming off a stub street that will be half barricaded. Ms. Tong stated they did agree to relocate the driveway and provide an easement so that they could plow snow. Mr. Williams was asked to look into this matter as well. Mrs. Godshalk stated she feels they should have an "eyebrow" where the equipment can turn around. Mr. Fegley stated he does not feel they need to have a cul-de-sac. Mr. Fegley stated in the letter dated 2/22/02 from Skelly & Loy which Ms. Tong provided this evening, they recommended a jurisdictional review by the Army Corps of Engineers. In the PCS letter of 4/2/02 they have indicated that they have obtained this, but that Skelly & Loy should review it and offer comments so they will need that follow-up letter as well. He stated until they have that letter, it would be premature to grant a decision. Mr. Fegley stated the Applicant has to submit this to Skelly & Loy. Mr. Fegley stated Ms. Tong should submit this to Ms. Frick who will be asked to submit it to Skelly & Loy. Mr. Taylor was asked to follow up with Ms. Frick whether this has been reviewed by Skelly & Loy.

Motion to table carried **unanimously**.

#### REVIEW OF INFORMAL SKETCH PLAN FOR CHILDREN'S HOUSE OF BUCKS COUNTY

Mr. Edward Murphy, attorney, was present and stated they have been before the Board of Supervisors previously with Applications for other properties in the Township where they would like to relocate their existing operation. Recently they entered into an Agreement of Sale to purchase the Heasley property on Oxford Valley Road. The property has gross acreage of 5.8 acres. Under the definition of base site area, they have 4.93 acres.

Mr. Garton stated he feels this would be considered a de minimous Variance. Mr. Murphy stated the property has 850' of frontage on Oxford Valley Road. A Sketch Plan was presented this evening showing the existing home, and it their intention that this structure will be preserved. The School would like to add an addition to the home eventually. Initially in Phase I, they would add an eight classroom modular building to be placed directly behind the existing structure. The new addition would be constructed some time in the future and would be considered Phase II. They plan to submit a fully engineered Plan

for the modular and the new wing. Once the wing is constructed, they would remove the modular.

Mr. Murphy stated they would propose one way in and one way out of the area and an area on the site where buses could pull over. They are showing a parking area for fifty-five cars per the Ordinance and a fenced-in play area. Stormwater detention would be located in the rear corner of the property. There is an existing storm sewer system in the area.

Mr. Murphy stated they recognize under the Ordinance that a School requires a Special Exception and they will have to go to the Zoning Hearing Board. They also need a Variance for the 7/100s of an acre less than the five acres required. The Planning Commission suggested and they would agree to a further reduction in the impervious surface and the Planning Commission indicated they would entertain a request to reduce the parking stall size to 9' by 18'. With regard to impervious surface, Mr. Murphy stated this Plan shows 18% which is above what is permitted; however, Mr. Williams has reviewed this and made some recommendation on how they could reduce this including a single point of access on Oxford Valley Road and they are going to look into this. They are also going to look into reconfiguring the parking lot. In terms of buffers, they propose to fill in some areas and adhere to the Class 4 buffer requirements.

Mr. Fegley stated that since they are adjacent to residential development, they should consider the lighting.

Ms. Kim Scott was present and stated they currently have 120 students in six classrooms.

Mr. Murphy stated they felt it was best to locate the new school wing and the play area toward the adjacent open space rather than on the other side adjacent to the residential area.

Mr. Murphy noted the barn ruins on the property which they will remove. He noted they do plan to keep the stone and use it somewhere on the site. Mr. Murphy stated the house will be preserved and used as administrative offices. The Planning Commission did recommend that they set the new wing back slightly from the existing house to make the house more prominent. Mr. Murphy stated they will work with the neighbors and the Township to keep the lighting as low as possible.

Mr. Reese Altomare, 357 Twig Lane, stated they moved into the Township sixteen years ago and have been very pleased with the quality of life. He stated he is concerned about this proposed use. He is concerned that they are below the required amount of acreage and above the permitted impervious surface. He is also concerned about the proposed two story building which will be much higher than the current building. He is also concerned about the noise which will be generated by this use which may impact people who need to sleep during the day. He is also concerned about the lighting proposed. He stated they have also been advised that a basketball court will be installed on the property, and he is concerned about people not from the school who may use this basketball court after school hours. He is also concerned about the additional traffic that this use will bring to their area and people cutting through the neighborhoods. He is concerned about the impact on animals in the area and possible tick infestation.

Mr. Ed Catterella, 346 Emerald Drive, stated his children went to a Montessori School and it exceeded his expectations. He is, however, also concerned with many of the items

Mr. Altomare has raised. He stated he is also concerned with the parking lot coming into his back yard and feels it should be shifted to the other side of the property. He stated he is concerned about lighting as well. He is also concerned about the retention basin which will be directly behind his property. He stated he currently has a dry basement and is concerned about a change to the hydrology in the area.

Mr. Vince Ticci, 370 Emerald Drive, stated they are being asked to make exceptions and this will impact the property values. He asked how this use will benefit the community. Mr. Fegley stated when a property is under contract and they develop it according to the Ordinances, the Township does not have any say over whether it benefits the community. He noted that what they are proposing are only slight Variances; and if they deny the Plan, he is not sure that they would be able to prevail if there were a Court challenge. He stated he would encourage the Applicant to meet with the residents and listen to their concerns and try to develop this in such a way that it makes the least impact on the residents. Mr. Ticci was asked if he rents out his property, and Mr. Ticci stated he does.

Mr. Tom Humphrey, 33 Hilltop, stated three of his children attended this School at the current location in Falls Township. He stated the School will be the finest neighbor that they could hope to have.

Mr. Kevin Gribbon asked what improvements will be done to Oxford Valley Road. He asked if they will need PennDOT approval. He also asked how long construction will take. He stated he is concerned about noise, dust, and disturbance to animals which may cause him to have to get an exterminator.

Mrs. Godshalk asked about the modular, and Ms. Scott stated this will be a customized modular unit that will hold all the children in six classes. Mrs. Godshalk asked why they could not start construction of the School, and Ms. Scott stated it is primarily because of funding. She stated they feel Phase II would be five years away. She stated by Phase II, they feel they would be at 170 students.

Mr. Fazzalore stated across the road from this site, there are six acres available where they would be next to a commercial use. Mr. Murphy noted that property is zoned C-2. Mr. Fazzalore stated he recognizes that this property may be more expensive than the property under discussion this evening.

Mr. Murphy stated with regard to the stormwater management system, the basin is proposed to be in the lowest area of the site. With regard to the impervious surface, he feels a residential development could result in double the amount they are proposing so that this use would be much less intense than housing. With regard to Oxford Valley Road, Mr. Murphy stated they have been advised that they will have to reimburse the Township for funds spent by the Township on this road. He stated the traffic for this use will be off peak. He stated no basketball court is proposed outside. He stated there will be a gym in the basement of the facility. He stated they will work with the Township on the lighting.

Mr. Fazzalore stated he would recommend that they put in writing that there will be no outside basketball court permitted.

REVIEW OF INFORMAL SKETCH PLAN FOR PROSPECT FARM (METZ TRACT)

Mr. Murphy, attorney, Mr. Bill Briegel, engineer, and Mr. Tom Doyle were present.

Mr. Fegley stated he still favors trying to acquire the entire parcel from DeLuca and the Township could then have the option of subdividing off the house and selling it and preserving all of the open space around the house. Mr. Fazzalore stated he would not vote to acquire the property because of the price. Mrs. Godshalk stated she is very much in favor of preserving open space but a developer acquired the property before the Township. She stated she would like to preserve the house and a greenbelt area with no construction along Dolington Road and the new homes to be constructed in the rear of the property. Mr. Fegley stated it does not appear that there is a majority of the Board in favor of acquiring the entire tract.

Mr. Fegley noted the new Plan which was created out of previous discussions that puts the Metz house on approximately four acres and which shows construction of twenty-one homes. Mr. Hackman stated he understands the developer would be willing to do this at no cost to the Township. Mr. Fegley stated this is incorrect. The plan that would be at no cost to the township would put the house on 2.2 acres and would result in twenty-eight new homes. Mr. Murphy stated this is the same Plan the Board of Supervisors looked at in early March. Mr. Fazzalore stated this does not mean that they would deed the house to the Township.

Mr. Murphy stated the residents had approached the developer about saving more of the stream corridor in the rear of the property. This is shown on the new Plan and would require a \$780,000 contribution from the Township or other interested parties and appears to be somewhat negotiable. Mr. Hackman stated they are not really buying anything. There was discussion as to who would take over this rear area, and Mr. Fegley stated this does not have to be addressed tonight. He stated there could be a Homeowners' Association. There was discussion as to who would take over the house since the County and State may be interested in taking it over for a specific use. Mrs. Godshalk stated she does not feel four acres would be sufficient to turn this into any sort of public use.

Mr. Stainthorpe asked about the balance in the open space account. Mr. Taylor stated there is \$6 million available. Mr. Fegley stated he feels since this money was authorized, they should use it. He stated they also have the opportunity to preserve the Fiori Tract which is adjacent to this property. Mrs. Godshalk stated they would have to have another Referendum for any additional money. She noted the Township purchased the Snipes Tract for \$1.5 million and received more land than this tract under discussion.

Mr. Hackman stated he does not feel the Township has to own all of the historic buildings in the Township. He stated the developer is willing to preserve the house and put it on an extra large lot so that it is visible from the street. He feels that they have done an excellent job at no cost to the Township. With regard to the streambank in the rear, he stated the Township could have this on either Plan. Mr. Hackman stated the Township has already preserved a number of properties in this area of the Township already.

Mrs. Godshalk stated she would be in favor of putting the home on four acres since there are buyers who are looking for homes of this nature.

Mr. Hackman stated he understands the four acre Plan would require the Township to pay the developer approximately \$800,000. Mr. Garton stated this would be for a Conservation Easement. Mr. Murphy stated this would involve about eight acres of open space in the rear and four acres in the front. They would sell the four acres in the front to a private party.

Mr. Fegley stated he feels there are three votes for the twenty-one home Plan so he feels this is the Plan they should focus on. He opened up the matter to public comment.

Mr. Louis Floge was present representing Mr. David Fiori. He stated Mr. Fiori has two points of access to his property - one from Dolington Road, and one across this property under discussion. He is concerned that any Plan for development preserve the right-of-way across the Metz property to continue the access he has had since 1974. Mr. Fazzalore stated he feels this is up to the owners. Mr. Hackman stated he would suspect that if the developer is willing to give him access, the Township would have to look at it. Mr. Floge stated this is an access that evolved with use since 1974. He stated Mr. Fiori improved the driveway out to the existing roadway on the Metz property and has used it for twenty-eight years. It was noted that there is nothing in writing. It was a driveway acquired by adverse possession. Mr. Murphy stated this is the first time he has heard about this and feels it is a private matter. Mr. Fegley stated the road comes out to the rear of Lot #2. Mr. Floge stated the existing driveway could continue to be used if they would move the lots slightly. He stated the important thing is to provide access, not necessarily where it is now.

Mr. Rich Scott, Prospect Drive, stated he did contact Mr. Briegel and asked if there were any other proposals shown to the Township and asked if one of these involved a horseshoe around the manor house. Mr. Murphy stated the twenty-one lot plan no longer has a cut through going to Prospect. After they were shown the Plan, Mr. and Mrs. Scott were satisfied with what is proposed. Mr. Fegley stated they may want to make sure that it can handle an emergency vehicle, but they do not want it to be a through road.

Ms. Virginia Torbert asked if Mr. DeLuca has any other developments before the Township so that some kind of deal could be made and the Township would not have to pay so much money for this property. Mr. Fegley stated Mr. DeLuca was kind enough to come to the Township to meet with some Township and County representatives to discuss the proposal.

One gentleman stated he feels the Lower Makefield Township residents approved the Referendum because they were interested in preserving open space. He stated he does not feel this Plan is preserving open space. Mr. Fegley stated the residents in the area feel this is an attempt to save more land than would have been preserved by right.

Ms. Deborah Gould stated if they are considering using the building for any civic purpose, they would need to have five acres rather than four. She stated there is some concern on the part of the Planning Commission and residents whenever there is a road of this length through a development. She is also concerned that the Board is considering spending taxpayer money for private space behind houses and creating more space for certain homeowners at taxpayer expense. Mr. Hank Miiller stated there are substantial flooding issues and any way they can reduce impervious surface on this hill will help the Maplevale Development. Ms. Gould stated they would have to address this anyway. Mr. Miiller stated it is very difficult to engineer this. He stated the best plan would be to put nothing there, but at least preserving this amount of acreage is a good move. Mr. Hackman stated by right the streambed would have to be preserved anyway.

Mr. Victor Fiori stated the first plan showed preservation of seven acres. Mr. Hackman stated now they are saving eight acres at a cost of \$800,000. Mr. Murphy stated they are willing to work on other cost savings on the site, but he does not feel it will be much different than the \$780,000 which has been indicated. Mr. Stainthorpe stated he feels it is important that they are keeping this property intact and this is what the open space money is for. Mr. Hackman stated the house would be preserved no matter what Plan you look at. He stated he is in favor of the Plan which has this house nicely located on two acres with roads on either side. This Plan would cost the Township nothing. He does not see a reason to spend \$800,000. He feels there are other priorities in the Township.

Mr. Matthew Bulger, 219 Taylorsville Road, asked if there is a hierarchy of open space. He stated there is the potential to obtain thirty to fifty acres of open space in this area, and there is not a lot of other land available in the Township. Mr. Hackman stated there are a number of other areas in the Township where there are a few acres which could be preserved. Mr. Bulger stated they need to address the open land as it becomes available. Mr. Hackman stated their plan is to preserve land if and when it becomes available and at a reasonable price.

Mr. Addams, 221 Taylorsville Road, stated since 1949 he has been very concerned about the people in Maplevale with respect to storm water run off. He is also concerned with Prospect Drive, and he would not want to see it become a through road. He asked what type of barrier they will install to keep vehicles out of this area. Mr. Fegley stated normally there is some kind of barricade and they will discuss this as the Plan goes along. Mr. Addams asked about the utilities, and Mr. Fegley stated this will be part of the engineering.

Mr. Murphy stated they did receive direction in March from the Board of Supervisors to proceed with the twenty-eight lot plan. He stated if there is a consensus tonight, they will go forward with a twenty-one lot plan. Mr. Fazzalore, Mr. Fegley, Mrs. Godshalk, and Mr. Stainthorpe were in favor of proceeding with the twenty-one lot plan.

#### APPROVAL OF EXTENSION OF TIME FOR MISKIEL/DARRAH

Mr. Stainthorpe moved, Mr. Fazzalore seconded and it was unanimously carried to grant an extension of time for Miskiel/Darrah to 8/22/02.

#### APPROVAL OF EXTENSION OF TIME FOR FIELDSTONE PRELIMINARY PLAN

Mr. Stainthorpe moved, Mr. Fazzalore seconded and it was unanimously carried to grant an extension of time for the Fieldstone Preliminary Plan to 8/31/02.

#### TABLING DISCUSSION OF JEFFERSON AT MIDDLETOWN ROAD OCCUPANCY PERMIT

Mr. Fazzalore moved, Mr. Hackman seconded and it was unanimously carried to table discussion of Jefferson at Middletown Road Occupancy Permit.

#### TABLE DISCUSSION OF TRAFFIC SIGNAL ANALYSES

Mr. Hackman moved, Mr. Fazzalore seconded and it was unanimously carried to table review of the Traffic Signal Analyses for Stony Hill and Bluestone and Edgewood and Oxford Valley Roads.

#### APPROVAL OF COPS IN SCHOOLS GRANT

Mr. Hackman moved, Mrs. Godshalk seconded and it was unanimously carried to approve the COPS in Schools Grant in the amount of approximately \$125,000.

#### AWARD BID TO EVALUATE THE PRESENCE OF ASBESTOS IN EXISTING BUILDINGS WHICH MUST BE REMOVED FOR GOLF COURSE

Mr. Hackman moved and Mr. Stainthorpe seconded to award the bid to evaluate the presence of asbestos in existing buildings which must be removed for the Golf Course to Connor Environmental Services & Engineering Assessments in the amount of \$3,132. Motion carried with Mr. Fegley abstained.

#### APPROVAL OF MAY 6, 2002 AND MAY 20, 2002 WARRANT LISTS AND APRIL, 2002 PAYROLL

Mr. Hackman moved, Mr. Stainthorpe seconded and it was unanimously carried to approve the May 6, 2002 and May 20, 2002 Warrant Lists and April, 2002 Payroll as attached to the Minutes.

#### APPOINTMENTS TO THE NON-UNIFORMED PENSION COMMITTEE

Mr. Taylor noted they sent letters to all participants requesting nominees. Mr. Stainthorpe moved, Mr. Hackman seconded and it was unanimously carried to appoint Heidi Sheridan and Robert Jones to the Non-Uniformed Pension Committee for four-year terms.

#### ZONING HEARING BOARD MATTERS

The Dwight Mishler, 599 Washington Crossing Road, matter was noted. They are appealing the determination of the Zoning Officer and requesting Variances to permit the construction of a canopy and for signs. The Solicitor was asked to Appear.

The Spineo, Inc. Variance request to permit construction of wing walls at 2001 Trowbridge Drive was noted, and it was decided to leave this matter to the determination of the Zoning Hearing Board.

The JAM Enterprise Group Variance request to permit driveway/turnaround resulting in greater than the permitted impervious surface at 203 Dolington Road was noted and the Solicitor was asked to appear in opposition.

May 20, 2002

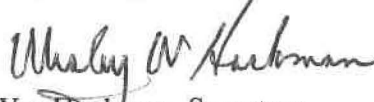
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SPRING ROAD TOUR DISCUSSION

The Board was asked to review the list of dates submitted and advise the Township Manager's Secretary when they would be able to attend.

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

Respectfully Submitted,



Wes Hackman, Secretary