

TOWNSHIP OF LOWER MAKEFIELD  
BOARD OF SUPERVISORS  
MINUTES - FEBRUARY 7, 2000

The regular meeting of the Board of Supervisors of the Township of Lower Makefield was held in the Municipal Building on February 7, 2000. Mr. Fegley called the meeting to order at 7:40 p.m. He announced that Mr. Hackman will not be present this evening since he was recently hospitalized. He noted that he is now home recuperating and the Board wishes him a speedy recovery. He also noted the Township Manager, and Mr. Fazzalore are on vacation and will not be present this evening. Mr. Fegley apologized for the delay in starting the meeting noting that the Board did need to briefly discuss some personnel and legal matters in Executive Session.

Those present:

Board of Supervisors:        Scott Fegley, Secretary/Treasurer  
                                      Fred Allan, Member  
                                      Grace Godshalk, Member

Others:                         William Taylor, Finance Director  
                                      Jeffrey Garton, Township Solicitor  
                                      Duke Doherty, Township Engineer  
                                      Joseph Bainbridge, Acting Chief of Police

Absent:                         Wesley Hackman, Supervisor Chairman  
                                      Frank Fazzalore, Supervisor Vice Chairman  
                                      Terry Fedorchak, Township Manager

PUBLIC COMMENT

Ms. Sue Herman stated she understands the results of the PennDOT regional study are expected to be released soon, and she asked that the Board of Supervisors contact Mr. Warren, Mr. Conti, and Mr. Steil so that there can be a public meeting. Mr. Fegley stated he understands Mr. Hackman has met with Mr. Goodnoe along with staff members from Newtown and Lower Makefield and they understand the report will be coming out shortly. Mr. Fegley stated he would prefer to wait until Mr. Hackman's return to discuss scheduling any meetings.

Ms. Mary Peart stated she has lived in the Township for fifty years and she feels they should look into giving the Senior Citizens a break on their real estate taxes rather than construct new buildings and develop a golf course. Mr. Fegley stated the golf course should not result in any tax increase since it is anticipated it will be self-supporting. He noted a number of Senior Citizens are in favor of the construction of a Community Center which could be used by Senior Citizens. Mrs. Godshalk noted the Board of Supervisors cannot give tax relief although they do try to keep the taxes low. Mr. Allan stated the existing Township building is used almost on a daily basis by groups and there is a tremendous need for meeting space. He noted the Senior Citizens group is growing and they need to find a facility to help them as well as the 6,000 children who live in the Township. This is the reason they are considering constructing a Community Center.

#### EAGLE SCOUT PROCLAMATION

Mr. Fegley read the Proclamation honoring Daniel Clark for achieving the rank of Eagle Scout. The Proclamation was presented to Mr. Clark this evening.

#### APPROVAL OF MINUTES

Mr. Allan moved, Mrs. Godshalk seconded and it was unanimously carried to approve the Minutes of January 17, 2000 as written.

#### AUTHORIZE ADVERTISING AMENDMENT TO HISTORIC ARCHITECTURAL REVIEW BOARD ORDINANCE.

Mrs. Godshalk moved, Mr. Allan seconded and it was unanimously carried to authorize advertising the amendment to the Historic Architectural Review Board Ordinance.

#### APPROVAL OF RESOLUTION NO. 1051 - PENNDOT AGILITY CONTRACT

Mr. Coyne was present and asked the Board agree to participate by approving Resolution No. 1051. He stated this is an effort to work closer with PennDOT and enables them to try to utilize better what equipment they both have. Mr. Coyne stated this is the first time they have entered into this Agility Contract although they have entered into Agreements with PennDOT in the past for other projects. Mr. Garton stated he did review the language of the contract and feels it is satisfactory.

Mrs. Godshalk moved and Mr. Allan seconded to approve Resolution No. 1051 the PennDOT Agility Contract.

Mrs. Godshalk stated she would be in favor of trying to work together with PennDOT since it can save money. Mr. Coyne noted this is a yearly Agreement, and if they are not in a position to participate in a particular instance, the Township is not obligated to do so.

Motion to approve carried unanimously.

#### APPROVE SALE OF EXCESS MULCH TO MIKE BUTLER TRUCKING

Mr. Coyne stated Mike Butler Trucking has offered \$4,000 for the existing pile of mulch which is over 2,000 cubic yards. He stated the Township is producing more mulch than the residents are using. Mr. Fegley asked if the Township will generate enough mulch between now and April or May to satisfy the needs of the residents and Mr. Coyne stated they will.

Mrs. Godshalk moved, Mr. Allan seconded and it was unanimously carried to approve the sale of the excess mulch to Mike Butler Trucking for \$4,000.

DISCUSSION AND TABLING OF PREPARATION OF SPECIFICATIONS AND GOING OUT TO BID FOR PAVILIONS AT KIDS KINGDOM PICNIC GROVE AND MACCLESFIELD PARK

Mr. Doherty stated the Park & Recreation Board has requested that a pavilion be placed at Kids Kingdom which would be similar to, but not quite as large as, the pavilion at Macclesfield Park as well as an additional pavilion at Macclesfield Park. He noted these projects were included in the Budget. Mrs. Godshalk stated she did not feel the location shown for the pavilion at Kids Kingdom was correct. She also noted the size they are showing is too large for the area. Mr. Doherty stated the Park & Recreation Board indicated it should be 30' x 30' but the smallest size they make is 30' x 35'. Mr. Fegley suggested they table this matter if there is a question as to where the pavilion should be located.

Mr. Allan moved, Mrs. Godshalk seconded and it was unanimously carried to table.

APPROVAL TO AUTHORIZE TOWNSHIP ENGINEER TO PREPARE SPECIFICATIONS AND GO OUT TO BID FOR NEW ROOF ON THE COMMUNITY POOL BUILDING

It was noted this is a budgeted item. Mr. Allan moved, Mrs. Godshalk seconded and it was unanimously carried to authorize the Township engineer to prepare specifications and go out to bid for a new roof on the Community Pool Building.

STATUS REPORT ON ESTATES AT PEBBLE CREEK/BEECHWOOD LANE STORM DRAINAGE AND AUTHORIZATION TO TOWNSHIP MANAGER TO WRITE A LETTER TO RESIDENTS

Mr. Doherty stated there were complains about drainage from the Pebble Creek residents. On January 17 they sent a letter to the Elliot Building Group with suggestions for corrections to be made behind Lots 13 and 14, but Mr. Doherty has not been able to discuss the matter with the Elliot Building Group representative. Mr. Garton stated once they have a proposal on what they would like to do, he feels they should have a meeting with the residents involved. There were no Pebble Creek residents present at this time. Mr. Doherty stated he feels they need to wait until the snow melts so they can show the residents what they plan to do. He stated the intention is to meet with the residents in the field.

Mrs. Godshalk moved, Mr. Allan seconded and it was unanimously carried to authorize the Township Manager to write a letter to the Pebble Creek residents regarding the status of the work.

HILLSIDE ROAD DISCUSSION

Mr. Gunkel stated he feels work is going to have to be done on Hillside Road and he feels they should get an estimate on how much it will cost to temporarily fix the road. Mr. Coyne stated this has been costed out although he is not prepared to discuss it this evening. Mr. Fegley asked that this be considered at a future meeting.

Mr. Coyne stated he feels they must first address the utilities in this area. He stated he has discussed the matter with the Water Company which has now indicated they would be willing to install the water line if there are enough people to participate with public water. The residents would have to pay the normal tap-in fee. He stated the water and sewer lines should be put in before they put in a road.

#### APPROVAL OF JOSEPH CASADONTI PRELIMINARY/FINAL PLAN

Mr. Joseph Casadonti was present. Mr. Garton reviewed possible conditions of approval. Mr. Fegley asked about the placement of the new home. Mr. Casadonti stated the building envelope is severely restricted because of the various setback requirements. Mr. Fegley stated he is concerned where they will be able to place a house on Lot #1. It was noted this lot is in Yardley Borough. Lot #2 is in Lower Makefield Township. Mr. Casadonti stated he owns property on the parcel adjacent to Lot #2 and he has started the Building Permit process for that lot. Mr. Allan expressed concern with the sight distance going around the corner, but Mr. Casadonti stated he does not feel this will be a problem.

Mr. Allan moved, Mrs. Godshalk seconded and it was unanimously carried to approve the Joseph Casadonti Preliminary/Final Plan, plans dated 2/19/99, last revised 1/27/00 subject to:

- 1) Receipt of all permits and approvals by any agency having jurisdiction;
- 2) Confirmation that the Note does appear on the Plan that any further subdivision of either lot would be considered a Major Subdivision and the subdivider would be responsible for all road improvements;
- 3) Payment of all Township expenses related to the application if not previously paid;
- 4) Township receive Deed of Dedication for the additional right-of-way along College Avenue.

Mr. Casadonti agreed to the Conditions of Approval.

#### DISCUSSION, TABLING, AND EXTENSION OF APPROVAL FOR THE SHOPS AT MAKEFIELD QUARTERS REVISED FINAL PLAN

Mr. Edward Murphy was present. Mr. Garton stated in August, 1999 the Board agreed to review the project as a Revised Final Plan which will change it from four retail uses to two retail uses and two office pads. Mr. Garton suggested possible conditions of approval for the Plans dated 3/15/99, last revised 1/25/00. Mr. Murphy agreed to the conditions suggested by Mr. Garton.

Mrs. Godshalk stated she is concerned with taking the retail down too small. She asked what "food shop" refers to on the Plan. Mr. Murphy stated he does not feel there is any specific use for that space, and this term was taken from the prior plan. Mrs. Godshalk stated she does not feel they have provided enough retail to draw anyone to such a "food shop." The other retail use will be a bank. Mrs. Godshalk also expressed concern with the limited parking available at the "food shop." Mr. Fegley asked if they have met the parking requirements, and Mr. Doherty stated the entire complex does meet the requirements. Mr. Murphy stated at this point they do not know what this retail use will be.

Mr. Fegley stated he would be willing to vote in favor of the Plan before them but all three Supervisors would need to vote in favor in order for it to pass. Mr. Garton noted the Plan does expire on 2/19/00, so they must either obtain an extension or vote on the Plan this evening.

Mrs. Godshalk stated she is concerned that much of the traffic must drive through parking spaces, and she feels this is a poor Plan. Mr. Fegley stated he does not have a problem with reducing retail space and increasing office space.

Mrs. Godshalk moved, Mr. Allan seconded and it was unanimously carried to table the matter and accept the extension from Mr. Murphy until 3/19/00.

#### APPROVE EXTENSION TO WILSHIRE GLEN PLAN II

Mr. Allan moved, Mrs. Godshalk seconded and it was unanimously carried to approve the grant of extension of time to Wilshire Glen Plan II Preliminary Plan until 5/28/00.

#### APPROVE EXTENSION TO JEANETTE MINNES

Mr. Allan moved, Mrs. Godshalk seconded and it was unanimously carried to approve the grant of extension of time to Jeanette Minnes Preliminary/Final Minor Subdivision Plan until 5/10/00.

#### APPROVE EXTENSION TO LOBERG TRACT

Mr. Allan moved, Mrs. Godshalk seconded and it was unanimously carried to approve the grant of extension of time to Loberg Tract Preliminary Plan until 5/20/00.

#### APPROVE EXTENSION TO FIELDSTONE AT YARDLEY

Mr. Allan moved, Mrs. Godshalk seconded and it was unanimously carried to approve the grant of extension of time to Fieldstone at Yardley Preliminary Plan until 4/30/00.

#### APPROVE REQUEST OF JEFF HIRKO TO BUILD ADDITION TO DEED-RESTRICTED FARMHOUSE IN LONGSHORE ESTATES

Mr. Garton stated Mr. Hirko acquired the farmhouse known as the Belledin Farmhouse and part of the Deeds recorded restricted improvements to the house and the exterior. Mr. Hirko would like to add an addition to the house. The matter has been reviewed by the Historic Commission, and they are recommending that the Board of Supervisors grant the request by Mr. Hirko subject to certain conditions. Mrs. Godshalk noted the letter from Ms. Langtry in this regard.

Mrs. Godshalk moved, Mr. Allan seconded and it was unanimously carried to approve the request of Mr. Hirko subject to continued compliance with the Deed Restriction and that the Building Department pay close attention to the project.

SIGNING OF LINENS - HIDDEN POND ESTATES, KAPETANOVIC TRACT,  
SBA (AT & T) TOWER (OLD OXFORD VALLEY ROAD SITE)

Linens were signed for the above-listed developments following the meeting.

APPROVAL OF AWARD OF BIDS FOR USED POLICE VEHICLES

Acting Chief Bainbridge noted all vehicles are pre-1990 vehicles with many miles.

Mrs. Godshalk moved, Mr. Allan seconded and it was unanimously carried to award the bid for used police vehicles as follows:

Dodge Diplomat to Ken Stewart for \$151  
Dodge Van to Ted Covington Sales for \$163  
Ford Thunderbird to Curtis States for \$260  
Chevrolet Caprice to Ken Stewart for \$301

ZONING HEARING BOARD MATTERS

There was discussion on the New Castle Group, LLC request for relief from various provisions of the Zoning Ordinance to permit construction of two single-family detached dwellings at Penn Valley Terrace. Mr. Murphy was present and stated this request is basically the same as the next request by Joe Marrazzo requesting a variance for the property on the corner of Dolington and Houston Roads to construct single-family detached dwellings resulting in setback encroachments and woodlands disturbance. He stated these are existing lots which meet or exceed the Zoning Ordinance requirements except for the natural resource restrictions.

Mr. Murphy stated in the case of the New Castle Group development they have a 150 foot buffer from the Delaware Canal and when they apply the natural resource protection standards for woodlands and the front and rear yard requirements, they are left with no building envelope. They have taken the footprint of a 2400 square foot home which is comparable to other properties in the area and set it on the lot respecting the Canal buffer. This did involve an encroachment into the woodland buffer. They have shown the actual number of trees they will need to remove since both lots are entirely wooded. He has reviewed this with the Township solicitor and Township engineer. Mr. Murphy stated the lots have existed for thirty years, and Mr. Garton verified that the lots were created well in advance of the Ordinance. Mr. Murphy noted the owner has owned the property since 1969. Mrs. Godshalk stated in these cases they are also creating easements as opposed to having access to a public street. Mr. Garton stated the law is if there are lots that are non-conforming which were established prior to the restrictions, they have the right to make a reasonable use of the property. A review indicated these lots have been in existence since the mid-Sixties. He noted a prior Board of Supervisors approved the lots in the mid-Sixties. The matter is scheduled to go to the Zoning Hearing Board on February 15, 2000. Mr. Fegley noted he cannot vote on this matter since he is friends with the people involved. Mr. Garton stated if Mr. Fegley is unable to vote, the Board will not be able to take any action. Mr. Fegley stated despite Mrs. Godshalk's objections, he does not feel the Board can direct the Township solicitor to take any action since he is unable to vote on this matter.

Mrs. Godshalk stated the Board can take a vote on the matter at their next meeting after the Zoning Hearing Board meets. No action was taken by the Board of Supervisors on this matter this evening.

With regard to the Joe Marrazzo request, Mr. Murphy stated the Ordinance definition of woodlands include understory vegetation. He noted on the Plan the seven trees which will be removed. Mr. Murphy noted they are planning to construct the same size house as is existing in the neighborhood. The Board of Supervisors took no action. The Board did ask that a provision be made for vehicle turn-around on the lot.

The Hampton Inn request for variance to permit two on-premises signs to be internally illuminated was noted. It was noted the Board previously discussed this matter, and no action was taken this evening.

### SUPERVISORS' REPORTS

Mr. Allan noted the Community Center group has been meeting and are planning to hold a public meeting once the Township Newsletter goes out which should be the week of February 18. He stated they hope to have a public meeting the end of February and a public meeting in March. He showed a copy of the Voters Guide to the Community Center which was put together by the Committee which includes costs and a proposed lay-out along with general information. He stated the public has been very receptive to the information they have provided. Mr. Fegley stated the Committee is comprised of interested citizens and is not an official Committee of the Township. Mrs. Godshalk noted she read a letter to the Editor in the Courier Times complaining that since the Referendum question is being included on the Primary ballot, those who are Independents would not have an opportunity to vote. She stated this is incorrect since Independents who are registered voters can vote on Ballot questions. Mr. Allan requested of the reporters present this evening that they make this fact clear in their newspapers.

Mr. Allan noted the meeting on the Mercer Airport expansion will be held on Wednesday evening not Tuesday as was reported in the newspaper. Mrs. Godshalk stated she understands this will be more of an informational meeting.

### PEBBLE CREEK DISCUSSION

Mr. Fegley noted it was brought to his attention that there are residents now present who came in after Pebble Creek was discussed. He stated the engineer has indicated the Township wishes to meet with the lot owners on the site to give them information and get their input and they cannot do so until the snow melts. The Township Manager has been directed to notify the residents where they are in the process.

### NEWTOWN OFFICE COMMONS DISCUSSION

Ms. Sue Herman asked for an update on Newtown Office Commons, and Mr. Fegley stated he feels Mr. Hackman will be able to report on this upon his return since he has been meeting with Mr. Goodnoe on the overall situation.

February 7, 2000

Board of Supervisors - page 8

There being no further business, Mr. Allan moved, Mrs. Godshalk seconded and it was unanimously carried to adjourn the meeting at 9:05 p.m.

Respectfully Submitted,

  
Scott Fegley, Secretary