

TOWNSHIP OF LOWER MAKEFIELD  
BOARD OF SUPERVISORS  
MINUTES – JULY 17, 2024

The regular meeting of the Board of Supervisors of the Township of Lower Makefield was held in the Municipal Building on July 17, 2024. Mr. Lewis called the meeting to order at 7:40 p.m. and called the Roll.

Those present:

Board of Supervisors:           John B. Lewis, Chair  
  Daniel Grenier, Vice Chair  
  Suzanne Blundi, Secretary  
  Matt Ross, Treasurer  
  James McCartney, Supervisor

Others:                             David W. Kratzer, Jr., Township Manager  
  Maureen Burke-Carlton, Township Solicitor  
  Barbara Kirk, Conflict Counsel (joined and  
  left meeting in progress)  
  Isaac Kessler, Township Engineer  
  Kenneth Coluzzi, Chief of Police

#### COMMUNITY ANNOUNCEMENTS

Mr. Lewis stated residents and youth organizations may call in to provide a community announcement or contact the Township at [admin@lmt.org](mailto:admin@lmt.org) to request a special announcement. There was no one wishing to provide a community announcement at this time.

Mr. Lewis stated to register for the Pool at LMT, please visit [www.lmt.org](http://www.lmt.org). He stated there are one-month options for August.

Mr. Lewis stated if you have some free time on the weekends and would like to volunteer your time, you can join the Friends of the Five Mile Woods Clean-Up days which are held on the second Saturdays of the month at Five Mile Woods starting at 8:30 a.m. Please come in comfortable clothes that you do not mind getting dirty and bring along work gloves and water to stay hydrated. Projects include litter clean-up, trail lining, pruning, and boardwalk repairs. If you have any questions e-mail Monica Tierney at [monicat@lmt.org](mailto:monicat@lmt.org).

Mr. Lewis stated on Friday at the Township Building meeting room there will be a Blood Drive with the American Red Cross. You can pick a time at the Red Cross Website. The times are from 12 to 5 p.m. If there are any questions, go to RedCrossBlood.org and enter Sponsor Code: Lower Makefield.

Mr. Lewis stated this Friday through Sunday Makefield Highlands will be hosting their 20<sup>th</sup> Anniversary Celebration. There will be a golf match on the 20<sup>th</sup>. For more information or to register for any of the events go to makefieldhighlandsgolf.com.

Mr. Lewis stated the Kung Fu Panda movie in the Park sponsored by the Kim Rock Group was canceled last night due to the weather. Check the Township's social media channels for the re-scheduled date.

#### PUBLIC COMMENT

There was no one wishing to make public comment at this time.

#### APPROVAL OF CONSENT AGENDA ITEMS

Mr. McCartney moved, Mr. Ross seconded and it was unanimously carried to approve the following Consent Agenda Items:

- Approval of the Minutes for the June 19, 2024 meeting
- Approval of the Warrant List dated July 3, 2024 \$808,166.19 and July 17, 2024 \$694,017.97 as attached to the Minutes
- Approval of the June, 2024 Treasurer's Report
- Approval of the June, 2024 Interfund Transfers \$966,646.94 as attached to the Minutes
- Approval of the 2024-2025 Fuel Bids through Bucks County Consortium
- Approval to Authorize execution of the Land Development Agreement and Site Improvement Financial Security Agreement for The Point (1674 Edgewood Road)
- Approve Payment Application #2 and Change Order #1 for Big Oak Road Pedestrian Trail Project

COMMUNITY DEVELOPMENT

Approval of the Cleary and Timko-Noves Minor Subdivision Plan

Mr. Lewis noted Ms. Barbara Kirk will be serving as solicitor for the Township to handle a conflict issue with regard to this matter.

Mr. Russ Sacco, attorney, and Mr. Sam Costanzo, engineer, were present. Mr. Sacco stated he represents the property owners Carol Timko and Theresa Cleary who are sisters; and the parcel that they are proposing to subdivide is owned by them together, and they have owned it for some time. He stated they would each like to own a piece of the land and either build on it eventually or provide it to their family.

Mr. Sacco stated the parcel is located on Sandy Run Road and Edgewood Road and is approximately 4 acres. What is proposed is to subdivide the lot into two lots with each approximately 2.1 acres. He stated the Plan does show houses, but there is no plan for houses in the immediate future nor is there a plan for those houses. He stated they wanted to provide a Plan to the Supervisors to show that it was a viable project and two houses can go on the site, meet the impervious surface, and meet all of the other requirements. He stated at this time however, those houses are not proposed.

Mr. Sacco stated they are asking that a lot of items be deferred because they do not know how many trees, if any, are going to have to come down; and they do not know where the detention basins may go or what stormwater system will be in place until the sites get developed. Mr. Sacco stated they provided the Grading Plan just to show that it is a viable Subdivision with two houses.

Mr. Sacco stated they are asking for 4 Waivers with the first being to allow proposed grading at slopes of 3 to 1 instead of 4 to 1. He stated the second Waiver is similar in purpose which is to allow a driveway slope of 10% where a maximum of 8% is allowed. Mr. Costanzo stated what is shown is a Concept Grading Plan and a concept for Stormwater Management since it was important to show how natural resource protection requirements can be met. He stated in preparing the Concept Grading Plan, providing driveways at optimum locations for sight distance and coming up with a scheme, he recognized that if they were to not ask for these two Waivers the homes would potentially disturb more natural resources. He stated for the driveway on Lot #2, the middle section is at 10%, and he provided 20' at a 4% stopping area which you would typically do for the driveway for a car entering the street. He stated as

you approach the garage, you want to be able to navigate and get the car into the garage without bottoming out. He stated what he has shown helped him not push the house closer to the Railroad tracks. He added that 10% is not abnormal in many Municipalities, and it is only for a short stretch. He stated with regard to the side slopes what he has provided minimizes resource and tree disturbance.

Mr. Sacco stated the third Waiver is from providing shoulder in lieu of curbing. He stated he does not believe that there would be any intention from the Township to have either road widened. He stated the fourth Waiver request is a Waiver of sidewalks. He stated they discussed this at the Planning Commission.

Mr. Costanzo stated it seemed that for a Minor Subdivision without Land Development on these roads it would be uncharacteristic of the area to have sidewalks. He stated there is the trail at the corner that was put in years ago by the Municipality which encroaches on this property, and they are providing for an Easement which is on Sheet 2, the Record Plan, so as to resolve that Municipal encroachment onto the outside of the right-of-way. Mr. Costanzo stated the corner lot has access to the corner by walking on its ground, and he did not feel one additional lot 150' away from the intersection would be a problem. He stated there was a new home built across the street which did not install sidewalk, and sidewalks are not characteristic of the area.

Mr. Sacco stated they also discussed with the Planning Commission items that they are *proposing be deferred until the Building Permit stage* since these houses are conceptual and will not be built that size in those locations. He stated many items would be more clear and better addressed at the Building Permit stage. He particularly noted the tree protection standards. He stated it is not known at this time how many trees are going to be disturbed, if any. He stated they also discussed with the Planning Commission that the Township regulations and rules may change and will develop over the years; and if a Building Permit were to come in in ten years the Applicant would have to comply with the regulations in place at the time.

Mr. Costanzo stated with regard to trees, the Concept Grading Plan shows compliance with Zoning as far as overall tree removal; but with regard to individual trees within that of a certain caliper, it is difficult to say whether the home would be precisely situated where it is shown on the Concept Plan to take inventory of that specific tree; and that is the aspect that is being deferred. He stated with regard to an overall tree canopy disturbance, the Concept Grading Plan shows that from a Zoning standpoint, it will be compliant.

Mr. Sacco stated there is also a requested deferral with regard to the stormwater since without knowing where the houses are going to go doing infiltration at this time would need to be duplicated at the time of the Building Permit stage. Mr. Costanzo stated they did provide Concept Stormwater Management based upon the type of soils they anticipate to be at the site by the Soil Survey based on the amount of impervious proposed for each lot, and they sized the system and did some preliminary calculations and provided those to the Township engineer. He stated when the real footprint comes in, locations will change, and it would be a wasteful exercise to complete it entirely when a real footprint will come in at some point in the future. He stated when they come in for a Building Permit, they would be subject to the Code in place at that time.

Mr. Grenier asked if they have gone before the Zoning Hearing Board specific to this Plan or are they just looking for a Subdivision, and what is shown on the Plan is more informational. Mr. Sacco stated there are no Variances being requested at this time. Ms. Kirk stated at the Planning Commission there were certain items that were addressed by the Applicant. She noted the Engineer's review letters and items dealt with seepage bed protection for erosion and sediment control (#17), infiltration testing (#18), sidewalks (#28), tree protection (#30) and Zoning data as well as stormwater conveyance (#35, #36, and #37). She stated the Applicant asked if they could be deferred until the time of Building Permit at which point they would also make a Note on the Plan. She stated she recommended, and the Applicant agreed, that there would also be a Declaration of Restrictions Recorded against the Lots so that when they come in for Building Permits, they would have to comply with the Ordinances in existence at that time with respect to those items.

Ms. Kirk stated Mr. Sacco has asked for a Waiver from sidewalks and no payment of Fee-In-Lieu; but after talking to Mr. Majewski she understands that if these houses are not going to be built for ten years, the Township may have a different overlook with respect to sidewalks. She stated she recommended, and the Planning Commission agreed, that the issue of the sidewalks should also be addressed at the time of the Building Permit through the same process. Ms. Kirk stated Mr. Majewski also confirmed that the roadway shoulder the way it was interpreted was inaccurate, and a Waiver is not an issue; and the Township's Building and Planning Department supports that type of Waiver for the shoulder but does agree that the sidewalks be deferred and decided at the time of Building Permits. She added that rather than just doing a Note on the Plan which could get lost, we would do specific Declaration of Restrictions so that it would apply to both Lots at either time of building development.

Mr. Grenier asked if there has been a wetlands delineation or jurisdictional determination completed by the Army Corps of the property. Mr. Costanzo stated a site evaluation was performed, and there were no wetlands on the site, just Waters of the Commonwealth were detected on the northerly border where there is a water course. He stated they are providing for the Ordinance-required Water Course Buffer from that water course. Mr. Grenier asked who determined that there were no wetlands, and Mr. Costanzo stated it was performed by Matt Russick of Valentine Williams, and he will be Certifying the Record Plan.

Mr. Grenier stated when it comes to laying out anything at the Site, it must address our Zoning Ordinance. He stated at some point in areas where soils may be questionable, there is Waters of the State so there is a 50' State floodway on that. Ms. Kirk stated when they submit their Building Permit, if the location of the proposed dwelling does not meet the Zoning requirements in existence at that time, they would either need to modify the Plan to comply or seek Variance relief. Mr. Grenier stated there are some steep slopes in the general area although he does not know about this particular site. Mr. Costanzo stated all the resources were put on Sheet #2 that was just shown. He stated there was an Existing Features Plan, a Concept Grading Plan, and all the Steep Slope Categories were on there as well as the Woodland Categories and the Wetlands and Waters, which in this case was Waters of the Commonwealth. He stated with regard to the stream setback by DEP, it is 50' from the bank, and the 66' water course buffer exceeds that so it is more than encompassing.

Mr. Grenier asked if there is a copy of the Delineation Report in the file which can be reviewed since it does not seem that it went to a "JD to the court and it was just someone's word." Mr. Costanzo stated he does not believe that the Township's Ordinance calls for a "PCOJD" as a requirement, but as they do with all of their Plan, they have the wetlands scientist Certify and put a Note on the Plan when there is a Municipality that does not have the "PCOJD" as a mandate. He stated at this time getting the Army Corps to do JDs is difficult because the regulations are in turmoil, they were being interpreted differently, and new Laws were coming down. Mr. Grenier asked for a copy of the delineation report because that is not a professional certification like a PE signing and sealing something, and it is just a Note on the Plan relative to how regulations work. He stated because of the public maps, he feels it is important for the Township to have that data. He stated even if there was a JD, it is only good for five years; and if they submit something in the future, they would have to re-assess the site.

Mr. Sacco asked if this is something that they would include in a Declaration since they do not know if or when these Lots will ever be built on. Ms. Kirk stated the recommendation was asking for a copy of the report to be included in the Township's property file, and Mr. Grenier agreed. Mr. Grenier stated wetland limits change over time; and we want to make sure that when it comes in for future development, the Township will call this out since it is maps in the public domain. Ms. Kirk asked Mr. Sacco if they have an objection to providing a copy of the report and also including it in the Declaration of Restrictions. Mr. Costanzo stated he may have to ask them to generate a report. He stated they have the field data, but he does not know if they put it in report form. He stated they did note on the Plan the date that they did this on April 5, 2023. Mr. Grenier stated he feels a summary memo-style report with the data sheets and photos as appendices would be sufficient to provide that information. Mr. Sacco stated they would agree to that Condition.

Mr. Sacco stated with regard to the sidewalk Waiver issue, the Board of Supervisors has the ability to Waive this; and asked if it is deferred until the Building Permit stage, would this be something they would want to bring back to the Board of Supervisors for a Waiver.

Mr. Kessler stated he understands that they are just requesting Subdivision tonight, and everything being shown as potentially built, is just a concept. Mr. Sacco agreed it is just a concept, and this is just a Subdivision without the Land Development component. Mr. Kessler stated he understands that it would come back before the Planning Commission and Board of Supervisors at some point; however, Mr. Sacco stated it would not, and at that point it would be individual Lots coming in for a Building Permit to be compliant with the Zoning Code, the Stormwater Code, Erosion Control Code, and other applicable criteria. Mr. Kessler stated that is what makes the Waivers difficult because it is based on Concept drawings that they have for theoretical buildings. He stated the Waivers are not really applicable to what they are showing on the Plans, which would be Land Development features. He stated that was why there were comments when it was submitted with the lay-out shown because there are features that would need certain things to be addressed to be built the way it is shown. He stated if it were just a Subdivision, it would come back and the Supervisors and the Planning Commission could see and decide at that time how it meets the SALDO; but they are asking the Board to decide on a conceptual lay-out for Waiver purposes.

Mr. Costanzo stated they are not here for the Board to evaluate this based on a concept, and it is whether there should or should not be a sidewalk. Mr. Kessler stated they are asking for a few things to be deferred including stormwater management and sidewalks; and there could be a significantly different lay-out from what is shown on the concept. Mr. Costanzo stated stormwater management is not exactly a deferment as they would have to comply. He stated when they come in for a Building Permit Application, they will have to abide by the Stormwater Management Ordinance. He stated they would not have to come back to the Board but they would have to get Township engineer approval, Conservation District approval, and maybe DEP approval all relative to stormwater.

Mr. Kessler stated this is different from most Subdivision and Land Development Plans that are seen since typically there is the footprint or shape of the home which may be different when it is finally going to be constructed, and in this case it does not have elements like stormwater, clear treeing, and the lay-out; and for those things to be fully designed, when it is time for development, what is now being shown could be significantly different. Mr. Costanzo stated while he understands that, the location of the sidewalk along the frontage would still be required to be within the right-of-way; and nothing that would be proposed on the lot whether it is a different house footprint or a different location would change the impact as to where the sidewalk goes. Mr. Kessler agreed, and added he feels that with the trail along the Edgewood and the distance of the homes along Sandy Run Road they would recommend that a sidewalk or a safe pedestrian connection be part of these homes. He stated the new home across the street which was referenced earlier is fairly close to the path as far as accessibility; and when that Plan was reviewed, they considered that as part of the Waiver request.

Mr. Grenier stated there is a Sidewalk Fee-In-Lieu Program to address instances where there are long distances between sidewalks or the homes are not in a walkable area. Ms. Kirk stated at the Planning Commission there was discussion about sidewalks for the full length and the amount that should be charged. She stated Mr. Majewski had indicated that his calculations indicated that it would be \$85 per linear foot for 680 linear feet which would be \$57,800. She stated the engineer calculated it a little higher with a lower sidewalk quantity which came to \$56,270. Ms. Kirk stated she understands the Applicant's position, and the Planning Commission recommended that it be dealt with at the time of Building Permit because the area may develop in such a way that there are sidewalks. She stated the Board of Supervisors also has the ability to assess them for sidewalks at a later date if sidewalks go in. She stated it made it cleaner to put everything at the same time of the



Building Permit. She stated if when they go to build a house there are still no sidewalks in the area and it is not a walkable area, the Board could be asked to Waive the sidewalks at that time or do a Fee-In-Lieu. Mr. Kessler stated it would not come back before the Board for what they are requesting tonight. He stated they are looking at two Lot Grading Permits for future homes, and those do not come before the Board. Ms. Kirk stated we would have to put it in the Declaration of Restrictions that they would have to come back before the Board of Supervisors to deal with the sidewalk issue.

Mr. Grenier stated he feels that would make sense for this and the other issues that Ms. Kirk indicated could go in the Declaration of Restrictions because it is a changing landscape. He stated there has been a history of developers circumventing the sidewalk requirement and getting Waivers which has led to less than desirable walkability in the Township; and we have been working over the last several years to make improvements, and several sidewalk projects have been completed. He stated the Fee-In-Lieu Program was implemented to address those situations where putting a sidewalk in front of a single home does not make sense. He stated given the location of this property, he would not vote in favor of a Waiver at this point.

Ms. Blundi stated this property is very close to two houses of worship, and our State Senator has recently launched an initiative to help push us toward being a "Blue Zone," which would result in an increased focus on walkability. She stated she recognizes that the second house could walk on the grass of the first house; however, we need to think broader than that and consider other residents, and we need to be sidewalk advocates. She stated it is hard to decide today what will be in the future, and she feels most of the current Board is pro-sidewalk.

Mr. Ross stated he feels that the Fee-In-Lieu indicated is high for two single properties for sidewalks; but since they do not know when each Lot may be developed, he would agree to a deferment which would be brought before the Board of Supervisors in the future. Mr. Kessler stated the Fee-In-Lieu calculation done for these types of Plans uses current industry pricing; and if there was a requested Fee-In-Lieu in the future, it would be appropriate to evaluate the Fee at that time.

Mr. Lewis stated typically we get Subdivisions before there is any Land Development, and they do not get into the specifics. He stated he feels that this process was designed to make the property marketable so that someone could buy the parcel and know that they could develop it.

He stated he would be okay with the grading, driveway slope, and issues that deal with the contours of the property. He stated he would not be in favor of a Waiver for tree replacement, and the Board also has to consider walkability as well.

There was discussion about the curbing. Ms. Kirk stated she understands that there is no existing curbing; and because it is a Subdivision for just two Lots, there would not need to be a shoulder in lieu of curbing. Mr. Majewski stated the Township staff did look at the need for additional widening along that stretch of Sandy Run Road; and due to its rural nature, it was felt that it would not be appropriate to widen the road or put in curb, but to keep it in more of a natural state that it is currently.

Mr. Lewis asked if there could be a path in lieu of a sidewalk as an option, and Mr. Majewski agreed. Mr. Lewis stated that would continue the rural character, but would provide walkability. He added that depending on pricing, that might be less expensive than the Fee-In-Lieu for the sidewalk. Mr. Kessler stated they would consider what that cost would be at the time of development.

Mr. Sacco stated he understands that the suggestion is that a number of items will be deferred to the Building Permit stage including the sidewalk. He noted a Building Permit could come in for one Lot in two years and the other in ten years or never. He stated he assumes we are going to have to address the sidewalk issue with the Building Permit for each Lot separately, and Ms. Kirk agreed. Ms. Kirk stated if the Applicant at the time a Building Permit is submitted does not wish to install the sidewalks, the Board of Supervisors would hear that request and determine the best approach. Mr. Costanzo asked if a Building Permit for one Lot is applied for, would the Township be looking for a sidewalk or Fee-In-Lieu for that Lot's specific road frontage, and Ms. Kirk stated she assumes that is what they would do although she would defer to Mr. Majewski or whoever is in charge of the Community Development Department at that time. She stated as part of the Declaration of Restrictions it will be Recorded that those items need to be addressed in some fashion, and it will probably be Building and Planning that will do the review of the Permit Application. Mr. Majewski agreed adding that it would be subject to the Ordinances and prices in effect at that time. He stated he has no issue deferring to the Building Permit stage as Ms. Kirk has laid out so that once the Applicant decides what type and where a house will be built, they will delineate how many trees are being removed, and what is the obligation for tree replacement.

Ms. Kirk stated other than the issues that are being deferred until the time of Building Permit, she understands the Applicant is complying with everything else in the review letter.

Mr. Kessler noted the Grading Plan/Record Plan, and along the Lots there is a Temporary Construction Easement identified for the grading that overlaps the Lot line; and he asked if that Easement would be part of Lot 2 in until it is constructed, or are they looking for a more-permanent Easement. Note #15 on the Record Plan addresses this. Mr. Costanzo stated the contours tie in to existing contours, but the Lot #2 grading contours overlap Lot #1. He stated for the two sisters to be independent of each other, he established a Temporary Grading Easement so that it could be accomplished. He stated if someone comes up with a different location, there may not even be a need for the Temporary Construction Easement, but he felt he was picking the optimum driveway location for the Lot.

Mr. Kessler stated when Lot #2 is eventually built, if they were grading too close to the property line Zoning that comes into play; and if they were to move everything to fully comply, it would not be an issue. Mr. Costanzo stated the purpose of the Easement was so that they would not be encroaching technically upon the Lot since the Lot owner would have permission to do so since it came in to the Township before it was Subdivided with the full knowledge that there might be a need, and the Temporary Construction Easement was therefore created. Mr. Kessler stated it is not a Slope Easement in the sense that they have the authority to grade on someone else's property without getting Zoning at the time when Lot #2 is built. Mr. Costanzo stated he does not feel that they would need a Variance later on. Mr. Kessler stated it would be two separate Lots with two separate owners. Mr. Costanzo stated while there would be two separate owners, the owner of Lot #1 is aware that they are buying a Lot that has a Temporary Easement to the benefit of Lot #2. He stated that stays until Lot #2 receives a Certificate of Occupancy and the grading is completed in the Easement area should it be needed.

Ms. Kirk stated it conveys a right to access the property for temporary construction but it does not waive any requirements for Zoning regulations in existence at the time of the construction. She stated the one Lot owner has the right to go onto to the other Lot owner's property for the grading for construction. Mr. Costanzo asked if it is being suggested that the Applicant, if they had to do grading within the Easement, would have to come before the Zoning Hearing Board. Ms. Kirk stated the Easement is only granting the right to enter upon that property. She stated at the time of

grading, they would have to comply with the regulations in place at the time. Mr. Kessler stated a Temporary Construction Easement is for a temporary condition. He added if they want to put the driveway where it is shown for Lot #2 and they were going to change the grading on a property that is not theirs, that would require additional approvals; and you cannot just grade on someone else's property for a permanent condition. Mr. Costanzo stated that would only be if the Board were not aware, and the Board is being made aware of that encroachment at this time. He stated this is no different from a project that is phased. Mr. Kessler stated the Board is not really aware of what the final lay-out is because issues are being deferred until it is designed. He stated at the time that Lot #2 is built, it has to comply with Ordinances and Zoning, or it would have to come in for relief the same as any other single-family home.

Ms. Kirk stated unless there is a specific Waiver granted by the Board of Supervisors, when a Building Permit is submitted that individual will have to comply with Zoning regulations in existence at that time including any regulations for construction as to grading lots, etc. She stated the Easement merely says that if Lot #1 is owned by one individual and Lot #2 is owned by another individual, the Lot #2 owner has the right to access Lot #1 for the purpose of going on the land to do whatever construction is necessary. Mr. Costanzo stated he understands that, but the Board is aware that the encroachment exists as a Plan that is being Recorded with anticipation of that happening. Ms. Kirk stated however the grading is done in the future it has to comply with whatever regulations exist at that time. She stated the Easement showing on the Lot is not for the Board's benefit but for whoever buys the Lot to know that they have the Easement giving them the right to access the land. Mr. Sacco stated he understands that when the Building Permit comes in, they have to comply with the Zoning regulations; and the Board of Supervisors cannot waive the Zoning regulations, and that would have to go to the Board of Supervisors if they wanted a Waiver.

Mr. Grenier asked if the Easement will go away once construction occurs. He stated stormwater requirements could also change which could effect the grading requirements, and he asked if the Easement has enough flexibility in terms of space to be able to address future changes or can they re-negotiate the Easement at some time if they need to in order to be able to grade accordingly to meet the requirements at the time. Ms. Kirk stated the Note on the Plan states that the Temporary Construction Easement will sit in perpetuity until a Certificate of Occupancy is granted to the Lot #2 owner. She stated once that is granted, that means the property is built; and there is no further need for the Easement, and it is extinguished

She stated as to the grading and stormwater management, all of that will be addressed at the time of the Building Permit. She stated the Easement is 50'; but if for some reason the owner needs 100', they can negotiate with the neighbor on their own so that they can get in and out; and that has nothing to do with the Board of Supervisors. Mr. Kessler stated what is being requested this evening and what is on the Record Plan for Recording is the Subdivision of the Lot and the Temporary Construction Easement; and everything else beyond that is to be determined whenever the Lots are built.

Mr. Grenier asked the Zoning, and it was noted it is R-2. Mr. Grenier asked the allowable uses in R-2 other than single-family homes. Ms. Kirk stated while she would need to review that, when they come in with a proposal, they would have to meet the requirements; and there is no assurance of any type that they are going to be able to build a certain type of house, and it will all be contingent on what exists at the time of Building Permits. Mr. Grenier stated by doing the Subdivision, they are probably losing some flexibility of what they could do with this property; however, that is the choice of the client. It was noted that they each want their own Lot.

Ms. Kirk reviewed possible Conditions of Approval and advised the Board that they need to decide if they wish to grant the Waivers requested for Items #1 and #2 as outlined in Mr. Sacco's letter dated July 12, 2024 recognizing that Item #3 is not a requirement per the Township's interpretation of the applicable Ordinance provision.

Ms. Blundi moved and Mr. Ross seconded to approve the Minor Subdivision Plan into two Residential Lots as submitted subject to:

1. Compliance with all recommendations set forth in the review letter issued by the Township engineer
2. Compliance with the recommendations of the Township traffic engineer second review letter dated February 15, 2024
3. Compliance with the EAC memo dated December 15 with the understanding that certain items will be deferred until the time of Building Permit Application, specifically Items #17, #18, #28, #30, #35, #36, #37, as well as the mailer for the DEP Sewage Facilities; which those items will not only be included as Notes in the Final Record Plan,

but will also be subject to a Declaration of Restrictions to be filed and Recorded against the Lot and carried over to each individual Lot

4. Approval of Waivers #1 and #2 (Waiver #3 technically not needed)

Mr. McCartney asked about the two Waiver requests. Ms. Kirk stated it would allow grading at a three to one slope where a maximum of four to one is required and also to Waive the maximum driveway slope to 10% when only 8% maximum is permitted. She stated the Applicant's engineer Testified that due to the location of the road and the elevation of the property, it would cause bottoming out of cars for the driveway if it were at the 8% slope. Mr. Kessler stated his office has no objection to those two Waivers.

Mr. Lewis stated the sidewalks would be deferred until later, and Ms. Kirk stated that was part of the Motion.

Motion carried unanimously.

Ms. Kirk left the meeting at this time.

## ENGINEERS

### Approval of Resolution #24-19 Authorizing the Submission of a PADCED Multimodal Transportation Fund Grant for the Taylorsville Road Improvements Project

Mr. Kessler stated this Resolution will be part of the Application package. He stated this project has been discussed previously. Mr. Kessler stated they completed the field survey, and the current lay-out was shown. He stated a more preliminary actual engineered plan set will be submitted at the end of the month with the Application. He stated stormwater infrastructure is shown as squares on the Plan, and there are conceptual locations for new storm inlets and the piping that would be connecting that to take the stormwater down Taylorsville Road. He stated it exits into the end of McKinley Avenue on the Borough side. On the north end, there is drainage which would look to convey to the stream that goes under Taylorsville Road and alongside the Township parcel to the north of the Maplevale neighborhood.

Mr. Kessler stated that is focused on capturing the water that is around the stream area, and that is separate from the system that would be going south on Taylorsville Road. He stated they are also looking to tie in the inlet system at the south intersection of Maplevale Drive to the system that will be in Taylorsville Road. He stated another highlight is pedestrian connectivity, and there is sidewalk through the stretch on Taylorsville which would be from the opposite side of Highland Drive and along the eastern side of Taylorsville Road all the way to the intersection with McKinley with a curb ramp and crossing tying into the Borough's project that would be coming up to meet that same intersection.

Mr. Kessler stated they are also looking into the possibility of having a pedestrian connection from the new sidewalk area through the Township parcel to the pedestrian bridge that is over the Canal.

Mr. Kessler stated the cost estimate for the project has been preliminarily completed and would go along with the Grant, and that is included in the Resolution. He stated it is a zero-match Grant, and hopefully it will be fully funded for construction by the Grant. The Resolution indicates that the Township is fully committed to the project and letters of support have been included which go along with the Grant Application.

Mr. Ross moved and Mr. Grenier seconded to approve Resolution #24-19 *authorizing the submission of a PADCED Multimodal Transportation Fund Grant for the Taylorsville Road Improvements Project.*

Mr. Ross stated some of the site work and stormwater has to be done in the Borough, and the Borough Council unanimously approved giving a letter of support to the Township. He stated the Borough is excited for this project.

Mr. Grenier stated it has been a year since the flood event which caused extensive damage in the Township. He stated we have been looking at this watershed for the last year to determine what options we have to mitigate the situation the best we can, and this project allows for connectivity as well. Mr. Kessler stated while this is a PennDOT road, the Township is bringing the project to them to Permit with funding for the project if the Grant is approved. Mr. Lewis stated this project would have a huge benefit in the long run. He stated ponding on the eastern side of Taylorsville Road has been a recurring issue, and this would help eliminate that problem.

Ms. April Bollwage-Cloer stated she is a Lower Makefield Township resident. She stated while this project involves impervious surface, drainage comes with it. She stated they appreciate everything the Township has done which has made a big difference.

Ms. Blundi stated when Mr. Ross was elected he indicated that he wanted sidewalks installed along this road, and she thanked him for his work on this project.

Motion carried unanimously.

#### General Project Updates

Mr. Kessler stated they provided updates for the schedule on drainage projects to the Township staff. Mr. Kratzer stated that will posted tomorrow. Mr. Kessler stated this includes items that have been included by Public Works, and the Pre-Application and work done with DEP looking at the gravel bank and wetland areas. He stated also included are projects that are in progress such as the Highland Drive Drainage Project including the different Permitting agencies that the Plans have been submitted to. He stated the work by Land Studies is listed as well for some of the more holistic drainage area work being assessed. The Taylorsville Road Improvement Project just discussed was also listed with the Application shown as being submitted the end of July. They estimate the Permitting with PennDOT would be in the fall with the final design toward the end of the year. Bidding and construction is estimated to be the end of the winter/spring/summer for 2025. Mr. Kessler stated with regard to Highland Drive, if Permitting is received within the next month, which is the timeline for the DEP, the Bidding period would be the end of summer into fall with construction in the spring, 2025. He stated if the projects fall in close proximity, they would coordinate so that everything is not happening all at the same time.

Mr. Kessler stated with regard to the Highland Drive Drainage Project since the last Board meeting they made submission to the Conservation District on June 21, and approval was received on June 24 for erosion and sediment control. The follow-up Open House meeting was held on June 25 and they met with some of the local residents who are adjacent to the project. They are working on some updates that will coordinate with the Permitting so that when the Permits are finished, it will be ready to be Bid.



Mr. Grenier asked if we have received any comments back from the DEP, and Mr. Kessler stated their timeline was the end of July. He stated two items came in late today from the DEP that were approvals, but he has not identified what piece was approved. He stated he had indicated that they met with some residents, and this included the property owner from 1 Highland Drive about some adjustment as to the grading of the slope going to the creek. Mr. Kessler stated they spoke with the DEP to confirm that would not be a setback as far as re-submission of the Plan, and it would just provide them with updates as to where the revision would be on those particular sheets. Mr. Kessler stated they Plan to submit that this week, and he feels the DEP should stay on the schedule that they had provided or one additional week.

Mr. Grenier stated the original design had a lot of rip-rap that got fairly far into the landowners' property, and the design pulls it back and uses more of a concrete block wall approach to reduce impacts to the property; and Mr. Kessler agreed. Mr. Grenier asked if there is a timeframe to review the revised design with them to make sure that there are no issues, and Mr. Kessler stated that is what they are looking to do by next week. He stated they were able to revise that and work with that property owner and the culvert now proposed does not require the tie-back wing walls and it is more a concrete block wall which allows them to get a little closer with the grading to the creek.

Mr. Kessler stated with regard to the 2024 Road Program, inlet top replacement, which was the first effort, has been completed. He stated they are now looking to construct the ADA ramps that are in the Contract beginning on July 29. There is two to three weeks of ramp work. The milling and paving work will be after that or might start toward the end of when they are finishing the concrete work in some of the neighborhoods that do not have ramps.

Mr. Lewis asked if they will be ready by the start of School; and Mr. Kessler stated the contractor indicated that they are on the same track that they previously promised. Mr. Kessler stated he will make sure that they are moving forward.

Mr. Kessler stated with regard to the Woodside Road bike path, the utilities are actively moving the remaining aerial utilities. Two weeks after this is completed and the old poles removed, the contractor will come back and address the portions of the trail that need to be completed.

Mr. Kessler stated with regard to the trail connection, the data collection/field survey has been completed. The next step is to set up a working meeting with PennDOT which will likely also involve the Delaware River Joint Toll Bridge Commission. Once that is scheduled, that date will be provided to everyone.

Mr. Kessler stated they are working with the Parks & Rec Department and Mr. Majewski's office on the Veterans' Square Park to have an updated Sketch Plan for improvements. He stated they also worked with staff on the Memorial Park basketball court resurfacing to put together Construction Plans which will be considered later on the Agenda.

#### MANAGER'S REPORT

Authorize the Purchase of Updated Meeting Room/Conference Room AV Equipment in the Amount of \$17,724.96 (funded in part with the Verizon Cable Franchise Agreement EG Capital Grant in the amount of \$14,331)

Mr. Kratzer stated this relates to the purchase of new audio/visual equipment, and the proposal was provided to the Board in their packet for a total amount of \$17,724.96. It is proposed to be funded using the EG Capital Grant in the amount of \$14,331 to be received as part of executing the new Cable Franchise Agreement with Verizon. He stated as noted at prior meetings, we have implemented some cost-saving measures in terms of how we are conducting public meetings and how participation is occurring, and some of the cost savings as a result of that effort will be used to fund the small incremental difference between the Franchise Agreement Grant and the total amount of the proposal.

Mr. Dave Kelliher was present and stated because of the Second Class Township requirements the Advisory Boards now have to meet in person. He stated in doing so, we wanted to have a method of recording those meetings and also allowing them to have Zoom participation. He stated he is seeing in other Townships that they are having trouble finding members since for certain reasons people cannot get to meetings and want to participate remotely. He stated what is being proposed is setting up a laptop that will be able to manage the meetings, and a Board meeting will open up the laptop and launch a Zoom call, and people can join that. He stated we will be using what we have currently including the microphones and the cameras and they will have a remote control to frame the Board. He stated it will be recorded in Zoom, and the next morning he will log in remotely

and upload it and put it on YouTube and Facebook. He stated it would not be a managed meeting where there is a technician in place to manage the meetings, and it will all be managed by the Boards. Mr. Kelliher stated he has met with the Boards, and they seem confident that they can handle it. He stated the equipment is not yet in place, and that is what is being requested this evening. He stated there will also be another device that will hook to the laptop that will allow them to share documents to the monitor. He stated he will have to create instructions on how all of this works; and he proposed to Mr. Kratzer that he be with the Boards for the first few times they are using it, and from then on, they would be on their own.

Mr. McCartney stated the difference is approximately \$3,400 between the Grant and the actual cost, and Mr. Kratzer agreed. Mr. Kratzer added that with some of the transitions that have been made in terms of how we are managing and conducting meetings, there are cost savings; and the small increase for the equipment is a fraction of the cost savings associated with this.

Mr. McCartney moved and Mr. Ross seconded to authorize the purchase of updated meeting room/conference room AV equipment in the amount of \$17,724.96.

Mr. Lewis thanked Mr. Kelliher for the way he has worked with the Township over the years, particularly through COVID, and what has been done with the reduction in the costs to the Township.

Motion carried unanimously.

#### Stormwater Management Ordinance Update

Mr. Jonathan Robinson from HRG was present. Mr. Kratzer stated HRG was engaged to update the Township's Stormwater Management Ordinance. Some strategic changes have been made as part of Phase 1, and there was a more-comprehensive look at the Ordinance as part of Phase 2. Mr. Kratzer stated there was discussion with the Planning Commission and the EAC on this issue. The intent is to outline a general policy framework and general recommendations as it relates to improvements to the Township's Stormwater Management Ordinance. He stated once there is general consensus on the policy framework, it will need to be incorporated into an Ordinance.

Mr. Robinson stated the Board was provided HRG's memo dated May 17, 2024 with the Stormwater Management Ordinance update recommendations, and tonight's presentation is a summary of what is included in that memo. He stated sources that were used are also cited. He stated their goal was to assist the Township in creating a comprehensive and modernized Stormwater Management Ordinance that effectively addresses stormwater quality and quantity management, current construction standards, and promotes the use of innovative best management practices (BMPs) including low-impact development (LID), and green infrastructure (GI). These updates will help mitigate the adverse impacts of unmanaged stormwater on the overall quality of life of the community and enhance resiliency in the face of more frequent and more intense storm events.

Mr. Robinson stated another component is for consistency not only between the Township's existing Ordinances, but also consistency with regulatory requirements as well. He stated they were before the Board previously for a Phase 1 of the Ordinance updates. He stated the Phase 2 updates will also include all of the Phase 1 updates.

Mr. Robinson noted the multiple sources for stormwater management practices that they used for recommendations including the Township's Subdivision and Land Development Ordinance and the Zoning Ordinance. He stated as recommended by the Board of Supervisors they also utilized the Stormwater Management Section of the New Jersey Administrative Code. He stated they also used HRG's professional experience from all of their engineers.

Mr. Robinson stated they are recommending combining Lower Makefield's two Stormwater Management Ordinances – the Delaware River South Watershed Ordinance and the Neshaminy Creek Watershed Ordinance. He stated the only difference between the two is the Rate Control Section of the Ordinance, and HRG believes that difference can be identified in tabular format within one Section of an Ordinance rather than having two different Ordinances just for that change. He stated it will be easier for Applicant's to navigate one Ordinance rather than two.

Mr. Robinson stated they also recommend consistency with PADEP's Model Ordinance and the Neshaminy Creek and Delaware River South Act 167 Plan. He stated with regard to the PADEP Model Ordinance, they want to include the low-impact development and green infrastructure language within the Ordinance. He stated this language is technically

optional according to PADEP, but they believe that this language aligns with the Township's standards for stormwater management moving forward. He stated there are also a few missing sections within the Ordinance that they want to confirm that are within the Ordinance moving forward including the Erroneous Permit Waivers, a few definitions, prohibited discharges, and the Inspection Section.

Mr. Robinson stated with regard to the Act 167 Plan there are a few missing Sections that they want to include moving forward so that the Ordinance is Regulatory-compliant; and these Sections include the Stormwater Management Facility Design Criteria, Erosion and Sediment Control Requirements, and Notifications and Enforcement. He added that along with those Sections, there are some definitions that they would like to include and some language changes that would be compliant with the Ordinance itself.

Mr. Robinson stated they want the Ordinance to be consistent with the Township's other Ordinances including the Subdivision and Land Development Ordinance (SALDO) and the Zoning Ordinance. He stated in SALDO there are Low-Impact Design Standards, and they want to confirm that those Standards concur with the Standards identified within the Stormwater Management Ordinance. He stated there are also sub-surface investigation/infiltration testing requirements that they want to confirm are included within the Stormwater Management Ordinance and are consistent with other Regulatory requirements including PADEP's BMP Manual and the Draft PCSM Manual. He stated there is additional BMP Design Criteria, Dedication and Operations & Maintenance requirements, and Erosion & Sediment Control requirements that are all included in the Subdivision and Land Development Ordinance that they also want to confirm are in the Stormwater Management Ordinance as well as some stormwater calculation and methodologies included in SALDO that they want to include in the Stormwater Management Ordinance.

Mr. Robinson stated with regard to the Zoning Ordinance, they want the Natural Resource Protection Section to be consistent since that is very robust in the Zoning Ordinance and includes 100% protection for streams, riparian buffers, floodways, floodplains, etc. He stated they want to confirm that the Stormwater Management Ordinance echoes those Regulatory requirements. He stated there is also a pervious pavement credit and design criteria that they would like to encourage within the Stormwater Management Ordinance.

A slide with regard to the calculation methodology was shown. Mr. Robinson stated the biggest issue is the definition of impervious area. He stated currently the Stormwater Management Ordinance does not identify pools and gravel areas as impervious other than the statement that gravel areas shall be considered as impervious at the Township engineer's discretion. He stated they want to make sure that there is a clear distinction in the Ordinance for gravel areas, and their recommendation is that they are all considered as impervious area. He stated they also recommend that the pool water itself is considered impervious area for stormwater management calculation purposes. He stated that could impact a lot of Zoning Permits that come in; and the way this could be handled is that since the Zoning Ordinance and the Stormwater Management Ordinance are allowed to have two separate definitions for impervious area, while they may change the definition in the Stormwater Management Ordinance to capture more stormwater, they would not have to change it in the Zoning Ordinance to negatively impact all of the impervious area calculations and Zoning requirements within the Zoning Ordinance itself.

Mr. Grenier standard that is a standard approach across various regulations at the State and local levels, and Mr. Robinson agreed. Mr. Kratzer stated that has been a point of discussion, and there can be these two separate definitions; and you can get the benefit from the Stormwater Management side of things without impacting the Zoning if that is the decision of the Board. Ms. Blundi asked if we are saying that pools are akin to impervious space, why would we not be consistent across the Ordinances. Mr. Robinson stated that would be a policy decision as some may view pools as not being impervious.

Mr. Majewski stated the only issue you could have if you classify a pool as being impervious is that almost any pool within the Township would need a Variance. He stated the major item up for discussion with Variances is the impact on stormwater management and how that is handled. He stated the Ordinance as contemplated by HRG to be updated would include some of those areas as impervious to address that issue; but with our artificially low number on impervious surface, a pool does retain water during the summer, and if the pool is not covered, it would do so even in the winter up to a certain amount. Mr. Majewski stated some other towns considered pools as completely impervious from a Zoning perspective, but it was not well received by the residents in those communities since almost every pool built would need a Variance. Ultimately it was concluded that considering a pool impervious surface for Zoning was not the most productive use of their resources, but they still required that the stormwater be managed and not impact adjoining properties with run-off.

Mr. Grenier asked if we would be using the impervious numbers from SALDO to do the actual stormwater management mitigation or the impervious numbers from Zoning if a Variance was requested for impervious surface for a pool. He stated it is difficult to address our stormwater concerns from a Zoning perspective because the Variance only applies in certain situations where the pool coping exceeds the impervious coverage threshold. Mr. Majewski stated the way they have it laid out is that any time you are putting in a pool, a shed, or a cabana, that area would be considered impervious surface for the purposes of stormwater management calculations; and you would be required to mitigate the increase of all impervious surface including the water surface.

Mr. Kessler stated having it in the Stormwater Ordinance the Applicant would have to manage the stormwater on the property, and it should be clearly stated that it is for the purpose of sizing the stormwater controls. He stated not everyone would therefore have to go before the Zoning Hearing Board for construction of a pool. Mr. Majewski stated this would allow us to manage more stormwater in a way that it is more controlled.

Mr. Grenier stated it would be helpful to do a few hypothetical parcels with homes on them to understand a typical pool footprint that could be built without a Variance if we change the current Zoning definitions versus potentially aligning with this to see the result. Mr. Majewski stated they could do that.

Mr. McCartney stated he believes that most current pool covers are permeable and allow water to get through. He stated most people also drop the water line below the skimmer which would allow additional water to enter into the pool. He stated he is not sure that we should be treating pools as impervious since they do not act the same way as a true impervious surface such as concrete.

Mr. Grenier stated when we look at ponds and streams, there is some space between the top water of the pond and stream and the top of the bank. He stated a pond on a property is considered impervious when doing a stormwater management calculation even though there is some storage. He stated that is the idea behind a pool being impervious as well even though there is space between the top of the water and the coping.

Mr. Robinson stated the definition they have is the most conservative, and if the Board chooses to be more lenient, they could consider pools to be 50% of the footprint to be impervious; and that would be a policy decision by the Board as to how they would like to move forward. Mr. Majewski stated they could run some scenarios to show the Board what that would look like.

Mr. Robinson stated also with regard to the calculation methodology, they would like to add some additional time of concentration guidelines to avoid Applicants artificially inflating post-development time of concentration which would shrink stormwater BMPs. He stated they would also disallow “meadow” cover condition in post-development calculations; and by disallowing this, it would increase post-development curve numbers which increase the amount of stormwater captured on site and the size of stormwater BMPs. He stated they would also like to revise the peak rate control requirements to align with the New Jersey Administrative Code Stormwater Management peak rate control requirements. He stated in Pennsylvania you only look at the peak rate, which is the fastest the stormwater is going off the site; but in New Jersey you look at the entirety of the curve. He stated they want to include that in this Ordinance to make sure the entirety of the stormwater duration is less in post-development conditions than the pre-development conditions. Mr. Robinson stated they would also like to add some additional stormwater run-off quality standards to reduce the total suspended solids within the run-off from post-development sites. He stated PADEP has a spreadsheet that calculates this so it would be an easy requirement to fulfill. He stated they would also like to include tailwater conditions within the calculations so whenever there are stormwater discharges into basins or flood hazard areas, it confirms that the stormwater distribution systems themselves are able to convey stormwater into those basins and flood hazard areas without backing up. He stated they would also like to remove the rational method calculation methodology from the Ordinance as it is not as accurate as some other calculation methodologies including the SCS method to calculate on-site stormwater run-off from pre-development to post-development conditions.

Mr. Grenier asked under the tailwater condition calculation, how they are going to define flood hazard area in the Ordinance. Mr. Robinson stated he would lean on the Zoning Ordinance definition unless there is another recommendation. Mr. Grenier reviewed the differences between Pennsylvania and New Jersey and stated he feels that we could rely on the 50’ floodway requirement. Mr. Robinson stated they can look into that and the New Jersey Code as well to see what the differences are and look at the most conservative approach moving forward.

Mr. Grenier asked where the infiltration rate would go; and Mr. Robinson stated that is under the Ordinance consistency, and the Subdivision and Land Development Ordinance does have sub-surface investigation and infiltration testing requirements already, and they are going to take those and put them into the Stormwater Management Ordinance as well as compare them to the most



recent draft PCSM Manual and confirm that they are also in compliance with the most up-to-date recommendations. Mr. Grenier stated he wants to differentiate between infiltration testing for design purposes and infiltration in terms of actual design and what the goal infiltration rate should be for a BMP. Mr. Robinson stated the goal for infiltration is to infiltrate the entirety of the two-year, twenty-four hour storm plus the increase in the storm that was mentioned at the last meeting.

Mr. Robinson stated for general requirements they are recommending to update some of the Stormwater Management Site Plan and Stormwater Management Report Submission requirements to confirm that all of the required information is identified within the Ordinance so it can be reviewed accurately and consistently with the Ordinance itself. He stated they also want to update some of the Stormwater Management Easement requirements, expand upon inspection procedures, and create a template Inspection Report for residents. He stated they also want to prohibit dumping and open storage of pollutants and update the Small Project Stormwater Management Site Plan to make it easier for Applicants to complete. He stated they also want to update the Hot Spot BMP practices, and provide additional requirements for known stormwater management problem areas.

Mr. Grenier stated they have heard that NOAA is going to update what constitutes the one-year, two-year, etc. storm; and he asked if the Ordinance is being written generically enough so that it can be referred to whatever is current. Mr. Robinson stated for all of the Regulatory requirements within the Ordinance they will cite whatever the Regulation is and that it is the whatever is the most-current edition of that Regulation.

Mr. Lewis stated we have not discussed Stormwater Management Fees, and he asked if the intent is to look into that. Mr. Robinson stated that was not included in their Scope of Services. He stated if the Board wants to include that, they could discuss that with the Township.

Mr. Robinson stated with all the recommendations discussed, they believe that Lower Makefield Township's Stormwater Management Ordinance will be Regulatory-compliant with PADEP's Model Ordinance as well as Act 167. He stated they also feel that this Ordinance will be consistent within the Township's Ordinances themselves. He stated they believe this Ordinance will make it simple and practical for Applicants to utilize, and it will be modernized to new

Stormwater Management Standards as well as make it resilient and sustainable for future stormwater management endeavors. Mr. Robinson stated HRG's next step, if there are no further recommendations from the Board, is to draft the Stormwater Management Ordinance with all of these recommendations; and in the future they will present that to the Board for review and provide additional comments and recommendations.

Mr. Grenier stated while the Township is fairly built out, there could be significant re-development in certain areas of the Township; and he wants to make sure that when we are addressing areas of re-development in areas that probably pre-date Stormwater Management, that we make sure to incorporate that into this Ordinance so that we can address those things that were lacking in the past because they did not exist at that time. Mr. Robinson stated during the Phase 1 recommendations for the Stormwater Management Ordinance, they had discussions about the percentage of existing impervious area that would be considered meadow for calculation purposes. He stated whenever they present the draft Ordinance to the Township, they will still have that percentage that was discussed previously, and they could discuss that further and increase or decrease that percentage as they see fit.

Mr. Jim Bray, Lower Makefield Township resident, asked how this Ordinance treats underground storage facilities. He stated he understands that in the past these clog easily and are difficult to maintain and clean. Mr. Johnson stated they will add additional provisions within the Ordinance to insure that stormwater management facilities including underground facilities meet the newest regulations/recommendations from the draft PCSM Manual that was put out for public comment from PADEP. He stated with regard to maintenance, there will be mechanics within the Ordinance itself to enforce maintenance practices; however, how that enforcement takes place within the Township is up to the Township staff and policy decisions.

Mr. Grenier stated in New Jersey they have the "MFTs" and have to be pre-approved treatment devices that are used. He stated they come with O & M requirements; but not every system on the market is approved for use in New Jersey, and he believes there is more flexibility in Pennsylvania. He stated he is not a "big fan" of the underground collection systems because a lot of them are cellular units; but it would be helpful if we had a better system in place than what we probably have now for addressing them since they are necessary in certain situations. Mr. Robinson stated they will look into that.

Mr. Bill Gaboda, Lower Makefield resident, stated storage of pollutants was discussed. He stated he is a former environmental scientist, and “pollutants” covers a lot. He asked if they anticipate pointing at anything such as the EPA, etc. to define “pollutant.” Mr. Robinson stated according to MS4 Regulations, DEP looks at total suspended solids, total phosphorus, and total nitrogen; and that would be their recommendation for stormwater management calculations to confirm that the run-off meets the reduction requirements for those. He stated there are other pollutants for Hot Spot uses such as oil and other petroleum products, and they will also build in additional requirements within the Ordinance to insure that there are proper operations and maintenance requirements for those Hot Spot uses within the Township.

#### General Updates

Mr. Kratzer stated the \$8 million Community Project funding request was submitted through Representative Fitzpatrick’s office, and it has moved into the next phase of review. He stated the Board approved submission of a FEMA BRIC Grant in the amount of \$290,000, which had flood mitigation components, tributary restoration, and stabilization components. He stated this has moved on as well as part of the process.

Mr. Kratzer stated with regard to implementation of the Patterson Farm Master Plan, we have partnered with the Bucks County Re-Development Authority to conduct a comprehensive Phase 1 Environmental Assessment building on some of the work that was previously done. The RDA was able to obtain additional funding through the EPA to conduct a HAZMAT Assessment/Survey which gets into some of the issues related to not just soil contamination related to lead-based paint, but also understanding where that is present as well as some of the historic storage that has occurred in some of the barn structures. Mr. Kratzer stated we have executed a Site Access Agreement, and we are looking to schedule a Kick-Off meeting for that. He stated we continue to do community outreach in terms of corporate partnerships looking at potential financial contributions from the corporate citizenry and/or in-kind services looking at trying to push forward with some of the early recommended action related to utilities and access to the site. He stated these initial conversations have been very positive.

Mr. Kratzer stated Public Works is addressing some of the vegetation, weeds, and vines on Patterson Farm. Mr. Fuller stated they walked the property with a few members of the Patterson Farm Master Plan Implementation Committee, and they had a list noting some critical items that should be taken care of immediately in terms of vegetation management around some of the older structures. He stated the crew met on site last week to develop a game plan, and work will be done over the next few weeks when the crew has availability.

Mr. Kratzer stated a lot of people are working hard on the Patterson Farm project including the Committee members, and the Board of Supervisors is committed to this project.

#### PARK & RECREATION

##### Approval of Change Order #1 for the Memorial Park Basketball Courts in the Amount of \$22,956.60

Ms. Tierney was present. Mr. Fuller stated he is helping on this project and taking over some of the Park & Recreation Capital Projects. He stated the Memorial Park basketball courts were approved for a scope of work. He stated Step One included a geo-technical evaluation, and that work was done by the contractor's third-party engineering firm; and the report was provided to RVE for QAQC. Mr. Fuller stated he worked with RVE and came up with a remediation plan for some of the geo-technical concerns. He stated the bulk of the cost has to do with elevation issues and the need to replace the basketball hoops, nets, and posts which was not included in the Base Contract. He stated while it was included as an Ad Alternate, it was decided at that time not to proceed with it. He stated they have found that there is about a 2" elevation difference with the sub-base stone that will required these replacements.

Mr. Ross moved and Mr. McCartney seconded to approve Change Order #1 for the Memorial Park basketball courts in the amount of \$22,956.00.

Mr. Kratzer stated this is a repair project that was in the 2024 adopted Budget. The total Budget that was contemplated was approximately \$231,000; and even with the Change Order, the cost will be under that amount. Mr. Fuller stated it should be \$218,164. Mr. Kratzer stated this project will essentially provide two new basketball courts at Memorial Park. It is being funded using Park & Rec Fee-In-Lieu, which is money that is restricted for this type of project.

Mr. Fuller stated the geo-technical investigation showed that there was an excessive amount of asphalt pavement and not enough stone. The scope of work was just to remove asphalt, and that would have left not enough stone. He stated to save costs, we are going to mill the majority of the asphalt up and combine it with the existing stone to get the industry-standard six inches. He stated when they put the asphalt back, it will be too tall; and that is the reason for the request for the Change Order.

Mr. Grenier stated we need to make sure that the courts are maintained; and when any cracks develop, they should be addressed and that there is a plan in place for upkeep and maintenance. Mr. Fuller stated he will work with the contractor to get a schedule to provide to Ms. Tierney so that she can do Capital forecasting of what needs to happen.

Ms. Blundi asked if this will complete the project, and Mr. Fuller stated there will be some minor work that the Township will do in-house; but other than that he feels this will complete the project. Mr. Grenier stated he would like to make sure that any work that the Township is doing would not void any warranty that we have from the contractor. Mr. Fuller stated that is why he is working with Mr. Kessler's staff to develop a one-page construction drawing to provide to the contractor through COSTARS, and they understand what is by others and what is by the Township.

*Motion carried with Ms. Blundi abstained.*

## PUBLIC WORKS

### Authorize the Advertisement for Sale of Surplus Items Via Municibid

Mr. McCartney moved, Mr. Grenier seconded and it was unanimously carried to authorize the advertisement for sale of surplus items via Municibid.

## SOLICITOR'S REPORT

Ms. Burke stated the Board met in Executive Session prior to the Public Meeting to discuss an employment matter and various litigation matters. She stated the Board also authorized her firm to attend on behalf of the Township the Zoning

Hearing Board meeting scheduled for August 6 to participate and oppose the Zoning Application of MRG Stony Hill LP for the property located at 748 Stony Hill Road.

Approve an Ordinance Modifying the Provisions of Tree Replacement and Protection Standards in the Subdivision and Land Development Ordinance Relating to the Costs Per Replacement Tree and the Process for Determining Future Costs Per Replacement Tree

Ms. Burke stated all advertising has been properly completed, and this is ready for the Board's vote.

Mr. Grenier moved, Mr. Ross seconded to approve the Ordinance modifying the provisions of Tree Replacement and Protection Standards in the Subdivision and Land Development Ordinance relating to the costs per replacement tree and the process for determining future costs per replacement tree.

Mr. Jim Bray, Township resident, stated he is the current Chair of the EAC. He stated this was an EAC proposal about ten to fifteen years ago and was tied into the creation of the tree bank. He stated what was proposed was using a CPI Index on a yearly basis; however, at that time, their proposal was not fully enacted, and it was felt a three-year period would be better. He stated he is in favor of what is now proposed since on a three-year basis, even if it is compounded, the tree bank is losing money; and inflation is outstripping the cost of the tree bank replacement trees. He stated when we recently installed thirty trees at Patterson Farm, the cost was \$425 a tree. He stated even with the updates, it will be about \$370 to \$380. He stated hopefully we will have a major tree planting at the end of this year, and the EAC is going to constantly monitor the cost. He stated if it gets to the point where they feel it is out of line, the EAC will bring that to the attention of the Board of Supervisors.

Motion carried unanimously.

Approve Authorizing the Advertisement of an Ordinance Amending the Requirements in the Zoning Ordinance Relating to Zoning Hearing Board Notice and Uses by Special Exception and Conditional Use Within the Office/Research (O-R District)

Mr. McCartney moved, Mr. Grenier seconded and it was unanimously carried to approve authorizing advertisement of an Ordinance amending the requirements

in the Zoning Ordinance relating to Zoning Hearing Board Notice and Uses by Special Exception and Conditional Use within the Office/Research (O-R District).

Approve Authorizing the Advertisement of an Ordinance Amending the Regulations in the Zoning Ordinance Governing the Placement of and Setbacks Relating to Accessory Buildings and Structures

Mr. Grenier moved, Ms. Blundi moved and it was unanimously carried to approve authorizing the advertisement of an Ordinance amending the regulations in the Zoning Ordinance governing the placement of and setbacks relating to accessory buildings and structures.

Approve Authorizing the Advertisement of an Ordinance Amending the Regulations Governing Short-Term Lodging Facilities

Ms. Blundi moved, Mr. Grenier seconded and it was unanimously carried to approve authorizing the advertisement of an Ordinance amending the regulations governing short-term lodging facilities.

Ms. Burke stated they will proceed with the necessary advertising requirements and these Ordinances will be back before the Board shortly.

Approval of Resolution #24-20 – Open Space Borrowing Electoral Debt Ballot Question

Ms. Burke stated the Resolution was provided to the Board in their packet. She stated if this is approved this evening, it would put into motion the advertisement requirements under the Local Government Unit Debt Act. The question will be presented to the Board of Electors forty-five days before the November 5 Election. She stated we also have to advertise three times in a newspaper of local circulation. She stated if approved this evening, it will allow for sufficient time to get everything needed to be done in order for this to be on the Ballot.

Mr. Grenier moved and Mr. Ross seconded to approve Resolution #24-20 – Open Space Borrowing Electoral Debt Ballot Question.

Ms. Blundi stated when this was first discussed, they had discussed what could be done to get information together to make sure that people considering this would have information to look at. She asked that work be started on this, adding she would like to understand the estimate of cost of letting a Bond in general.

Mr. Lewis stated the Township TV channel and other social media could be used, and he asked if the Electronic Media Advisory Council could look into this as they have done similar work in the past. He stated he feels that all sides should be considered, the nuances of the law, the options, and what happens if we do not proceed with this for many years if it is passed. He stated he would be in favor of a five-minute video interviewing our solicitor and others including the EAC.

Mr. Lewis stated modifications were made to the initial language presented so that the vast majority would be for the acquisition of property which is the intent people want us to use the money for and not for buildings and structures; and it is more about trying to secure as much open space as possible. He stated the language was changed to make it tighter to reflect that. He stated it is important that the voters know what they are voting for.

Ms. Lisa Tenney, 156 Pinnacle Circle, stated she supports a public open Referendum for people to choose open space, which is important to people of all ages now and in the future. She stated Mr. Bray of the Environmental Council has eloquently outlined all of the benefits that we are going to reap as a result of this Referendum, and hopefully people will learn more about this and the small amount of cost that it will take to make it happen. She thanked the Board and Mr. Bray for their efforts.

Ms. Laurie Grey, Township resident, thanked the Board for the attempt at transparency and communication with this as it is important for all of the residents to know what they are voting for. She asked where this will be advertised and how would we know if a video will be made and where it can be seen unless you come to or watch the meeting. Ms. Burke stated the Law indicates that it has to be published in a publication of local, general circulation; and in this case, it would be in the Courier Times where there is a section for legal advertisements. Ms. Grey stated if you do not subscribe to the Courier Times you would not see it. Ms. Grey asked if it would be posted on the Township Website, and Mr. Kratzer stated items like this are generally in the News Section on the Township's Website Home Page. He stated we would also use the Township's channel



and the various social media sites including Facebook. Ms. Grey asked if the other Ordinances that were authorized earlier this evening would also be on the front page of the Township Website and on social media. Mr. Kratzer stated on the Township Website, the Resources heading has a drop down for Public Notifications which includes a list of current and past advertised notifications.

Ms. Burke stated with reference to this Referendum, the Board could host public information sessions. She stated they would have to be apolitical. She stated FAQs could also be posted on the Township Website along with what will be the actual Referendum question. She stated if there are informational sessions held, she would suggest that the Board members not necessarily attend, but it could be some Committee members who could explain the contents of the proposed Referendum.

Mr. Lewis stated by going to [phillyburbs.com/public/notices](http://phillyburbs.com/public/notices) you can search the public notices as well. Mr. Grenier stated there is also Public Notice PA.com where you can search by County and Municipality. Ms. Tierney stated on any page of the Township Website, you can click on “e-mail,” and sign up to receive an e-mail any time a page is updated.

Motion carried unanimously.

#### SUPERVISORS REPORTS

Ms. Blundi thanked the members of the Historical Commission who brought an issue to her attention with regard to the Point which she was then able to bring up with staff. She stated no Building Permits for any of the new buildings will be issued and no construction of improvements unless set forth in the Agreement shall commence until construction has commenced on the renovation of the existing structure known as the Ishmael House and the replication of the structure commonly known as the Quill House. She stated those will be the first elements of construction that will be seen.

#### APPOINTMENTS/REAPPOINTMENTS TO BOARDS AND COMMISSIONS

Mr. Ross moved, Mr. Grenier seconded and it was unanimously carried to appoint Allen DuPuy to the Citizens Traffic Commission.

July 17, 2024

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ADDITIONAL PUBLIC COMMENT

There was no one wishing to make public comment at this time.

There being no further business, the meeting was adjourned at 10:20 p.m.


Respectfully Submitted,




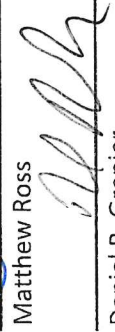
Suzanne Blundi, Secretary


LOWER MAKEFIELD TOWNSHIP  
 BOS MEETING - 07/17/2024  
 INTERFUND TRANSFERS


June 2024 PAYROLL AND INTERFUND TRANSFERS	
Fund	
01- GENERAL FUND CHECKING TO PAYROLL ACCOUNT	896,982.70
GENERAL FUND TO DEFINED CONTRIBUTION PENSION PLAN ACCOUNT	47,397.70
03- GENERAL FUND TO DEFINED CONTRIBUTION PENSION PLAN ACCOUNT	3,246.36
05- PARKS AND RECREATION FUND TO DEFINED CONTRIBUTION PENSION PLAN ACCOUNT	13,707.67
09- POOL FUND TO DEFINED CONTRIBUTION PENSION PLAN ACCOUNT	5,312.51
	<b>966,646.94</b>

  
 John B. Lewis

  
 Matthew Ross

  
 Daniel R. Grenier

  
 James McCartney

  
 Suzanne S. Blundi