

TOWNSHIP OF LOWER MAKEFIELD
BOARD OF SUPERVISORS
APRIL 3, 2000

The regular meeting of the Board of Supervisors the Township of Lower Makefield was held in the Municipal Building on April 3, 2000. Chairman Hackman called the meeting to order at 7:35 p.m. noting that the Board had been meeting in Executive Session since 6:30 p.m. to discuss legal and personnel matters.

Those Present:

Board of Supervisors: Wesley Hackman, Chairman
Frank Fazzalore, Vice Chairman
Scott Fegley, Secretary/Treasurer
Fred Allan, Member
Grace Godshalk, Member

Others: Terry Fedorchak, Township Manager
John Koopman, Township Solicitor
Duke Doherty, Township Engineer
Joseph Bainbridge, Acting Chief of Police

PUBLIC COMMENT

Ms. Sue Herman stated Mr. Garton had indicated he would request that PennDOT send the inspection report to Mr. Yeager of Parsons Brinckerhoff and asked the status of this. Mr. Koopman agreed to look into this. Ms. Herman stated at the last meeting the Board of Supervisors voted to have the Township engineer study the warrants for lights at Twining/Woodside/Lindenhurst Roads. She asked if there is anything the residents can do to assist. Mr. Doherty stated they will be putting out the hoses shortly, and the project should be done by the end of April.

Mr. Len Franckowiak stated there was a meeting in July with Senator Conti who indicated the State Police would help with speed enforcement. He stated Senator Conti has not followed through on that promise. Mr. Franckowiak stated Mr. Goodnoe of Newtown wrote a letter last week asking Mr. Conti to follow through on this promise, and he would like the Board of Supervisors to write a similar letter. Acting Chief Bainbridge stated the State Police are willing to do this and put it on their regular routine. He agreed to follow up on this matter. Mr. Fazzalore stated he was in the area when the area Police forces were doing the inspections, and he congratulated the Police for their efforts.

Mr. Franckowiak noted the State lawmakers are considering changes to the Right To Know Law. He feels since the Township had so many problems getting information about the Swamp Road culvert, the Township should write a letter to the State lawmakers regarding changing this law. He provided to the Board an article which appeared in the paper on this matter. Mr. Fazzalore stated he does have concerns about some of the issues in this proposal.

Mrs. Steinmetz of University Drive stated she received a letter regarding the demolition of a structure at 300 Yardley-Newtown Road and asked why she received this. Mr. Koopman stated he has seen a copy of this letter which is from a contractor writing on behalf of the owner of Scammel's Corner advising the neighbors of their intention to apply for a permit

to demolish structures on the property. Mrs. Godshalk stated they already have a permit to demolish two structures but no other demolition permits have been applied for. Mr. Koopman stated he was not sure why any of the neighbors received this since he is not aware of any legal requirement to do so. Ms. Sandy Goldberg stated they do not understand why the immediate neighbors did not receive this but those on University Drive did. Mrs. Godshalk stated since these are old structures, they should make sure any asbestos on the property is removed in the proper manner. Mr. Fedorchak stated they do check all utilities as part of the inspection process, and they make an on-site inspection.

Ms. Lynn Landes asked if they will be able to discuss the issue of demolition of historic structures, and Mr. Hackman stated they will further on in the Agenda.

APPROVAL OF MINUTES

Mr. Fegley moved, Mr. Fazzalore seconded and it was unanimously carried to approve the Minutes of March 20, 2000 as written.

DISCUSSION AND MOTION ON PROPOSED ZONING ORDINANCE CHANGE REGARDING HISTORIC STRUCTURES

Mrs. Godshalk stated the Historic Commission reviews every plan that comes through the Township which includes a historic structure. In the twenty-two years that the Historic Commission has been active, they have saved many structures, not through an Ordinance, but through the dedication of many people in the Township. With the problems the Township has had recently regarding Scammel's Corner, she feels they should amend the Subdivision and Zoning Ordinance to allow a certain zone where historic structures are involved to have an overlay with historic structures on a list. She feels the developers should be given more incentive to save historic structures such as clustering, and she would like the Board of Supervisors to initiate work with a planner in this area and come up with a Structure Preservation Ordinance.

Mrs. Godshalk moved and Mr. Fazzalore seconded to have the Board of Supervisors consider amending the Ordinance and start immediately working with a planner and get the Planning Commission involved as well as members of the Historic Commission.

Mr. Hackman stated several years ago there was a proposal for overlay districts and this was not very favorably received by the public. He is also concerned about the possibility of spot zoning.

Mr. Fegley stated when the Township was originally working with the developer of Scammel's Corner, the developer did draft an Ordinance. Mrs. Godshalk stated this was a landscape ordinance. Mr. Fegley stated he does not have any objection to proceeding with a study but is not sure this will be completed in time to preserve the structures at Scammel's Corner.

Ms. Lynn Landes asked if this would be a historic preservation ordinance, and Mrs. Godshalk stated this is what she would like to study. Ms. Landes stated she spoke with a representative from the Historic Commission in Harrisburg, and he indicated that it is good that there is not a plan pending for Scammel's Corner or a demolition permit for the

additional structures. He indicated to her that by passing a motion to study this matter it is effectively a moratorium on the demolition of historic structures. Board members indicated they had received differing opinions on this. Mr. Fegley stated they could declare a moratorium on demolition but he would like to get input from the solicitor on this before doing so. He stated this is not the step being considered this evening. Mrs. Godshalk stated she did check with Mr. Garton if they could pass a moratorium on this tonight, and he indicated they could not. Mr. Koopman stated the moratorium recognized in the Municipalities Planning Code has to do with challenges to the validity of the Ordinance and only prohibits curative amendment applications and does not specifically address the issues being discussed tonight. He stated none of the current litigation has to do with demolition of historic structures. He noted the Township would have to prepare a draft Ordinance and advertise it. The Ordinance would have to be advertised before it would have bearing on a historic structure in the Township.

Ms. Landes asked that the board of Supervisors write to Representative Steil requesting that they pass something in the State House to protect historic structures. She stated she does not feel the developer of Scammel's Corner has the best interests of the Township in mind. Mrs. Godshalk stated she feels what the Board is proposing can be done quicker than anything at the State level.

Mr. Fegley stated local land use is governed by the local Township. He stated the State could consider overall revamping of the Municipalities Planning Code but this could take some time. Mr. Fazzalore noted the State just recently did this.

Ms. Landes stated she feels the community is split on cluster housing versus single family homes but feels they all want to see the highest penalty imposed on the developer for what he has already done. She stated the Township can require that he replace the trees which were cut down with the largest possible transplant. Mr. Hackman stated this is what they are going to ask for.

Mr. Paul Dorrin stated he resides adjacent to the property. He stated originally Mr. Erhlich wanted to change the zoning and the residents did not want this. He feels this is the reason why he has cut down the trees so that he would be permitted to build as he wished and he feels this is what the Board of Supervisors is now doing by considering this change which will permit clustering. Mrs. Godshalk stated there would still be requirements on the type of houses which could be constructed. She stated previously Mr. Erhlich was proposing the construction of \$350,000 townhouses, and she had indicated she did not feel anyone would purchase these. Mr. Fazzalore stated he did question Mr. Erhlich about this, and he had indicated that they had done market studies.

Ms. Janet Wassum stated she adjoins the property and is concerned about run off. Mr. Fegley stated Mr. Erhlich is liable to the residents. Mr. Koopman stated the Conservation District has cited Mr. Erhlich for clearing the property without a permit from the Conservation District. The purpose of a permit from the Conservation District is to make sure there is no run off or soil erosion. He must comply within five days with soil and erosion control measures and make sure there is no run off from the property. The Conservation District will enforce this. Mr. Koopman stated the Township requested that the conservation District look into the matter to see if there were any violations and they have so notified Mr. Erhlich. Mr. Koopman stated he feels the fines that the Township has levied will be collected. Mr. Koopman stated the Conservation District has been out to the property and this is what caused them to issue the violation. Mr. Doherty stated they do

not have jurisdiction over increased run off, and they pass this back to the Township. He stated they will address the soil and erosion run off.

Mr. Koopman stated the residents may have private rights that may be able to be enforced more effectively than the Township rights. He stated they may need to engage an attorney to protect their interests.

Ms. Goldberg asked if the residents should contact the Conservation District regarding their problems, and she was provided their phone number this evening.

Ms. Landes asked the fine per day from the Conservation District, and Mr. Koopman stated their fining power is more than the Township. He stated the Township is limited to \$500 per day and he feels fines from the Conservation District could be several thousand dollars per day. Mr. Koopman noted Judge Rubinstein did grant the preliminary injunction related to the woodlands issue, and Mr. Erlich cannot cut down any further woodlands.

Motion carried unanimously.

DISCUSSION AND TABLING OF ORDINANCE NO. 325 AMENDING THE CODIFIED ZONING ORDINANCE BY MODIFYING THE SECTION PERTAINING TO THE HISTORIC DISTRICT

Mr. Fazzalore asked if this only relates to Edgewood Village, and Mr. Koopman stated it does. Mr. Hackman stated there are thirteen pages of changes and he was not provided a copy of the old Ordinance so that he could make a comparison. Mr. Hackman asked that this matter be tabled so that they can review the two Ordinances and then consider it at a later time.

Ms. Jennifer Stark was present and stated the Bucks County Planning Commission commented on five items for which she has prepared answers. This information will also be provided to the Board for their review.

Mrs. Godshalk moved, Mr. Fegley seconded and it was unanimously carried to table the matter until April 17, 2000.

APPROVAL TO ISSUE RFP FOR CONSULTANT TO PREPARE ARCHITECTURAL GUIDELINES FOR EDGEWOOD VILLAGE

Ms. Ann Langtry, Ms. Liuba Laschyk, and Ms. Helen Heinz were present. Ms. Laschyk noted this does not relate to the March Associates plan. Ms. Langtry stated the RFP was developed by an Ad Hoc Committee comprised of HARB and the Historic Commission to provide a set of guidelines for residents to conform to so that they can work with HARB in overseeing improvements to properties in the Historic Village. Ms. Langtry reviewed the scope of work in the RFP. They are looking into the possibility of applying for a Grant to cover the consultant's fee.

Mr. Fegley asked how this would differ from the March Associates plan. Ms. Heinz stated this is something they can give to the residents working with HARB and the Historic Commission. Ms. Langtry stated these are tools for the lay person to help them comply with the Ordinances.

Mr. Fazzalore asked if they do not have guidelines currently; and Ms. Langtry stated they do have a working plan, but it is rough.

Mr. Fazzalore moved, Mrs. Godshalk seconded and it was unanimously carried to issue RFP for consultant to prepare architectural guidelines for Edgewood Village.

APPROVAL OF CASADONTI SUBDIVISION DEVELOPMENT AGREEMENT

Mr. Koopman noted the Plan was previously approved, and the Development Agreement is now ready for execution. The Letter of Credit has been received, and it is in order.

Mr. Allan moved, Mr. Fegley seconded and it was unanimously carried to approve the Casadonti Subdivision Development Agreement.

APPROVE REQUEST BY WESTRUM DEVELOPMENT COMPANY TO INSTALL BELGIAN BLOCK CURBING AT HIDDEN POND ESTATES

Mrs. Godshalk moved, Mr. Fazzalore seconded and it was unanimously carried to approve installation of Belgian block curbing at Hidden Pond Estates.

DISCUSSION REGARDING WINTERFIELD AND MAKEFIELD CROSSING DEVELOPMENTS

Mrs. Godshalk stated she has received complaints from residents about the removal of barricades between Winterfield and Makefield Crossing. Mr. Doherty stated Mr. Scanlon was advised to put the barricade back up. Mrs. Godshalk stated there are no lights on the barricade, and lights should be installed. Mr. Doherty agreed to look into this.

Mrs. Godshalk stated she is also concerned about the safety issues since there are a large number of children in this area, and there are no "Watch Children" signs or stop signs in the area. Acting Chief Bainbridge stated the stop signs would be included in the Development Plan but the roads have not yet been dedicated. Mr. Doherty agreed to look into what signs are proposed on the plan.

APPROVE REJECTION OF FORD F-250 PICK-UP TRUCK BIDS FOR SEWER DEPARTMENT

Mr. Fazzalore moved and Mr. Fegley seconded to reject the Ford F-250 Pick-up truck bids for the Sewer Department.

Mr. Fedorchak stated they tabled this matter previously, and he discussed the matter with Mr. Hoffmeister who agreed that the bids should be rejected and they will start the process again.

Motion carried unanimously.

DISCUSSION OF PROPOSED COMMUNICATIONS TOWER AT WEST TRENTON AVENUE AND BIG OAK ROAD IN FALLS TOWNSHIP

Mr. Hackman noted the letter from Mr. Fedorchak regarding this matter pending before the Falls Township Board of Supervisors. Mr. Fedorchak noted he recently received a copy of the print from Omnipoint showing where this will be located, and this was shown to the Board of Supervisors this evening.

Mr. Hackman and Mr. Fazzalore indicated they did not feel the Board could take any action other than what Mr. Fedorchak has already done which was object to the location. Mr. Fegley stated he feels Falls should be advised that they should feel free to reject this proposal.

APPROVAL OF CONSORTIUM 2000 PIPE BIDS

Mr. Fegley moved, Mr. Allan seconded and it was unanimously carried to approve Consortium 2000 pipe bids.

APPROVAL OF CONSORTIUM 2000 SIGN MATERIALS AND POST BIDS

Mr. Fegley moved, Mr. Allan seconded and it was unanimously carried to approve Consortium 2000 sign materials and post bids.

UPDATE ON TRAFFIC SAFETY TASK FORCE OPERATIONS

Acting Chief Bainbridge stated they started their full operation on March 27. The Chief of Upper Makefield has taken over as coordinator for this group which now also includes Northampton. On March 27 three teams went out; and as a result, there were thirty-three truck inspections made. Forty-one violations were found, and six trucks were put out of service for safety violations. This operation will continue, and a schedule has been made which runs until October of next year. This will rotate between commercial and domestic vehicles. Acting Chief Bainbridge noted this is a very expensive project but because they are working together with the other Townships, the costs are somewhat reduced.

AWARD BID FOR SPEED ALERT TRAILER

Mrs. Godshalk moved and Mr. Fazzalore seconded to award the bid for the speed Alert Trailer to Allied Concepts, Inc. at a cost of \$10,780.

Mr. Fazzalore noted this is a budgeted item. Acting Chief Bainbridge noted they cannot ticket with this device. He stated they have been advised that they can get the machine in forty-five days although it may take as long as sixty days. A picture of the machine was shown. Acting Chief Bainbridge stated they are planning on using this every day at various locations.

Motion to approve carried unanimously.

ZONING HEARING BOARD MATTERS

The Special Exception request of Dwight Mishler to replace existing gasoline facilities was noted. Mr. Allan stated they want to increase the number of pumps by two. Mr. Gunkel stated the Planning Commission recommended that they move the pumps out of the ultimate right-of-way because of safety concerns. He stated they now have the ability to pump gas into two cars and they want to double this to four cars. Mrs. Godshalk stated they have asked to replace the fueling islands. Mr. Gunkel stated currently he has one island with two pumps with one hose at each pump. Mr. Fazzalore stated he feels a gas station at this location would help people in the area so that they would not have to travel so far to buy gas. Mr. Hackman stated he is concerned because Mr. Mishler has made alterations to the building with and without permits and there have been concerns about what he has been doing for the past six months. Mr. Hackman stated he does feel the Township should be involved in this matter although they may not wish to oppose it at this time.

Mr. Koopman stated the Hearing is scheduled for Wednesday, and the Board of Supervisors should make their concerns known.

Mr. Fegley and Mr. Allan stated they did not want to see an expanded gas station at this location. Mr. Fegley stated it is non-conforming for the area, and he does not feel they should be permitted to expand. Mrs. Godshalk stated the Township did permit this at the Amoco Station on Big Oak Road.

Mr. Koopman stated he also wants to replace the existing storage tanks with a 20,000 gallon tank.

The Board requested that the Township Solicitor attend the Hearing and report back to the Board. The Township solicitor should request that this matter be continued until their next meeting.

There was discussion on the DeLuca Enterprises Variance request to place a second free-standing sign at the assisted living facility, and Mr. Koopman stated this application has been withdrawn.

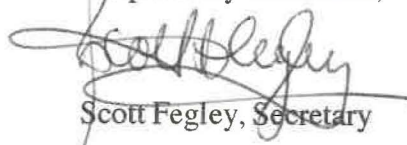
SUPERVISORS' REPORTS

Mrs. Godshalk stated it has been determined that the trees at the Peake Farm are smaller than required. Trees and other items in the area to be owned by the Township were also to be cleared out. Mr. Doherty stated there are a number of problems with this development. They met with the Quaker Group on these issues, and he will report back to the Board at the next meeting on the progress they have made.

Mr. Fazzalore asked that the Township Manager report on the dam at the next meeting.

There being no further business, the meeting was adjourned at 8:55 p.m.

Respectfully Submitted,


Scott Fegley, Secretary

