

TOWNSHIP OF LOWER MAKEFIELD
BOARD OF SUPERVISORS
MINUTES - JUNE 3, 2002

The regular meeting of the Board of Supervisors of the Township of Lower Makefield was held in the Municipal Building on June 3, 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 legal and personnel matters.

Those present:

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

Others: Terry Fedorchak, Township Manager
 Jeffrey Garton, Township Solicitor
 Robert Williams, Township Engineer
 Kenneth Coluzzi, Chief of Police (joined meeting in
 progress)
 Lt. John Hansberry, Police Department (left meeting in
 progress)

PUBLIC COMMENT

Ms. Leanne Purse, Shultz Lane, stated she is present in support of the application of Kathy Gana who is requesting a Variance for parking in order to re-locate the Motivational Education Training Center to the former Grange Building. She read into the record her letter of support which she provided to the Board this evening. She noted her personal experience with Ms. Gana who helped her daughter graduate High School. She asked that the Board visit Ms. Gana's existing facility in Newtown. She also provided a copy of the letter which she sent to the Minister of the Woodside Presbyterian Church relating to this matter. Mrs. Godshalk stated she was concerned with the Plan **because the property** is on the National Register, and the Plan would have involved a **substantial amount of paving** to accommodate the parking required. Ms. Purse stated this would not be a problem if the Church was more amenable to working with Ms. Gana. Mr. Garton stated any Variance would be considered by the Zoning Hearing Board, and the Board of Supervisors tabled the Conditional Use Application until the Variance process is completed. Ms. Purse stated she has asked the Church to reconsider their decision about the parking.

Mr. Conti, Sutphin Road, asked the opinion of the Board members regarding the Golf Course project. Mr. Fegley stated he has raised certain questions regarding the design but is not opposed to the overall project. He noted he has abstained from voting on Golf Course items. Mr. Stainthorpe stated he is in favor of the Golf Course although he feels there are a number of issues that need to be resolved. Mr. Fazzalore agreed.

Mr. Cowley, Silverwood Drive, stated the **DRBC is accepting public comment** relative to TIP and they will vote on this on June 27. **He requested that the Board of Supervisors vote in support of TIP B-13** which is the culvert on Swamp Road. Mr. Fazzalore stated he feels the Board is already on record in support of the culvert.

Mrs. Godshalk moved, Mr. Fazzalore seconded and it was unanimously carried to direct the Township Manager to write a letter showing support for TIP B-13 on Swamp Road. It was noted that Mr. Fedorchak should do this quickly since the deadline for comments is June 5.

Ms. Sue Herman stated she is very concerned because Newtown Township is proposing straightening and widening of Lindenhurst Road along the farm in Newtown Township. She stated her group has expressed their concern about this to Newtown Township but they do not feel Newtown will address their concerns. She stated widening the road will result in higher levels of traffic and faster speeds.

Mr. Virginia Torbert, 1700 Yardley-Newtown Road, asked the status of the Board of View with regard to the Golf Course property. Mr. Garton stated it is tentatively scheduled for June 19 or June 20, 2002. Ms. Torbert asked why the Agendas for the Board of Supervisors' meetings are no longer being published in the Courier Times. Mr. Fedorchak stated the Township has never published the Agendas in the Courier Times. He stated they do publish the Agendas of all Special Meetings in advance as required by law. It was noted that the Courier Times does sometimes provide an advance summary of what will happen that week in various communities, but this would be something she should discuss with the paper itself. The representative from the Bucks County Courier Times was present this evening and agreed to discuss this matter with Ms. Torbert.

Mr. Sam Alvino, 712 Ardsley Court, asked the status of the Plans for the Senior Center. Mr. Fedorchak stated he recently received a sketch from the architect which he has not yet forwarded to the Board of Supervisors but will do so in the near future. The Board asked that Mr. Fedorchak have the architects attend the next meeting of the Board of Supervisors.

APPROVAL OF MINUTES

Mr. Hackman moved, Mr. Stainthorpe seconded and it was unanimously carried to approve the Minutes of May 20, 2002 as written.

APPROVE PROCEEDING WITH SANDY RUN BRIDGE PROJECT

Mr. Williams stated the initial bid was awarded in the amount of \$442,156.70 in 2001. There were subsequent revisions to the Plan. Mr. Williams met with the contractor who has refined his numbers, and the new amount is \$423,619.30. Mr. Fedorchak stated this amount will come from the street fund. Mr. Williams stated he expects the project to be completed this year.

Mr. Fazzalore moved, Mr. Stainthorpe seconded and it was unanimously carried to approve proceeding with the project and authorize the appropriate Board members to execute the Contract.

Mrs. Godshalk stated the Township has a number of bridges because of the number of streams in the Township, and she feels they should be checked for safety. She stated if these are on States roads, she feels the State should help with this. Mr. Williams stated his firm does inspect bridges for some of their other Municipal clients, and he could discuss this matter with Mr. Fedorchak.

DISCUSSION OF CVS PHARMACY EXTERIOR LIGHTING

Mr. Williams noted that at the previous meeting a resident expressed concern with the lighting at the CVS. Mr. Williams noted his memo dated 5/21/02 which indicates that the project is in compliance with the approved Plans, with the exception of the height of the fixtures which were actually installed somewhat lower than approved. They will be discussing shielding some of the lights. It was also noted that the lights will not be on all night long and will be shut off shortly after closing when the employees have left the lot. Mr. Williams was asked to continue working with the developer on these issues.

Mrs. Godshalk suggested that they try out some of the shields before installing them on all the fixtures. She also noted that once the landscaping is installed, this should improve the situation.

DISCUSSION OF JEFFERSON AT MIDDLETOWN AND AUTHORIZATION TO ISSUE ROAD OCCUPANCY PERMIT

Mr. Garton stated on March 18, 2002, Mr. Deon and his clients were present regarding their 376-unit apartment complex which takes access to Big Oak Road. Because a small portion of the improvements are in Lower Makefield Township, they are requesting a Road Occupancy Permit from the Township. The Board had indicated they felt there should be an escrow to inspect the Township's portion and they wanted to confirm that the cost of the traffic light would be escrowed with Middletown Township. They also wanted to insure that the Township engineer and the Township traffic engineer felt that the proposed improvements would complement the Matrix improvements. Mr. Garton noted the letters received from PCS and Parsons-Brinckerhoff in this regard. He also noted that Mr. Deon has indicated that they would agree to the comments in the letters and would post the escrow.

Mr. Stainthorpe moved and Mrs. Godshalk seconded to authorize issuance of the Road Occupancy Permit subject to:

- 1) Compliance with PCS and Parsons-Brinckerhoff letters;
- 2) Confirmation of posting of escrow with Middletown;
- 3) Post sufficient funds with the Township at the Township Manager's discretion to pay all Lower Makefield Township's costs for review and inspection.

Mr. Deon agreed to the conditions of Approval.

Mr. Roeper stated he is concerned that if this traffic light is installed before the one at Township Line and Big Oak Road, the traffic could back up onto the railroad tracks. Mr. Deon stated this will not occur since they are required to coordinate their signal with the railroad signals so that the cars cannot stack up. There will be an inter-connection so that this does not occur. Mr. Greg Richardson stated the distance between the railroad crossing and the traffic light is 500'. He showed the Plans and indicated how traffic will be handled in either direction by tying their signal with the railroad crossing signal. He noted there will be detectors built into the road so that the light will change and cars will not stack onto the railroad crossing. Mr. Deon noted additional permits are required to be obtained in this regard. Mr. Richardson stated this is a common occurrence. Mr. Deon stated their traffic analysis does show that they will not stack back to the railroad tracks.

Their traffic studies took both Matrix and the developments at Flowers Mill Road into consideration.

Motion to approve carried unanimously.

REVIEW OF TRAFFIC SIGNAL ANALYSES AND DIRECTION TO TOWNSHIP ENGINEER REGARDING LIGHTS AT STONY HILL ROAD AND BLUESTONE DRIVE AND EDGEWOOD AND OXFORD VALLEY ROADS

Mr. Williams stated they were asked to look into the intersection of Stony Hill Road and Bluestone Drive. He noted his letter dated 4/21/02 indicates that this intersection met at least three warrants, and they could apply for a light at this intersection. Mr. Hackman stated Bluestone Road is now a major road, and he has heard that there are traffic problems in this area. Mr. Williams stated he could come back with a cost estimate. He stated it could take nine months to a year until the light would be installed.

Mr. Hackman moved, Mr. Stainthorpe seconded and it was unanimously carried to direct the Township engineer to begin design and proceed with a cost analysis.

With regard to the intersection of Edgewood and Oxford Valley Roads, Mr. Williams stated this intersection met two warrants. Mr. Williams stated he has also been discussing the possibility of a turn-back of Edgewood Road, and will have a report on this for the Board of Supervisors at their next meeting. Mr. Stainthorpe stated he feels a traffic light will help slow traffic down in this area. Mr. Fedorchak stated there is a serious problem coming down Oxford Valley Road trying to make a left onto Edgewood Road. He stated coming the other direction there are also problems with sight distance. Mrs. Godshalk stated she feels this is even a more dangerous situation than the situation at Stony Hill Road and Bluestone.

Mr. Hackman moved, Mrs. Godshalk seconded and it was unanimously carried to direct the Township engineer to begin design and proceed with a cost analysis.

DISCUSSION OF INTERSECTION OF BIG OAK AND OXFORD VALLEY ROADS

Mr. Hackman stated he has received several complaints about the timing of the light at Big Oak and Oxford Valley Roads. He asked that the Township engineer report back to the Board what the timing is and if there is any way to improve it. Mr. Fedorchak stated he feels the situation has gotten worse, and there could be a problem with the cycle. Mr. Williams suggested that they contact the signal maintenance company to see if there is a problem. If it is a problem with the controller, they could fix it. If it is working as designed, they could do a study on it.

Mrs. Godshalk stated she feels this intersection was also part of the area signal inter-connection system. Mr. Fedorchak stated he will contact them for an update.

APPROVAL OF MANTO PRELIMINARY/FINAL PLAN

Mr. Jeffrey Manto was present with Ms. Moonlight Tong, engineer. Mr. Garton stated this matter was previously before the Board on May 20, and he reviewed possible Conditions of Approval. He stated at the prior meeting, there was a Waiver request but no comments had been received from the Township engineer on this matter. He also noted that there had been no follow-up letter from Skelly & Loy and there was an open issue about snow plowing. Mr. Garton stated since that meeting, the Township engineer has recommended approval of the waiver request. A letter has also been received from Skelly & Loy which was read to the Board this evening.

There was further discussion on the snow plowing matter. Ms. Tong showed on the Plan how they could accommodate snow removal. Mr. Hackman stated he is also concerned with other vehicles such as trash trucks, delivery trucks, etc. He stated the original intention was to connect the two roads, and this is why a stub road was installed. Mr. Fegley and Mr. Stainthorpe were not in favor of connecting the roads. Mr. Hackman stated he feels if they are not going to connect the roads, there should be a turn-around.

Mr. Stainthorpe moved, and Mrs. Godshalk seconded to approve the Preliminary/Final Plan dated 5/15/01, last revised 1/19/02 subject to:

- 1) Receipt of all permits and approvals by agencies having jurisdiction;
- 2) Compliance with PCS letter dated 4/2/2002;
- 3) Compliance with CKS letter dated 3/25/02;
- 4) Payment of all Township expenses to the extent not paid;
- 5) Note to be added to the Plan and the Deed that there can be no further Subdivision;
- 6) Board agrees to the Waiver requested.

Ms. Tong agreed to the Conditions. Motion carried with Mr. Hackman opposed.

REVIEW OF INFORMAL SKETCH PLAN FOR MC FADDEN TRACT (FOX CHASE BANK)

Mr. Stainthorpe stated he will not vote on this matter.

Mr. Greg Sipa, Mr. Henry VanBlunk, attorney, and Mr. Nicholas Rose, engineer, were present.

Mr. Fegley stated there was previous discussion with another bank regarding this tract, and they were unable to get any votes in favor of that proposal. He stated he is not sure that simply because this is a different bank, that the result will be any different. He stated this property is not zoned for commercial use and it has been the position of the Board of Supervisors that it should not be changed.

Mr. Fazzalore stated he did have a discussion with Mr. VanBlunk and indicated he would change his vote if they agreed to use only a few acres of the tract for the bank and donate the rest of the land to the Township. Mr. VanBlunk stated they would be interested in this if they could cut out a piece of the property for the bank and the home currently on the

property. They would also be willing to work with the Township on the design of the building so that it fits in with the surrounding area.

Mr. VanBlunk stated Fox Chase Bank is under agreement with Mr. McFadden for the entire parcel, but they will not purchase it unless the Township agrees to a change in Zoning. They feel this use will provide ratables and would eliminate the possibility of additional homes being built on the property which could increase the population for the Pennsbury School District.

Mr. Fegley stated the Plan shows five houses. Mr. VanBlunk stated at this point they are only at the Sketch Plan stage and have not come in with any engineered drawings. Mr. Fegley stated he is reluctant to change Zoning. He is also concerned with a commercial use at this location because it is already a very busy corner. He also noted the proximity of the Fire Station and the potential of emergency vehicles coming out.

Mr. Fazzalore stated if they cannot get the bank use and Mr. McFadden sells the land, they could get a number of houses in this location.

Mr. VanBlunk stated their traffic studies show that banks in already heavily-traveled areas, do not create any additional traffic and instead get traffic that is already in the area.

Mrs. Godshalk stated she does not feel they can use the excuse that because this is zoned for housing, that everyone would prefer an additional commercial use as opposed to housing. She stated she will not agree to downgrade the Zoning from housing to a commercial use. She stated people live in this area currently. She stated she feels this tract is the line of demarcation. Mr. VanBlunk stated this is why they were considering Mr. Fazzalore's suggestion that everything between the bank and the existing houses would be open space.

Mr. Garton stated if they change the Zoning, they still cannot dictate what would go on the property. He stated theoretically they could do it by some sort of restrictive covenant.

Mr. Hackman stated he is opposed to this use and is not in favor of changing the Zoning.

Mr. Sipa asked if they could get a Variance for the corner where the Bank would be located and subdivide that portion out. Mr. VanBlunk stated this would be a Use Variance. Mr. Garton stated they would have to prove that they can make no other use of that property, and he does not feel they could meet this burden since there is residential in the area. Mr. VanBlunk stated they would be willing to lock in to a restrictive covenant. Mrs. Godshalk stated she would not be in favor of this since a commercial use going in this area will devalue the rest of the residential and other adjoining properties may also then want to be zoned commercial. Mr. Fegley stated he would consider this if they put the bank on two acres and the rest of the property would be left open in perpetuity. Mr. Sipa stated the building would be very similar to a home with pillars in the front.

Mr. Garton stated three out of the four Supervisors who would vote on this matter appear to be opposed to a change in zoning. With regard to the restrictive covenant, only Mr. Fegley and Mr. Fazzalore were willing to consider this option further. Mr. Hackman stated there are other properties in the Township that people would love to turn into banks, shopping centers, etc. He feels they should follow the Zoning Ordinance.

Chief Coluzzi joined the meeting at this time.

Ms. Torbert asked about the Zoning where the Fire Station is located in this area. Mr. Garton stated it is zoned Residential as is the property where the new Station is proposed. He stated a fire house is a permitted use in a Residential area. Ms. Torbert stated she is concerned that if they turn this down, they will get a huge multi-unit housing development at this location which will generate significant traffic. She feels it would be better to have an attractive building with green space behind it. Mrs. Godshalk stated it could not be a huge housing development. Mr. VanBlunk stated they have estimated they could get ten homes on this tract. Mrs. Godshalk stated this corner is three fourths residential. She is also concerned that the area residents were not contacted to attend the meeting this evening.

APPROVE GRANTING EXTENSION OF TIME FOR THE LOWER MAKEFIELD TOWNSHIP GOLF COURSE

Mr. Stainthorpe moved and Mr. Hackman seconded to approve granting an extension of time for the Lower Makefield Township Golf Course to 9/3/02. Motion carried with Mr. Fegley abstained.

APPROVE GRANTING EXTENSION OF TIME FOR YARDLEY-MAKEFIELD FIRE COMPANY PRELIMINARY/FINAL PLAN

Mr. Stainthorpe moved, Mr. Hackman seconded and it was unanimously carried to approve granting an extension of time for the Yardley-Makefield Fire Company Preliminary/Final Plan to 9/21/02.

APPROVE GRANTING EXTENSION OF TIME FOR YARDLEY-MAKEFIELD FIRE COMPANY CONDITIONAL USE APPLICATION

Mr. Stainthorpe moved, Mr. Hackman seconded and it was unanimously carried to approve granting an extension of time for the Yardley-Makefield Fire Company Conditional Use Application to 8/1/02.

DISCUSSION AND TABLING OF ORDINANCE NO. 333 AMENDING THE TERM OF OFFICE FOR THE ZONING HEARING BOARD MEMBERS FROM THREE TO FIVE YEARS CONSISTENT WITH THE MUNICIPALITIES PLANNING CODE

Mr. Garton stated he has advertised this matter for consideration this evening.

Mr. Fazzalore asked if the terms will be staggered, and Mr. Garton stated they should be. There was discussion regarding the fact that the terms of a number of the current members are expiring at the same time. Mr. Hackman suggested that before this Ordinance is passed, that a determination be made when the current members' terms are up. Mr. Garton stated he feels they should go back and find out where the terms should have been so that it can be fixed. He stated there are currently three members whose terms are expiring at the same time.

Mrs. Godshalk moved, Mr. Hackman seconded and it was unanimously carried to table Ordinance No. 333.

ZONING HEARING BOARD

The Board decided to take no action with regard to the Rudolph Palombi, Jr., 1699 Meetinghouse Lane, Variance request to permit the construction of a fence in a drainage easement and Variance to create a swimming pool exceeding the permitted impervious surface.

It was decided that unless adequate information is provided to understand the nature of the Application, that the Township will appear in opposition to the James & Deborah Pocetti Variance requests to permit construction of an addition within the flood plain resulting in greater than permitted impervious surface, encroaching into the rear yard setback and creating an increase in nonconformity for the property located at 3 Kenmore Road.

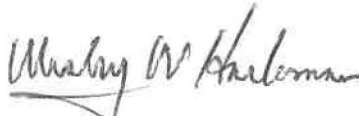
The Board decided to take no action with regard to the Paul Levesque Variance request for the property at 1925 Westover Road to construct a patio resulting in greater than the permitted impervious surface.

SUPERVISORS' REPORTS

Mr. Fazzalore requested that a meeting of the Pension Committee be scheduled. He noted he has already requested this a number of times with no action taken.

There being no further business, Mr. Fegley moved, Mr. Stainthorpe seconded and it was unanimously carried to adjourn the meeting at 9:15 p.m.

Respectfully Submitted,



Wes Hackman, Supervisor