

TOWNSHIP OF LOWER MAKEFIELD
BOARD OF SUPERVISORS
MINUTES - DECEMBER 2, 2002

The regular meeting of the Board of Supervisors of the Township of Lower Makefield was held in the Municipal Building on December 2, 2002. Chairman Fegley called the meeting to order at 7:30 p.m. noting that the Board had been meeting in Executive Session since 7:00 p.m. to interview candidates for vacancies on Township Boards and Commission and to review legal matters.

Those present:

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

Others: Terry Fedorchak, Township Manager
 John Koopman, Township Solicitor
 Robert Williams, Township Engineer
 Kenneth Coluzzi, Chief of Police

Absent: Grace Godshalk, Supervisor Vice Chairman

PUBLIC COMMENT

Ms. Virginia Torbert asked if the Board has heard from PennDOT on the redesign plans for the I-95 ramp. Mr. Fedorchak stated the last contact the Township had was three weeks ago when they were visited by representatives from the Right-of-Way Department, and they talked in generic terms about procedures. They have not received any revised lay-out.

Ms. Torbert noted the inability to access the Agenda on the Township Website for the last several weeks. Mr. Fegley stated the Agenda is approved Friday morning and is usually put on the Website Friday afternoon. Mr. Fedorchak agreed to look into the matter.

Mr. John Cowley, Silverwood Drive, asked if any of the Supervisors plan to attend the upcoming meeting to discuss Swamp Road. Mr. Fegley stated he plans to attend. Mr. Cowley provided a letter from Pennoni regarding the downgrade of the culvert on Swamp Road.

Mr. Pat Frame, Delaware Rim, asked about a pipe opening about which he had expressed concern to Mr. Williams. Mr. Williams stated he has looked into this and will make recommendations.

Ms. Sally Conlon asked if the final price to be paid for the Golf Course property has been determined. Mr. Hackman stated the Board of view has not concluded their meeting. Mr. Koopman stated they are still waiting for the date of the reconvened Hearing.

APPROVAL OF MINUTES

Mr. Hackman moved, Mr. Fazzalore seconded and it was unanimously carried to approve the Minutes of November 18, 2002 as written.

APPROVE REFINANCING 1997 BONDS AND ADDITIONAL BORROWING

Mr. William Taylor was present with Mr. Chris Monahan. Mr. Monahan stated they are recommending refinancing the 1997 Bond Issue in the amount of \$4,540,000. Due to lower interest rates, this could result in savings of approximately \$300,000 given today's bond market. He stated to date they have not been able to take advantage of the lower interest rates because of restrictions on the Bond Issue. However, this will be available to the Township after December 15, 2002. In addition, they have structured a new Issue in the amount of \$1,230,000. This was structured on a wrap-around basis and this would be paid off in fifteen years. This additional borrowing was contemplated to pay for a fire truck and other long-term planning items. The new money portion would be at 4.37%. Mr. Monahan stated they are requesting approval this evening to get the process started. He estimated they would come back to the Board in the middle of January. It was noted that these are fixed interest rates.

Mr. Fegley asked the likelihood that the interest rates will increase within the next few weeks. Mr. Monahan stated he cannot guarantee what the rates will be although the tendency is that the rates are going up.

Mr. Hackman moved and Mr. Fazzalore seconded to approve the bond refinancing as discussed.

Ms. Dana Weyrick, Brock Creek Drive, asked about the refinancing fees. Mr. Monahan stated he estimates they will be \$100,000 and this has been built into the savings.

Motion to approve carried unanimously.

DIRECT PARK & RECREATION BOARD TO BEGIN PLANNING FOR THE DEVELOPMENT OF THE SAMOST TRACT

Mr. Fazzalore noted concern with the size of the mulch pile on the tract at the present time, and Mr. Fedorchak stated that they will continue to work on this problem.

Mr. Hackman moved to direct the Park & Recreation Board to begin planning for the use of the Samost Tract.

Mr. Fazzalore asked if this planning includes Roelofs fields, and Mr. Hackman stated that it does. He stated they should look into extending the road that currently dead ends.

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

Mr. Fegley stated although he is voting in favor of the Motion, he does not want it to be constructed that he is in favor of proceeding with the Senior Center given the results of the past two Referenda.

Ms. Virginia Torbert stated she feels that if the Park & Recreation Board is going to consider a Senior Center for this tract, some of the senior citizens should be involved. Mr. Fegley stated anyone is welcome to attend the Park & Recreation Board meetings. He noted there are design plans for the Senior Center itself.

Mr. Fedorchak stated the Park & Recreation Board will need assistance from PCS to help lay out the Plans, and this was acceptable to the Board of Supervisors. Mr. Fedorchak stated they will notify the seniors when this matter is put on the Park & Recreation Board Agenda.

DENY DEDICATION OF AFTON CREST, DEVONSHIRE, BRIDLE ESTATES, AND MILL ROAD ESTATES

Mr. Stainthorpe moved, Mr. Fazzalore seconded and it was unanimously carried to deny the requests for Dedication of Afton Crest, Devonshire, Bridle Estates, and Mill Road Estates based on outstanding issues as noted in the Dedication checklists.

SIGNING OF MYLARS FOR AFTON CREST

Mylars were signed following the meeting.

ZONING HEARING BOARD MATTERS

The Marcello, Nottingham Drive, Variance request to build a swimming pool which will exceed the allowable impervious surface was noted, and the Board asked that the applicant see if there is a way to reduce the impervious surface so the increase is less than 2%.

The Barry, 16 Milton Drive, Variance request to remove existing macadam turn-around to increase impervious surface to build addition to the house was noted, and the Board indicated they would not have any objection as long as the Applicant can show the increase in impervious surface was not the result of this Applicant's violation of the Township Zoning Ordinance.

The Petrucci, 1060 Glen Oak Drive, Variance request to construct addition over existing patio exceeding allowable impervious surface was noted, and the Board indicated they would not have any objection as long as the Applicant can show the increase in impervious surface was not the result of this Applicant's violation of the Township Zoning Ordinance.

The Appolonia, 178 Pine Cone Drive, Variance request to permit construction of a swimming pool which will exceed allowable impervious surface was noted, and the Board asked that the Applicant see if there is a way to reduce the impervious surface so the increase is less than 2%.

The Cuski, 1768 Ashbourne Drive, request for seven Variances to build a dwelling on River Road was noted. Mr. Koopman stated this property is at the intersection of River Road and Bedford Place. It is located in the R-RP Zone. There is an existing older home and the proposal is to remove the existing house and construct a new home with garage, pool, and retaining walls. PCS did a review of this but it was noted that this was not

provided to the Board in their packet. Mr. Koopman summarized the letter wherein they stated that they are concerned with the Application because of the number of Variances being requested as noted in the PCS letter. Mr. Koopman stated some of the relief that is being requested would place the new house closer to the roadway than some of the existing homes in the neighborhood. PCS has indicated that the Board of Supervisors should review this proposal to make sure that all the Variances are necessary and are the minimum Variances necessary to afford relief. Mr. Koopman stated they could let the Applicant present their case and ask the Zoning Hearing Board to continue the matter so that the Board of Supervisors can get additional information and then take a position. Mr. Koopman noted that adjacent neighbors are invited to the Zoning Hearing Board and he could then determine their concerns at the meeting. The Board asked that the Solicitor obtain additional information and report back to the Board of Supervisors.

The Cutaneo, 1691 Meetinghouse Lane, Variance request to widen the driveway resulting in greater than permitted impervious surface was noted, and it was agreed that the Zoning Hearing Board should decide the case.

DISCUSSION AND TABLING OF ORDINANCE NO. 33⁵ AMENDING THE ZONING ORDINANCE TO PERMIT AN AGE-QUALIFIED COMMUNITY

Mr. Edward Murphy, attorney, was present. Mr. Koopman stated the Ordinance was advertised for a Hearing this evening on a proposed Amendment to the Township Zoning Ordinance. It was also forwarded to the Bucks County Planning Commission and the Law Library as required under the MPC. Mr. Koopman noted the review letter from the Bucks County Planning Commission but the Board indicated this was not included in their packet.

Mr. Hackman asked if the Township Planning Commission has reviewed this, and Mr. Koopman stated while it was on their Agenda for their meeting last Monday evening, they did not have a quorum available and were unable to meet. Mr. Albert Roeper, Chairman of the Planning Commission, was present and stated he did poll the members of the Planning Commission and prepared a letter dated 11/26/02 which he sent to the Township to be given to the Board of Supervisors. It was noted that the Board did not receive this in their packet. Mr. Hackman stated while they can discuss the matter this evening, he does not want to make any decisions before reviewing the Planning Commission recommendations and would also like to give Mrs. Godshalk who is absent this evening, the opportunity to comment. Mr. Hackman stated he feels the Planning Commission should discuss this at a regular public meeting.

Mr. Roeper read from his letter dated 11/26/02 including the recommendation that the Board reject the proposed Amendment which would provide for an age-qualified community in the R-1 District. Instead they recommend that the Board set up a task group to prepare an Amendment which would permit such use in any residential zone and add a requirement for preservation of additional open space if a higher density is permitted. He noted the Planning Commission is in favor of providing for age-qualified communities, but they do not want to weaken the present zoning requirements. The Planning Commission concurs with the comments in the Bucks County Planning Commission letter. The Planning Commission basis for the rejection is based solely on its limitation to R-1 and due to the downgrading of present high standards in the Township. Mr. Roeper stated the Planning Commission is willing to assist in drafting an Ordinance permitting this use in any residential district. He noted the Ordinance does already permit cluster housing although it

does require that the open space be dedicated to the Farmland Preservation Corporation. He stated they could amend this section of R-1 to provide that the open land could be deed restricted so that it cannot be used or sold and would be owned by a Condominium Association. This would preserve the integrity of the R-1 zoning and preserve open space. They would not therefore open the door to a challenge to the R-2, R-3 and R-4 zoning areas. He stated if they drafted the Amendment being suggested currently for R-1 and someone wanted to do this in R-3, the Township could not prevent them from doing so since they would have set a precedent. Mr. Roeper noted Palmer Farm was built to R-4 standards but there are large open spaces and open spaces between every four houses. Mr. Roeper stated what is currently proposed in this Amendment is far more generous to the developer than it is to the Township.

Mr. Hackman moved to table the matter and ask the Planning Commission to review it at a public meeting and provide their suggestions to the Board of Supervisors.

Mr. Murphy stated he does not feel anyone would disagree if the Board were of a mind to expand the scope of the Ordinance to include other districts besides R-1. The only reason they limited it to R-1 was because there really was not any land in the other districts to make effective use of the Ordinance. He stated he does not feel the standards proposed will create havoc in the Township. He stated they are dealing with an occupant that wants a smaller lot. The smallest lot they are proposing is 8,500 square feet. The standards they applied to the draft Ordinance were geared to an active adult lifestyle which does not require a large lot. As a trade off, they provide more open space and natural resource protection. The site would not qualify unless at least one quarter were natural resource ground. Mr. Murphy stated he does have a hand-out from the Bucks County **Planning Commission** summarizing the existing Ordinances in areas where age-qualified communities are permitted.

Mr. Hackman stated the Board has not seen any of the information related to this matter and asked that it be provided to them.

Mr. Stainthorpe seconded to table the matter to December 16, 2002.

There was some concern that the Planning Commission may not be able to get all the information to the Board by this date. Mr. Roeper noted their next meeting will be the public meeting to discuss the Master Plan Update, and they wanted to keep the Agenda as light as possible. It was noted that if the matter is not continued to a date certain, it would require re-advertisement. It was agreed that the matter will be continued to 12/16/02 and if the Planning Commission feels they cannot have information to the Board by this time, the matter will be continued again. Mr. Koopman stated if there are major changes made to the proposed Ordinance, it would have to be re-advertised.

Motion to table carried unanimously.

DISCUSSION OF MIGNONI/GRANGE PROPERTY AND WOODSIDE PRESBYTERIAN CHURCH PARKING LOT ARRANGEMENT

Mr. Fegley stated he will not vote on this matter since he is a member of the Woodside Presbyterian Church.

Mr. Murphy stated the Grange building has been vacant for an extended period of time. A number of tenants have wanted to use the building but failed to be approved by the Township because of the lack of on-site parking. The Mignoni family has now prepared a plan showing how additional on-site parking spaces could be created without depending on an Agreement with the church. The Planning Commission reviewed a Sketch Plan showing an additional fifteen on-site parking spaces and supported the Application recognizing that it would require relief from the Zoning Hearing Board specifically with respect to the rear and side yard setback from the property line. Five feet is proposed and twenty-five feet is required by Ordinance. The Planning Commission recommended that approval be subject to comment and approval by the Church. Mr. Murphy stated they met with the Pastor of Woodside Presbyterian Church who presented the matter to the Church Committee, and Mr. Murphy received a phone call indicating that the Church was in support of the Plan presently before the Board of Supervisors. The Pastor indicated he would like the opportunity to have their parishioners use the spaces on Sunday, and this was acceptable to the Applicant. All access between this property and the Church would be preserved.

Mr. Murphy noted with regard to the parking spaces proposed for the rear, that there is an Agreement between the Township and the Mignoni family that the Township reserves the right to trigger the installation of those spaces if the Township felt the need. He stated they are asking this evening if the Board would oppose their going before the Zoning Hearing Board to seek relief for the parking setback. He added that the Pastor of Woodside Presbyterian Church was not in favor of the grass strip between the two parking areas which could create problems with ease of movement. It was noted that the License Agreement with the Church is currently in effect, but it is terminable so that any future user of the property would not be guaranteed future use of the Church parking. Mr. Murphy stated this proposal will provide twenty-one, on-site parking spaces which should be suitable for an office use. He noted the only Variance they are requesting is for parking setbacks. They will provide some innovative plans for underground seepage to control run off.

Mr. Koopman asked if they feel the parking installation will be considered Land Development. Mr. Murphy stated he feels this would be a Grading Permit issue and not Land Development.

Mr. Stainthorpe asked if the plan is to build the spaces right away or wait until they get a tenant, and Mr. Murphy stated the plan is to install the parking right away.

Mr. Hackman expressed concerned with the underground seepage proposal. He stated if they did away with the driveway into the Church, they could get three additional parking spaces. Mr. Murphy stated the Pastor expressed a preference that the existing driveway through the Church be maintained and the Applicant has agreed to do so. Mr. Fegley stated even though the church has its own driveway, this additional driveway helps the flow of traffic since they then can have one way in to the Church and one way out.

Mr. Murphy stated with the additional parking, they can still meet the impervious surface requirements.

A majority of the Board was in favor of the Applicant proceeding to the Zoning Hearing Board. Mr. Williams will review the Plan after it goes through the Zoning Hearing Board process.

December 2, 2002

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OTHER BUSINESS

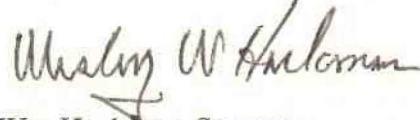
Mr. Hackman moved, Mr. Fazzalore seconded and it was unanimously carried to direct the Solicitor to appeal to the Court of Common Pleas in connection with the Loftus Zoning Hearing Board matter.

APPOINTMENTS

Mr. Fazzalore moved, Mr. Stainthorpe seconded and it was unanimously carried to appoint Richard Jutkiewicz to the Park & Recreation Board.

There being no further business, Mr. Fazzalore moved, Mr. Stainthorpe seconded and it was unanimously carried to adjourn the meeting at 9:00 p.m.

Respectfully Submitted,



Wes Hackman, Secretary

