

LOWER MAKEFIELD TOWNSHIP  
BOARD OF SUPERVISORS  
AUGUST 7, 2000

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

Those present:

Board of Supervisors: Wesley Hackman, Chairman  
Frank Fazzalore, Vice Chairman  
Grace Godshalk, Supervisor  
Scott Fegley, Supervisor  
Fred Allan, Supervisor

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

PUBLIC COMMENT

Mr. Bernie Goldberg stated he has written **Trenton/Mercer Airport** a number of letters requesting the number of late flights and the curfew policy. He requested the Township write a letter to the airport inquiring about the curfew on late flights. He asked that the Township request the airport to curtail flights between 11 p.m. and 6 a.m. He stated every other airport in the country has such a curfew. Mrs. Godshalk moved, Mr. Fegley seconded and the motion carried to write the letter. Mrs. Godshalk suggested including in the letter the question as to whether the airport is considering instituting a curfew in light of the increased air traffic.

Mr. Len Franckowiak spoke of the fatal accident in Newtown last week when the truck hit two cars and crashed into a bank. He said the next day he sat at a traffic light and watched a stone truck go through the light red. He thinks the stone trucks create a public nuisance, and the supervisors should **close the quarries**. Mr. Fegley stated the Township is doing everything it legally can do on this issue. The roads involved are State roads, and the Township can not do anything to keep trucks off the roads.

---

Mitch Hamilton of 302 West Ferry Road asked for increased police enforcement of the speed limit on **West Ferry Road** between Big Oak and Yardley Morrisville Road. Motorists seem to exceed the speed limit in that area, particularly on weekends.

#### PERFORMING ARTS SOCIETY REQUEST FOR ROOM IMPROVEMENTS

Mrs. Mary Borkovitz was present with Betty Brenna from the Betty Brenna School of Dance in Morrisville and Linda Loncosky, a recent graduate from the Art Institute of Philadelphia . Mrs. Borkovitz stated that the Performing Arts Society has been presenting concerts in the township meeting hall for twenty-six years, and the program has been a success. She said the group had hoped a community center would be built, but since that is not happening in near future, the group is asking for some improvements to the existing meeting room. She presented an estimate from Marco Electric in the amount of \$580 to install track lighting over the boards where the art is displayed.

Ms. Loncosky proposed a curtain system around the stage area to create a more theatrical setting for the performing artists. The curtain would be movable through a digital keypad. The cost of the system is approximately \$4,300 with additional cost for an electrician to install an outlet.

Mr. Hackman asked if the Performing Arts Society planned to finance the project. Mrs. Borkovitz said they had not thought about that yet. Mr. Fazzalore stated he thinks the township should pay to have the lights installed. Mrs. Godshalk stated that it had formerly been decided that the sliding doors should be removed since they are not sound proof, and hence, very ineffectual for dividing the room for two meetings. Other things need to be done to make the room more aesthetically pleasing and to make proper use of the space. Mrs. Godshalk and Mr. Fazzalore will work with a committee including Mrs. Borkovitz, Ms. Loncosky and representatives from the LM Seniors. Cost figures should be available by October for consideration for the 2001 Budget.

#### APPROVAL OF MINUTES

Mr. Fazzalore moved that minutes of the July 17, 2000, public meeting be approved as corrected. Mr. Allan seconded, and the motion carried with Mrs. Godshalk abstaining since she was not present at that meeting.

---

CONDITIONAL USE APPLICATIONS

Mr. Garton stated that the three conditional use applications to be heard this evening are all for cell tower co-locations. Mr. Fegley stated the Township encourages co-location to limit the number of towers.

CONDITIONAL USE APPLICATION SPRINT SPECTRUM – PUBLIC HEARING

Mr. Garton stated the plan filed was prepared by French & Parrello Associates dated May 24, 2000, last revised August 1, 2000.

Mr. Fegley moved, Mr. Fazzalore seconded and the Conditional Use Application for Sprint to co-locate on the tower located behind the Township building was approved subject to the following conditions:

1. Receipt of all permits and approvals from any agencies having jurisdiction over such matters to the extent applicable;
2. Compliance with Pickering, Corts & Summerson report dated 7/6/2000;
3. Applicant to provide a financial guaranty so as to insure the removal of the facilities in the event they are abandoned or otherwise discontinued, which said financial guaranty shall be in accordance with the provisions of the Lower Makefield Township Zoning Ordinance;
4. The Board of Supervisors waived the requirement of land development approval;
5. Any buildings to be constructed shall be coordinated with other buildings existing on site to the satisfaction of the Township Manager;
6. Applicant to pay any and all Township expenses incurred in connection with the application to the extent not paid; and
7. Lastly, the applicant is to comply with Section 200-50.1 of the Zoning Ordinance to the extent not demonstrated.

CONDITIONAL USE APPLICATION FOR OMNIPOINT COMMUNICATIONS ENTERPRISES, L.P. – PUBLIC HEARING

Mr. Garton stated the plan filed by Omnipoint Communications Enterprises, L.P. was prepared by Damiano Long, LLC, dated April 27, 2000, last revised May 18, 2000.

---

Mr. Fazzalore moved, Mr. Fegley seconded, and the Conditional Use Application for Omnipoint to co-locate on the tower located behind the Township building was approved with the following conditions:

1. Receipt of all permits and approvals from any agencies having jurisdiction over such matters to the extent applicable;
2. Compliance with Pickering, Corts & Summerson report dated 7/19/2000;
3. Applicant to provide a financial guaranty so as to insure the removal of the facilities in the event they are abandoned or otherwise discontinued, which said financial guaranty shall be in accordance with the provisions of the Lower Makefield Township Zoning Ordinance;
4. The Board of Supervisors waived the requirement of land development approval;
5. Any buildings to be constructed shall be coordinated with other buildings existing on site to the satisfaction of the Township Manager;
6. Applicant to pay any and all Township expenses incurred in connection with the application to the extent not paid; and
7. Lastly, the applicant is to comply with Section 200-50.1 of the Zoning Ordinance to the extent not demonstrated.

CONDITIONAL USE APPLICATION OF NEXTEL COMMUNICATIONS OF MID-ATLANTIC INC./LOWER MAKEFIELD TOWNSHIP – PUBLIC HEARING

Mr. Garton stated the plan filed by Nextel Communications of Mid-Atlantic, Inc. was prepared by Andersen Engineering Associates, Inc. dated June 23, 2000.

Mr. Fazzalore moved, Mr. Fegley seconded, and the Conditional Use Application for Nextel to co-locate on the existing tower located on Oxford Valley Road near Route 1 was approved with following conditions:

1. Receipt of all permits and approvals from any agencies having jurisdiction over such matters to the extent applicable;
2. Compliance with Pickering, Corts & Summerson report dated 8/4/2000;
3. Applicant to provide a financial guaranty so as to insure the removal of the facilities in the event they are abandoned or otherwise discontinued, which said financial guaranty shall be in accordance with the provisions of the Lower Makefield Township Zoning Ordinance;

4. The construction entrance to the site proposed for the Nextel facilities shall be closed at the expiration of construction and thereafter, access to the tower and related facilities shall be taken through the easement shown on the AT&T plans wherein the tower was approved;
5. The Board of Supervisors waived the requirement of land development approval;
6. Any buildings to be constructed shall be coordinated with other buildings existing on site to the satisfaction of the Township Manager;
7. Applicant to pay any and all Township expenses incurred in connection with the application to the extent not paid; and
8. Lastly, the applicant is to comply with Section 200-50.1 of the Zoning Ordinance to the extent not demonstrated.

#### GRANTING EXTENSION OF TIME TO FIELDSTONE AT LOWER MAKEFIELD

Mr. Fazzalore moved that an extension of time be granted to 11/30/2000 for the preliminary plan of Fieldstone at Lower Makefield with the proviso that no more extensions be granted until the environmental problems on the site are addressed. Mr. Allan seconded, and the motion carried.

#### DENYING DEDICATION OF WOODFIELD ESTATES/GLEN AT MAKEFIELD

Mr. Fegley moved to deny the request by the developer for dedication of Woodfield Estates/Glen at Makefield to the homes not all having final Certificates of Occupancy. Mr. Allan seconded, and the motion to deny dedication carried.

#### AFTON CREST-HOUSTON ROAD

Mr. Edward Murphy was present representing the developer of the proposed Afton Crest subdivision. Mr. Murphy stated that when he was previously before the Board, the neighboring residents expressed concern about the sight distance when exiting at Houston Road. The Township Engineer made a study of the Houston Road exit and reported that the sight distance is acceptable provided overgrowth of trees and shrubs is trimmed back. Mr. Murphy presented another plan that he felt addressed the residents' concerns. Mrs. Godshalk stated she feels the business use in the front of the subdivision should be removed. Mr. Murphy said any business located there would be in accordance with the Township Ordinance.

After considerable discussion, Mr. Fegley moved that the designer proceed with the plan's access from Houston Road keeping Houston Road the same width it is now. Mr. Fazzalore seconded, and the motion carried.

Mr. Garton clarified that the present business, Barry Freeman's Nursery, is a nonconforming use which will be extinguished with the sale of the property. Therefore, any business seeking to operate in the end property will have to do so consistent with the Township's Zoning Ordinance.

Mr. Allan stated he would like to see a footbridge added across the creek for walkers and for the police bicycle patrol.

#### CONSIDER HIRING ENVIRONMENTAL EXPERT FOR AIRPORT MATTER

Mr. Fedorchak stated that the Board had directed him to locate an engineer with the appropriate qualifications to assist the Township in the Trenton/Mercer Airport matter. Mr. Fedorchak spoke to several engineers; and, with the assistance of Parsons Brinckerhoff, has located Young Environmental Services. This firm has been in business sixteen years and specializes in helping "the little guy." Their fee would be \$175 per hour including travel time, and they are located about two hours north of this area. Mr. Hackman asked for an estimate of time the project might take. Mr. Fedorchak said he had no idea what might be involved time-wise, but he would bring Mr. Young in and let him study the Master Plan and advise the Board of Supervisors what action to take. Mr. Fazzalore stated this is the gravest problem facing Lower Makefield Township at this time. Mr. Goldberg asked if the Township would ask Young Environmental Services to establish a benchmark for the existing airport noise. Mr. Fedorchak said that may have to be done. Mr. Fegley stated that if this expert has done this before, he should be able to give some kind an estimate of how many hours might be involved. Mr. Fegley moved that Mr. Young be invited to the next Board of Supervisors meeting for the Board to interview. Mrs. Godshalk seconded. The motion carried.

There was discussion about including Yardley Borough and Ewing Township Supervisors and also Bucks County. Mr. Krupp offered the services of BRAMM which has assembled an extensive library on the subject.

#### LINDENHURST ROAD TRAFFIC MONITORING

Acting Chief of Police, Joseph Bainbridge, reported that the State Police were asked to assist in monitoring traffic on Lindenhurst Road June 12 to June 30.

The State Police issued 14 citations and 19 written warnings. Only one commercial vehicle was caught on radar.

Mr. Fazzalore stated that he does not like the weekly police reports he has been receiving because they do not give sufficient information. Mr. Hackman said he has been working with Becky Cecchine to help produce more detailed reports of weekly police activity.

Mrs. Claudia Fontaine read a written statement regarding traffic on Lindenhurst Road stating that it will only be increased with the new office complexes planned in Newtown Township. She requests Lower Makefield Township to continue to put pressure on PennDOT and Newtown Township in this regard.

Mr. Franckowiak requested the supervisors to ask the solicitor what the Township can do as far as suing the quarry companies is concerned. Mr. Fegley replied that what Mr. Franckowiak proposes is unconstitutional. A speeding truck is not a public nuisance.

#### DIRETTO ZONING HEARING APPLICATION

The Board of Supervisors directed the Township Solicitor to appear in opposition of the Diretto's request for a variance to construct a deck and shed within the special setback for Oxford Valley Road.

#### PEBBLE CREEK COMPLAINT

Mr. Fazzalore expressed concern about a letter he had received from a citizen who has suffered damage from construction of the Pebble Creek Development. Mr. Doherty was familiar with the problem and explained it occurred due to the School District's requirement to extend the sidewalks and the need for a temporary construction easement. Mr. Fedorchak will work with Mr. Doherty to resolve the problem.

#### PLANNING COMMISSION VACANCY

Mr. Allan stated there is a vacancy on the Planning Commission which should be filled. The secretary was directed to advertise the opening.

---

REAPPOINTMENT OF ANN LANGTRY TO HISTORICAL COMMISSION

Mrs. Godshalk moved, Mr. Fegley seconded, and the motion carried unanimously to reappoint Ann Langtry to the Historical Commission.

With no further business, the meeting was adjourned.

Respectfully submitted,



Scott Fegley, Secretary