

TOWNSHIP OF LOWER MAKEFIELD
BOARD OF SUPERVISORS
MINUTES - JUNE 5, 2000

The regular meeting of the Board of Supervisors of the Township of Lower Makefield was held in the Municipal Building on June 5, 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
Jeffrey Garton, Township Solicitor
Duke Doherty, Township Engineer
Joseph Bainbridge, Acting Chief of Police

PUBLIC COMMENT

There was no public comment at this time.

APPROVAL OF MINUTES

Mr. Fegley moved, Mr. Allan seconded and it was unanimously carried to approve the Minutes of May 15, 2000 as written.

DISCUSSION AND MOTION ON ADA PROPERTIES

Mr. Garton stated this is a Zoning Hearing Board matter, and several members of the Synagogue propose to purchase property on Edgewood Road and lease it to the Synagogue. There was an application before the Zoning Hearing Board which included a number of variances; however, based on the Agreement of Sale with Mrs. Ronaldo, the request is now a request for a Special Exception and a setback variance because of the nature of the existing house. They also have an issue with respect to the lot width. Although they will now have five gross acres, the net is still less than five acres because of the resource protection land.

Mr. VanBlunk and Mr. Sagosky were present on behalf of ADA Properties. Mr. VanBlunk stated while this will be a house of worship, it is not a typical house of worship because the congregation will remain fairly small. He stated the property is owned by a partnership which leases the property to the Synagogue. The property was slightly more than one acre and with the acquisition of additional property from Mrs. Ronaldo, they now have five gross acres which greatly reduces the relief they need from the Zoning Ordinance. They still need a variance from the setback requirements from the front yard

because of the location of the existing house. They also cannot meet the net lot size requirements because a majority of both properties are in the wetlands. They also need a variance from the lot width requirements. These requests for relief are in addition to the request for a Special Exception.

Mr. Fazzalore asked about parking, and Mr. VanBlunk showed a plan of the property showing the existing building, the Synagogue's existing lot, and the parcel to be purchased from Mrs. Ronaldo. They will merge the two lots. They are not adding any additional structures. They will add parking so that they can provide twenty-seven spots which meets the Ordinance requirements and is more than sufficient for their needs. Mr. Sagosky stated they only have fifteen active family members.

Mr. Fazzalore asked what would happen if they went to forty families, and Mr. VanBlunk stated based on the rules of the Congregation, this would not be realistic. Mrs. Godshalk stated she has seen up to fifteen cars already parking on the front lawn. She asked if anyone lives in the house, and Mr. VanBlunk stated the Rabbi lives in the home.

Mr. Sagosky stated this is an Orthodox Synagogue; and as such, they must adhere to certain religious regulations. The Synagogue has been in existence for seventeen years. They do not anticipate significant growth since their requirements are that on the holidays and the Sabbath, you are not permitted to drive. Therefore, in order to come to the Synagogue, you must be within walking distance of the Synagogue. He stated since they estimate most people could walk between one and two miles, this restricts the number of people able to come to the Synagogue. They do not hold weddings or Bar Mitzvahs at this facility and what they do is mostly educational. He stated they have no plans to establish anything similar to what is traditionally felt to be a house of worship. He stated it is unlikely that they will grow at a greater rate than they have in the past because of what they require of their members. He stated they also require various food restrictions, and restrictions on cooking, etc., which make it very unlikely that they will attract a large number of members.

Mr. Hackman asked about the existing dwelling and asked what portion is the area used for worship. Mr. Sagosky stated it is 29' by 39' and includes the breezeway and the garage. The remainder of the house is the Rabbi's residence.

Mrs. Godshalk asked if they own other property, and Mr. Sagosky stated they do not. Mrs. Godshalk stated some Township employees had stopped by the property and were told corporate meetings were being held at the property. Mr. Sagosky stated the property has always been the Rabbi's residence and nothing resembling corporate meetings have taken place there.

Mr. Hackman stated the property is served by a septic system and well and asked if they intend to continue using these. Mr. Sagosky stated at the current time they do, although they hope at some time to be able to hook into the public systems. Mr. Doherty stated the closest location is at the Harris Farm. They would have to install a pump facility to hook into Yardley Hunt.

Mrs. Godshalk stated she is concerned that they are allowing this basically on a two acre envelope in a residential community. While they have indicated they will have little growth, she is concerned that once a sign is installed, it may result in growth and they will then want to increase the size of the facility at some time and there will be no place for them

to build on the property. She asked if they would be willing to deed restrict this that there will be no increase in the size of the building. Mr. VanBlunk stated if they had the funds, they would like to have some additions, one of which would be a religious room. Mr. Fazzalore stated they would be restricted because of the parking requirements. Mr. Sagosky stated he assumes they would be restricted by the Ordinances. Mrs. Godshalk stated she would like to see a note that no further additions would be allowed.

Mr. VanBlunk stated they are scheduled to go before the Zoning Hearing Board tomorrow evening.

Mr. Hackman asked if PCS has reviewed the calculations, and Mr. Doherty stated they have not since this matter has not yet come in for Land Development. Mr. VanBlunk stated they were only before the Planning Commission for the Special Exception in order for them to go to the Zoning Hearing Board. They recognize that they will have to go through Land Development, and the Township engineer will review the numbers at that time. Mr. Garton stated if they obtain Zoning Hearing Board relief, they will submit their plans for Land Development; and if the numbers are found to be incorrect, they will have to go back to the Zoning Hearing Board since approval would have been based on incorrect numbers. Mr. Garton stated it does not make sense to go through Land Development at this time until they see if they are able to obtain a Special Exception.

Mr. Fazzalore stated he would like to see a restriction that parking is to be in the parking lot alone and there is to be no parking on either side of Edgewood Road or in the front yard.

Mr. Fegley noted since Mr. VanBlunk is a personal friend and also served on his Campaign, he would be willing to abstain if anyone has a concern with him voting on this matter. He stated he is concerned about people walking to the facility since it is a very busy road and it may be difficult to see pedestrians in the evening in this area. Mr. Hackman stated it seems sidewalks or a bikepath would be in order. Mr. Garton stated this could be addressed at the Land Development stage. Mr. VanBlunk stated he too was concerned about the safety issues, but noted the Ordinance restricts a place of worship to collector or arterial roads. Mr. Hackman noted the cost of the road improvements may be expensive in this area.

Mrs. Godshalk stated she would feel more comfortable if they were able to acquire more land at this time which would give them the ability to expand and make it a safer situation. She feels they are putting too much on too small a piece of property. Mr. VanBlunk stated they did look into acquisition of some of the Harris property, but were advised it is currently under Agreement of Sale. Mrs. Godshalk stated she did not feel the portion that would be of interest to this applicant was part of that sale. Mr. Garton stated possibly between now and the next Board of Supervisors meeting, he and Mr. VanBlunk could craft some language regarding some of the concerns of the Board of Supervisors which have been expressed this evening. He stated this would involve continuing the Hearing tomorrow evening. Mr. VanBlunk stated he had no objection to continuing the Hearing.

Mr. Allan expressed concern that they may be setting a precedent by permitting this use without having the sufficient amount of land as required by Ordinance. Mr. Garton stated each case would have to be reviewed on its own circumstances. He stated the Board of Supervisors is only deciding at this point whether they will be participating in the Zoning Hearing Board process. The Board of Supervisors itself does not grant the relief.

Mrs. Godshalk stated she is concerned because they are starting with something that is less than half of what is required. Mrs. Godshalk asked if they would investigate the purchase of additional land, and Mr. VanBlunk stated they have made a proposal to Mrs. Ronaldo to acquire the entire tract, and she has not responded. He noted they do have the right of first refusal should she decide to sell the remainder of her land. Mr. VanBlunk stated they were not aware that a portion of the Harris Farm may still be for sale.

Mrs. Godshalk moved, Mr. Allan seconded and it was unanimously carried to oppose the Application and give the applicant time to work out the Board's concerns.

DISCUSSION OF PROPOSED RIGHT-OF-WAY AGREEMENT WITH METRICOM, INC.

Mr. Garton stated the Agreement before the Board tonight represents the criteria the Board approved in February.

Mr. John Davey was present and stated these will hang from street lights or utility poles. A picture of the equipment was shown.

Mr. Fazzalore moved and Mrs. Godshalk seconded to approve the proposed Right-of-Way Agreement with Metricom, Inc. Mr. Hackman stated he was not present when this matter was discussed in February. Motion carried with Mr. Fazzalore, Mr. Fegley, and Mrs. Godshalk in favor, Mr. Allan opposed, and Mr. Hackman abstained.

UPDATE ON CAU AND NEWTOWN OFFICE COMMONS

Mr. Garton stated with regard to the Township's Appeal to the issuance of a Highway Occupancy Permit relating to CAU, they have provided a copy of the expert's report and he has written to the Hearing Examiner asking for an update but has not received a response. He stated apparently there is a significant backlog. With regard to Newtown Office Commons, the Board of Supervisors directed that the Township engage in this same process, and he has prepared the necessary pleadings to do so. However, they have been unable to secure a copy of the Highway Occupancy Permit to date. As soon as they receive it, they will submit. They did receive a letter from the developer's solicitor regarding the Township traffic engineer's findings, and he feels these comments should be sent to Parsons Brinckerhoff. The Board of Supervisors agreed that this should be done.

Mr. Fegley stated the letter from the developer's attorney threatened legal action against the Township if the Township continues to assert their concerns regarding the traffic situation, and it does put the Township in a predicament since there is precedent for developers receiving large sums of money from Townships who are felt to be holding up development. Mr. Fegley stated they must balance this concern with their concerns about traffic. He stated at this point they are proceeding with caution. Mr. Fazzalore stated he is aware of a Township which was sued for \$4 million in a similar situation. Mr. Hackman stated Newtown Township was, as long as ten years ago, very much concerned with traffic on the 332 By-Pass and Lindenhurst Road so he does not feel what Lower Makefield is asking for is unreasonable. Mr. Fegley stated while he agrees, he feels they should get an opinion from their solicitor if they are within sound legal footing. He stated all the development is occurring in Newtown Township. Mrs. Godshalk stated she feels the

reasons Lower Makefield has spelled out are not unfounded, and she would not want to capitulate because they are concerned that they may be sued. Mr. Fegley stated if the Township solicitor advises that this is within their legal right, and it is reasonable, he does not have a problem proceeding.

Ms. Sue Herman stated she is angry about Mr. Fegley's concerns since for months residents have been asking about the status of the development and they were told it was being attended to. Mr. Fegley stated he advised that Mr. Hackman was having discussions with the Newtown Township Supervisors but no agreements had been reached. He stated Newtown Township approved the development. Mr. Garton stated the Township did contact PennDOT on numerous occasions about being part of the process but the permit was still issued without Lower Makefield Township's input. Mr. Allan stated they are advising the public about a letter that they have received from the developer's attorney. He added Lower Makefield Township can only push so much, and the Township could face a liability problem. Ms. Herman stated the Highway Occupancy Permit was issued on May 12 according to Mr. Warren. Mr. Garton stated they found out it was issued April 20 without notice to the Township despite the fact that they asked to be notified.

Ms. Karen Freedman stated she appreciates the legal and financial concerns but is concerned about the basic safety issues, and feels they should evaluate the situation in terms of safety rather than finances. She stated they are not concerned only about the residents who live on Lindenhurst Road but are also concerned about people coming out of CAU and Newtown Office Commons because of existing truck traffic on the road. Ms. Freedman asked if the Township would be willing to make land available to make improvements if Newtown Office Commons proceeds. Mr. Hackman stated there is some land available on Newtown Township's side at the intersection but this would not help 200 to 300 feet up the road where there are homes. Mr. Fazzalore stated PennDOT does have the right to condemn property. Mr. Hackman stated they are hoping PennDOT will look into Lower Makefield Township's concerns. Ms. Freedman asked if there is anything the residents can do so that the blame would rest on the residents rather than the Township with regard to the developer's threat, and Mr. Fegley stated he did not feel the residents would want to be in such a position.

DISCUSSION OF STOOPVILLE ROAD PROJECT

Mr. Doherty stated Newtown Township is looking to put improvements on Stoopville Road as part of the TIP Program, and are asking neighboring Townships to contribute toward the project. Mr. Fedorchak stated he received a letter in this regard dated May 11. Mr. Doherty stated in discussions with the Newtown Township engineer the improvements include widening of existing lanes, shoulders, and drainage work. Based on the length of the road and the estimated total cost of \$1.5 million, Lower Makefield's share would be 4.3% of the total cost or \$13,000.

Mr. Hackman stated it seems to him the section of Stoopville Road that is in Lower Makefield Township is where the Baptist Church is proposed to be, and they were going to make the road improvements in this area. Mr. Doherty stated they would most likely pay Fee-In-Lieu. Mr. Hackman stated it appears that work in Lower Makefield Township is going to be done anyway regardless of this PennDOT project and would most likely be done before PennDOT would do it.

Mr. Fazzalore stated Mr. Franckowiak has suggested that this be tied into improvements being made to Swamp Road as well. Mr. Fazzalore stated he does not feel Lower Makefield should be part of anything with Newtown Township that will dump more traffic into Lower Makefield Township. Mr. Hackman stated he would like to review the plans before making any decision but feels at this point that Lower Makefield will be taking care of their own section in relation to the Baptist Church development, and would not want to be included in the rest of the improvements. Mr. Hackman asked to see a copy of the plan so that they can compare it to what is proposed in front of the Baptist Church in Lower Makefield Township.

Ms. Herman asked if they could not have a compromise in the name of safety. Mr. Fegley stated they have tried and even had Mr. Steil become involved in the process. Mr. Hackman stated he and other Supervisors in the past have tried to work with Newtown Township but nothing has been agreed to. Mrs. Godshalk stated Newtown Township's own traffic engineer gave them a solution when she was involved, and they went against that as well. Mr. Hackman stated other than through PennDOT in Harrisburg, he does not know how they can resolve this.

Ms. Sally Conlon stated she feels they should advise Newtown Township that Lower Makefield Township will cooperate with them as much as Newtown Township has cooperated with Lower Makefield. Mr. Hackman stated he is still hopeful that they will be able to reach an agreement with Newtown Township.

Mr. Fegley stated he feels Lower Makefield Township has done just about everything they can do. He would still like to see a regional solution for all of the traffic concerns in this area.

Mrs. Godshalk stated when she served on the Committee a jughandle at Lindenhurst Road was suggested. Newtown Office Commons then came in and did away with the jughandle. She now feels this may be possible again since while two office buildings were approved, the Newtown Office Commons developer is asking for one building which could provide additional land which could accommodate a jughandle.

LINDENHURST ROAD TRAFFIC SIGNAL DISCUSSION AND MOTION TO REQUEST PENNDOT TO PERMIT A TRAFFIC SIGNAL AT LINDENHURST AND TWINING ROADS

Mr. Doherty stated they were asked to do traffic counts which were done between 4/26/00 and 5/3/00. Woodside and Lindenhurst did not meet warrants but the one at Twining and Lindenhurst did meet two warrants, and they could now proceed to request PennDOT to permit them to put in a traffic light at this location.

Mrs. Godshalk moved and Mr. Fazzalore seconded to request PennDOT to permit a traffic signal at Lindenhurst and Twining Roads.

Mr. Hackman stated while the numbers may show this is possible, he is not sure they really want this. He stated the Newtown Township O/R area actually goes out to Twining Road and putting a light there might encourage this to become a major highway.

Mrs. Godshalk stated the reason they did this was to slow down the traffic including the quarry trucks; and although they did not meet warrants for Woodside, she does feel they should take this step.

Ms. Gaye stated it is very difficult to get out from Spring Lane; and she feels if there is a light at Twining Road, traffic will back up. She feels if the traffic increases, the speeds which the cars are currently traveling will be a moot point because they will not be able to travel those speeds on Lindenhurst Road if the traffic increases. She would not be in favor of a traffic light at Twining Road.

Ms. Herman stated she was involved with the group of **residents** requesting the traffic counts be done to consider additional traffic lights. She would like to see speeds reduced on Lindenhurst Road. She stated if there were a new road into the O/R District, the cars would not have to use Lindenhurst and Twining Roads, but there is no agreement on this at the current time.

Motion carried with Mr. Hackman opposed.

APPROVAL OF RESOLUTION NO. 1059 ADOPTING WASTEWATER CONTROL REGULATIONS

Mr. Hoffmeister was present and recommended approval of Resolution No. 1059 adopting wastewater control regulations as set forth by the City of Philadelphia.

Mr. Fazzalore moved, Mr. Allan seconded and it was unanimously carried to approve Resolution No. 1059.

DISCUSSION AND MOTION ON REVISED SEWER TAPPING FEES

Mr. Hoffmeister noted the draft prepared by CKS, Mr. Hoffmeister, and Mr. Koopman. He stated the Sewer Authority will actually be approving this. Mr. Hoffmeister stated the Sewer Authority is looking to increase the fee to \$2200. The Board indicated they had no objection to the increase.

Mr. Fazzalore moved, Mr. Allan seconded and it was unanimously carried that the Board of Supervisors has no objection, and it is up to the Sewer Authority to negotiate reasonable tapping fees.

UPDATE ON RIVER ROAD/ROBINSON PLACE SEWER PROJECT

Mr. Hoffmeister stated they anticipate the project will be completed within the next two weeks. There has been a delivery problem which was a vendor problem. The residents are being sent a letter inviting them to attend the June 22 Sewer Authority meeting to discuss some issues, and they anticipate final project numbers and the final assessment numbers the middle of June. **No one can hook up** until the system has been accepted by CKS Engineers and the dollar figures are available for the assessments.

UPDATE ON SPRING/HILLSIDE PROJECT

Mr. Hoffmeister stated nothing was able to be done because of wet conditions. They hope to be able to start the survey on Thursday.

DISCUSSION OF MATRIX CONCEPTUAL PLAN

Mr. Joseph Taylor, President of Matrix, Mr. Marc Brookman, attorney, Mr. Keith Mock, architect, and Mr. Ken Griffin, Vice President of Matrix, were present.

Mr. Taylor stated they made a conceptual presentation some time ago and they have spent some time with their staff reviewing the plans based on the concerns expressed previously by the Township. They have made several revisions to the Plan and would like to understand what additional issues the Township may have and hear comments on the revisions they have made.

Mr. Hackman stated Matrix is the equitable owner of a large piece of land on Big Oak and Oxford Valley Roads opposite Kohl's and Yardley Corners. Mr. Garton stated the property was known as the Bellemead site which was the subject of a Master Plan Agreement. Matrix is now requesting the possible amendment of that Master Plan.

Mr. Ken Griffin stated he met with the Historic Commission and residents of Yardley Corners. He feels the Plans were well received by the Yardley Corners residents with some concerns about the light at the entrance of their development and buffering. Mr. Griffin stated they are proposing an extensive buffer and have agreed to proceed with the installation of a traffic signal at their entrance to address the residents' concerns about safety assuming they can obtain PennDOT approval. Mr. Griffin stated at the presentation made to the Historic Commission, they focused particularly on the Octagonal School House. He stated while this is not on their property, they were asked to see if they could preserve the area. Mr. Griffin stated they have had discussions with the owners of the property in an effort to acquire it and believe they have a framework of a transaction that they can proceed on. They have agreed that if it can be acquired, it will fully restored as a museum piece. The reaction of the Historic Commission was favorable to the development and particularly with regard to the School House.

Mr. Brookman stated they have made revisions such that they tried to shield the retail use from the cartway. They have increased the setbacks and created a series of berms. They have also relocated Old Oxford Valley Road to move it away from the intersection, create a right turn in and right turn out, and created a number of waterscapes to soften the appearance.

A video was shown to reflect what the Center would look like.

Mr. Keith Mock showed on a Plan the proposed mixed-use development to include office buildings, retail, and a limited-service hotel. The Middletown portion will provide additional retail, offices, and a full-service hotel. He stated they have included bikepath and pedestrian walkways. They will heavily landscape the development particularly along the edges and the parking areas. Mr. Mock stated on Big Oak Road they will have a heavily-landscaped boulevard and heavily-landscaped gateways to mark the various entrances to the site. Details of the landscaped buffers and the proposed water elements were shown.

Mr. Hackman noted the new access that had been added behind the office section, and Mr. Mock stated this will be a right turn-in and right-turn out only. He stated they will have acceleration/deceleration lanes as well.

Mr. Fegley asked if they will be disturbing any of the existing wetland areas, and Mr. Mock stated these will be preserved. He stated there may be some minor crossings for pathways. Mr. Mock stated the water areas preserved will use best management practices. The basins will also serve as detention basins and will be wet basins.

Mr. Fazzalore asked why they could not develop the tract fully as an office complex. Mr. Taylor stated the office market is not very deep at this particular location and the best way to kick off the office portion would be a tract of land that can be immediately developed. The way to do this is to have the infrastructure in place up front. Mr. Taylor stated they expect to have 600,000 square feet of office space in the area when they are done, although they propose to develop the retail portion first.

Mr. Allan stated he is very concerned with the proposed additional traffic which he feels will only add to the problems with traffic already in this area. Mr. Brookman stated they have submitted a traffic analysis and the level of service will improve or at least not get worse with the improvements they have proposed. Mr. Allan stated he feels adding retail use will dramatically impact traffic. Mr. Taylor stated they are spreading out the traffic and still doing the same improvements which were agreed to in the Master Plan. He stated he feels they can prove that they will not make the conditions worse. Mr. Hackman stated there is a difference between retail and office as far as peak hours. Mr. Taylor stated if the issue comes down to traffic, they feel the Township traffic consultant and the developer's consultant should make a joint presentation to the Board of Supervisors.

Mr. Hackman stated he feels the biggest problem they have is that the current Master Plan does not provide for retail. The Board of Supervisors would therefore have to agree that they are willing to modify the original Agreement.

Mr. Fazzalore noted there were some monetary arrangements in the Master Plan. Mr. Garton stated he does not feel there was any request for a major deviation from that, and Mr. Taylor stated that numbers would be current year numbers. Mr. Garton noted some of the work is slated to be done by PennDOT so it may alleviate the full extent of the contribution.

Mr. Fegley stated the developers have indicated this is a less intensive development plan than is already permitted by the existing Master Plan. Mr. Taylor stated the total square footage is down by 10% to 15% from the total buildable square footage in the original Master Plan. Mr. Fegley asked if they have any projections in terms of the tax revenues between the two plans. Mr. Taylor stated he understands the tax benefits are approximately the same although at this point this has only been calculated by Mr. Griffin.

Mrs. Godshalk stated retail use requires more policing by the Township than does office use. She stated there would also be extended hours with retail than would have been the case with office use. Mr. Fazzalore asked if they were aware of the 10 P.M. retail time limit, and Mr. Taylor stated they were aware of this. Mrs. Godshalk stated she is concerned that they seem to already have retail clients but do not have any for the office use. She is concerned that the retail will be built and they will then be unable to sell the

office space. Mr. Taylor stated they would be willing to work with the Township on some sort of phasing of retail versus office as well as how they will handle the traffic.

Mr. Fegley stated he was impressed with the presentation and their willingness to be put to the test to address the Township's concerns. Mr. Fegley stated he would like to look further into the impact on the tax ratables and the developer may also want to look into a possible contribution to recreation elsewhere in the Township.

Mr. Hackman asked Acting Chief Bainbridge to consider what will be required of the Police Department in terms of the proposed use. Mr. Hackman stated they should also have a discussion with the Township's traffic consultant.

Ms. Ann Langtry, representing the Historic Commission, stated the developer has been very responsive to the request made by the Historic Commission with regard to the historic structure and she has only heard favorable reaction from others with regard to this developer.

Ms. Helen Heinz, member of the Historic Commission, stated this development group has been a pleasure to work with, and this development represents an opportunity to acquire this historic site.

Mr. Pat Gibson asked about the buffering along Oxford Valley Road as it relates to Yardley Corners. Mr. Mock noted on the Plan the site as it relates to Yardley Corners. He stated they have proposed a substantial berm and buffer edge. The proposed height of the buildings is 56'. They recognize that the permitted height of buildings for a planned office park is only 50'.

Mr. Neil Kern stated there are Township residents on the other side of I-95. Mr. Hackman stated they are also working with Middletown Township on road improvements. Mrs. Godshalk stated the people on Township Line Road are concerned about the retail use.

Mr. Roy McNamara stated if they add retail and hotels it will involve traffic at all times as opposed to the more limited hours that would have been involved in an office-only development. He noted the number of vacant retail buildings currently in the surrounding area. He does not feel there should be a change to the Master Plan.

Mr. Allan asked if they would give consideration to a smaller amount of retail. Mr. Taylor stated nothing is cast in stone at this time, but the underlying problem is that they cannot justify installing all of the infrastructure up front.

WILSHIRE GLEN FINAL PLAN APPROVAL

Mr. Garton noted Wilshire Glen received Preliminary Plan approval in February, 2000. Mr. Deon, Ms. Smith, and Mr. Grochowski were present.

Mrs. Godshalk moved and Mr. Fazzalore seconded to approve the Final Plans dated 11/25/98, last revised 5/24/00 subject to:

- 1) Continued compliance with conditions of Preliminary Plan Approval to the extent not satisfied;
- 2) Receipt of all permits and approvals by agencies having jurisdiction;
- 3) Payment of Fee-In-Lieu of Recreation in accordance with Township Ordinances;
- 4) Compliance with Lower Makefield Township Traffic Impact Fee;
- 5) Compliance with CKS letter dated 6/1/00;
- 6) Compliance with PCS letter dated 6/2/00;
- 7) Prior to the issuance of the first Certificate of Occupancy, Skelly & Loy to indicate environmental issues noted in the PCS letter have been resolved;
- 8) Payment of Fee-In-Lieu of improvements to Dolington Road to be paid at the time of the Development Agreement in the amount of \$28,000;
- 9) Funding and execution of Development and Financial Security Agreements.

Mr. Deon agreed to the Conditions of Approval.

Mr. Hackman stated he is not in favor of the circulation plan and feels the roads should have been cut through. He stated he was not present at the time of the Preliminary Plan approval and feels recreation land should have been set aside within the development.

Motion carried with Mr. Fazzalore, Mr. Fegley, and Mrs. Godshalk in favor and Mr. Hackman opposed. Mr. Allan was not present for the vote.

DISCUSSION AND MOTION ON LOBERG TRACT

Mr. Edward Murphy, attorney, Mr. Genovasi, and Mr. Stadulis were present.

Mr. Garton stated the applicant is present with the Preliminary Plan. The Planning Commission recommended that the Plan be denied because of the outstanding extensive review letters and some outstanding concerns with the street pattern.

Mr. Murphy stated the Plan has been before the Township a number of times. A series of Sketch Plans were presented to the Planning Commission and the Board of Supervisors in 1998, and the Board of Supervisors suggested that Realen meet with the neighbors to see if they could not reach an agreement on a plan and bring it back to the Board of Supervisors. This process took place and the Board of Supervisors indicated since that time that they did not want to make a final decision on the roadway pattern until a Plan had been voted on by the Planning Commission. Tonight is the first time since that Sketch Plan stage that the Board of Supervisors has in front of it a Plan upon which they can take action.

Mr. Hackman stated the Board of Supervisors did give the applicant direction that they wanted to see a through street from Mt. Eyre to Dolington Road. Mr. Murphy stated this is the Plan which is before the Board this evening. He stated there are also alternate road plans. The Plan being shown tonight is the subject of the review letters and is the Plan showing the through street. Mr. Murphy stated the Planning Commission rejected this Plan since they did not feel the through street was the best option. He stated there is also an outstanding review letter from the Township engineer that comments on issues that are now no longer relevant. Mr. Murphy stated an issue came up regarding the hedgerow adjacent to the Gatefield properties since the original Plan showed this being removed in favor of the basin. The neighbors wanted to preserve the hedgerow but the basin needed to be modified

which included the elimination of a cattle watering area. They went to the Zoning Hearing Board to obtain relief to eliminate this, and last month the Zoning Hearing Board approved this request. The Plan currently before the Board of Supervisors does not incorporate this change.

Mr. Murphy stated the developer has also now received a request from the Historic Commission to preserve the springhouse. This will involve re-engineering the basin again. The developer tried to approach the Board of Supervisors at various stages to request input on how they should proceed but were unable to meet with the Board. Mr. Murphy stated if they are to preserve the springhouse, they will now need another variance from the Zoning Hearing Board.

Mr. Murphy asked that the Board of Supervisors approve the Preliminary Plan before them and they will then revise it one final time with the confidence that they will not be asked to make any further changes. Mr. Garton stated the Board could approve the Plan subject to the condition that they obtain Zoning Hearing Board relief.

Mr. Fazzalore stated he will vote against this Plan since he does not feel the through road should be considered. He would be in favor of a cul-de-sac. Mr. Fegley agreed.

Mrs. Godshalk moved and Mr. Allan seconded to approve the Preliminary Plan presented this evening with the changes that were agreed upon this evening to include saving the springhouse on the Plan for the main house and the barn, approve the tree line that exists, extending the detention basin, and be in support of a Variance for Lots 11 and 12 to make them smaller than the one acre required. This does not go into the Resource Protection area. Approval subject to:

- 1) Receipt of all permits and approvals;
- 2) Payment of Fee-In-Lieu of Recreation;
- 3) Payment of off-site fees;
- 4) Plans to be engineered to the satisfaction of the Township engineer and CKS, the Sewer engineer;
- 5) Applicant must comply with the Zoning Hearing Board decision granted in relation to the cattle trough;
- 6) Roads to be scaled down to 30'.

Mr. Murphy agreed to the conditions of approval.

Mr. Hackman stated he will not vote in favor of this since there is not a Plan before them that shows what is being voted on. Mr. Hackman stated he is also concerned that Mr. Torongo took Realen's word for something that then did not occur, and he would therefore like to see something in writing from this developer.

Ms. Donna Park, 894 Mt. Eyre Road, asked that they reject the through road because of safety concerns. She stated the neighboring developments have cul-de-sacs.

Ms. Arlene Kern, 1640 Thistlewood Drive, stated the existing residents know what the traffic is in this area; and putting this through street in, will compromise the safety of the people on the road. Mr. Allan stated if the cars need to stop to make the turn, speeds will have to decrease. Ms. Kern stated if the cars stop to make the right hand turn, those cars will now be at risk. Mr. Hackman stated he feels it will be more convenient for the

residents if there are two accesses rather than one. Ms. Kern stated she feels those homeowners would prefer to sacrifice this convenience in exchange for the safety that a cul-de-sac would offer. Mr. Fegley stated there are only twelve homes proposed, and he feels they should consider the request of the current residents.

Ms. Mary Ann Battipaglia stated she does not feel the Board of Supervisors should ignore a plan agreed to by the residents and the developer. She stated she does not feel the purchasers will want a through street instead of a cul-de-sac.

Mr. Stanley Tilton stated the Bucks County Planning Commission, the Lower Makefield Township Planning Commission, and an independent consultant have all indicated there should not be a through street. He stated the Board of Supervisors asked the neighbors to work with the developer to come up with a compromise, and the compromise was a cul-de-sac. Mrs. Godshalk stated the question at that time was drainage and the impact to the existing rear yards. Mr. Tilton stated there were a number of issues to be discussed and they included roads as well.

Mr. Steve Seu stated a number of groups have indicated they should not have a through street. He stated the sunset heading west is also a problem in the afternoon. He stated a stop sign coming out of the development will not slow down the traffic on the road.

Ms. Arlene Kern stated there are twenty-two homes in Gatefield and all Gatefield residents have indicated they do not want a through street.

Mr. Fazzalore asked if they would still need relief for the springhouse if there was a cul-de-sac instead of a through street. Mr. Murphy showed a plan for a cul-de-sac which would not require going to the Zoning Hearing Board. This Plan shows them going out to Mt. Eyre Road. The residents indicated this would not be a good alternative. Mr. Murphy stated the more preferable cul-de-sac Plan would require that they go to the Zoning Hearing Board for relief.

Mr. Allan rescinded his second to the Motion, and the Motion died for lack of a second.

Mr. Allan stated he would be in favor of a cul-de-sac onto Mt. Eyre Road. Mr. Tilton stated this will dump twelve houses onto a wide highway. Mr. Fegley and Mr. Fazzalore were not in favor of Mr. Allan's suggestion. Mr. Allan stated he feels there is too much traffic on Dolington Road as it exists.

Mr. Hackman moved, and Mr. Fazzalore seconded to direct the Applicant to proceed with a cul-de-sac exiting on Dolington Road, to save the springhouse, and the Board of Supervisors has no objection to the Variances required on Lots 11 and 12. Mr. Murphy asked if they would object to the developer coming back with an engineered Plan which would be considered a Preliminary/Final Plan, and the Board indicated they would agree to this request. Motion carried unanimously.

REALEN HOMES REQUEST TO VACATE A PORTION OF YARDLEY-DOLINGTON ROAD

Mr. Garton announced that this request has been withdrawn.

APPROVAL OF EXTENSION TO MISKIEL/DARRAH TRACT

Mr. Allan moved, Mr. Fazzalore seconded and it was unanimously carried to approve an extension of time to Miskiel/Darraha Tract until September 9, 2000.

APPROVAL OF EXTENSION TO VALLEY DAY SCHOOL

Mr. Allan moved, Mr. Fazzalore seconded and it was unanimously carried to approve an extension of time to Valley Day School until September 9, 2000.

APPROVAL TO PURCHASE NEW COPY MACHINE FOR ADMINISTRATION OFFICE

Mr. Fegley moved, Mr. Allan seconded and it was unanimously carried to approve purchase of a new Minolta EP5000 copy machine in the amount of \$9,300 for the Administration Office.

MOTION ON SBA SHELTERS

Mr. Fedorchak stated SBA has a permit before the Township to construct shelters to house the equipment. Mr. Fedorchak recommended that the Board waive the requirement to make this look like a house. SBA will give the Township \$15,000.

Mr. Allan moved, Mr. Fazzalore seconded and it was unanimously carried to waive the request that the SBA shelters look like a house and accept \$15,000.

DISCUSSION OF BULLETPROOF VEST PARTNERSHIP PROGRAM

Acting Chief Bainbridge reviewed the Program. He stated over the next three years they will replace approximately twenty-five vests, and the Department of Justice will pay 50% of the cost. No Board action was required.

ZONING HEARING BOARD MATTER

The Demsko Variance request to construct a spa house at 1494 Clinton Drive resulting in encroachment into the setback was noted. Mr. Garton stated he cannot tell from the Application the extent of the Variance. No action was taken by the Board, and it was decided the decision would be left to the Zoning Hearing Board.

SUPERVISORS' REPORTS

Mr. Hackman stated the Pool Board is concerned about a number of items and would like to meet with the Board of Supervisors. He had suggested that they come to the next Executive Session, but they indicated they would need more time than this would allow. Mr. Hackman stated possibly they could have a special meeting or the Board of

Supervisors could attend the next Pool Board meeting. Mr. Fazzalore suggested the Pool Board attend the Executive Session which would begin at 6:00 p.m. and they could write a letter outlining their concerns for the Board's review prior to that meeting.

Mr. Hackman stated a golf course architect has looked at the proposed Golf Course site and will give a proposal.

Mrs. Godshalk stated the Park & Recreation Board took a field trip to the Samost property.

CANCELLATION OF JULY 3, 2000 MEETING

Mr. Fegley moved, Mrs. Godshalk seconded and it was unanimously carried to cancel the July 3, 2000 Board of Supervisors meeting.

APPROVAL OF MASONS' OFFER TO DONATE AN AUTOMATIC DEFIBRILLATOR UNIT

Mr. Fegley moved, Mr. Fazzalore seconded and it was unanimously carried to approve the Masons' offer to donate an automatic defibrillator unit.

APPOINTMENTS

Mr. Fazzalore moved, Mr. Fegley seconded and it was unanimously carried to re-appoint Ed Miller to the Cable TV Advisory Board.

Mr. Fazzalore moved to re-appoint Paul Gunkel to the Planning Commission. There was no second, and the motion died.

DIRECT TOWNSHIP SOLICITOR TO PREPARE FOR PUBLIC BID THE SALE OF TAX PARCEL #20-12-23-1

Mr. Allan moved and Mr. Fegley seconded to direct the Township Solicitor to prepare for public bid the sale of Tax Parcel #20-12-23-1. It was noted this is a small strip of land as you go out Heacock Road to the railroad track. Makefield Executive Group is interested in purchasing this piece of property. Motion carried unanimously.

MEETING SPACE DISCUSSION

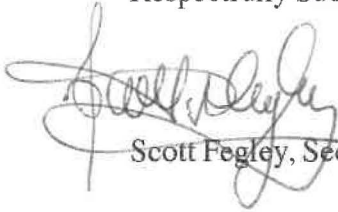
Mr. Fazzalore asked if the Board will be responding to Ms. Borkovitz's letter regarding meeting space for the Performing Arts for their upcoming season. Mr. Hackman stated he has discussed with several people including Ms. Borkovitz that if renovations are done the meeting room may need to be divided into two rooms. Mr. Fazzalore stated he has also been told by the Seniors that they have been told they need to evacuate the Township space. Mr. Fedorchak stated the staff has been exploring alternate sites, but have not given the Seniors any evacuation notices. Mr. Hackman stated as they renovate the Police Department, they may need to use some of the meeting room space.

June 5, 2000

Board of Supervisors - page 16

There being no further business, Mr. Fegley moved, Mr. Fazzalore seconded and it was unanimously carried to adjourn the meeting at 11:40 p.m.

Respectfully Submitted,



Scott Fegley, Secretary