

TOWNSHIP OF LOWER MAKEFIELD
BOARD OF SUPERVISORS
MINUTES - NOVEMBER 6, 2000

The regular meeting of the Board of Supervisors of the Township of Lower Makefield was held in the Municipal Building on November 6, 2000. Chairman Hackman called the meeting to order at 7:30 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, Supervisor
Grace Godshalk, Supervisor

Others: Terry Fedorchak, Township Manager
Jeffrey Garton, Township Solicitor
Duke Doherty, Township Engineer
Kenneth Coluzzi, Chief of Police

PUBLIC COMMENT

Ms. Amy Nolan of Esther Lane stated there were previously discussions about the stop sign they would like to have on Esther Lane, and they were waiting for the completion of the engineering study. Mr. Doherty stated the study was done the week after the residents were present, and he gave the information to Mr. Fedorchak. Mr. Doherty stated the study indicated that it does not meet the warrants for a multi-way stop sign. Ms. Nolan asked if there was a speed survey done. Mr. Hackman stated they would like the Police Department to do a study on how quickly the cars are traveling on this road, and Chief Coluzzi agreed to meet with Ms. Nolan following the meeting to discuss this.

Mr. Hal Lefcourt from Uptown, Tullytown stated volunteers representing the Pennsbury High School community had lights installed at the High School football field. A letter was sent to the four municipalities who send students to Pennsbury asking them to contribute funds to help pay for the cost of the lights, and \$50,000 was requested from Lower Makefield. He stated he read the Minutes of the meeting when this matter was discussed and sent a letter to the Board regarding this matter. He asked that the Board consider rescinding the Motion they made previously with regard to this matter.

Mr. Craig Bryson, 1805 Makefield Road, commended the Board on the way the Township is run. He asked if it is possible to get a report of the capital improvement program for the Township and was advised that this would be available for review in the Township office. He stated there are two elementary Schools on Makefield Road and there are a number of pedestrians using the road. He stated a child was hit on a bicycle in front of his home. He is concerned that there are no sidewalks on Makefield Road. He stated he is looking into obtaining funding for a sidewalk in this area and will then present this information to the Township. He noted there are also severe drainage problems in the area and he gets six to eight inches of standing water in front of his home after a rain. Mr. Hackman stated the Board will most likely be approving the 2001 Budget at their next meeting. He stated they have not budgeted anything for Makefield Road. He does feel there is something in the Bikepath Master Plan for Makefield Road but he does not know when they will get to do

this project. Mr. Hackman stated they have discussed this problem in relation to other older neighborhoods, and usually the existing residents do not want the bikepaths or sidewalks in their area. Mr. Fazzalore stated he felt they did do work in the area to help with the drainage problems. Mr. Jim Coyne stated there is a project planned for Makefield School down to Homestead predicated on the availability of money. There is a good possibility that it will be addressed within the next year. Mr. Coyne stated the Board of Supervisors did put sidewalks in front of the other school and the students are still walking in the street.

Ms. Linda Maney, 1516 Brock Creek Drive, stated they previously received Township Newsletters which updated the residents on projects. Mr. Hackman stated a Newsletter will probably be coming out after the first of the year. They are now putting out only one Newsletter per year because of the high cost.

Ms. Karen Friedman, 2042 Silverwood Drive, thanked Mr. Garton and Mr. Fedorchak for representing their concerns so well at the PennDOT meeting regarding Newtown Office Commons.

Mr. Chet Dalgewicz stated he is one of the owners of Pleasant Valley Farm, the property which the Township is condemning for a Golf Course. He asked what the Dalgewicz family had done to the Township to be treated so unfairly and so rudely. He stated the Township has lied about his family and about the selling of their farm. Mr. Dalgewicz stated they have had three Agreements of Sale for the farm even though they never advertised it for sale. He stated the Township has blocked the sale of the property. Mr. Hackman noted since this is a legal matter they are not able to discuss it. Mr. Dalgewicz asked why the Township people were trespassing on his property. Mr. Garton stated he notified the Dalgewicz family attorney six months ago that periodically the Township would be taking people to the property and to contact the Township if there was a problem with this. The Township heard nothing from the attorney. Mr. Dalgewicz stated they had family members on the property hunting and Township people came onto the property. Mr. Hackman stated Township representatives did go to the property and stood in the driveway and an individual was leaving the driveway and waved hello to them. Mr. Dalgewicz stated he does not want people on the property without notifying a family member. Mr. Garton asked that Mr. Dalgewicz have his counsel advise the Township of this in writing. Mr. Dalgewicz asked why the Township is trying to steal their inheritance when the Township has had no official appraisal done. Mr. Hackman stated they did have an appraisal done and the family will be paid the fair market value of the property as of the date when the property was condemned four years ago. He noted a County Court has already ruled in the Township's favor and indicated the Township had the right to condemn the property. The family then appealed this decision and a higher Court decision is expected by the end of the year. Mrs. Godshalk stated it is incorrect that the Township blocked their developer's plans since the developer withdrew the Plans willingly. She stated the developer wanted to put more homes on the property than were permitted by Ordinance. Mr. Garton suggested that the discussion be closed at this point since this is a matter of litigation.

Ms. Virginia Torbert, 1700 Yardley-Newtown Road, asked for an estimate of the amount of money spent on legal costs thus far on the condemnation of the Dalgewicz Farm. Mr. Hackman stated while they do not have this information available this evening, Mr. Taylor could generate this information and make it available. He suggested Ms. Torbert contact the Township office.

ROCK RUN DAM DISCUSSION AND MOTION TO APPROVE GENERAL RESOLUTION

Mr. Hackman stated this is a project that has been discussed for fifteen years. He stated there are severe flooding problems in the neighborhood of Charles Boehm School and Milford Manor. He stated they have determined the only way to correct the situation is to build a dam. They have petitioned the State who has agreed to help in the construction of the dam.

Mr. Dave Lambert, Mr. Ted Greiner, and Mr. Dan Grove were present representing the Pennsylvania Department of Environmental Resources. Mr. Lambert stated they were requested to come in and conduct a feasibility study to determine the nature of the problem and what could be done to prevent flooding in the area. He stated they also did a benefit/cost ratio to determine if it would warrant State funding. The study was completed in August with results sent to the Township in September. He stated every project they have built is a cooperative effort between the State and Local Governments. The State will provide funding for the construction and engineering of the project. A copy of the Feasibility Study was provided.

Mr. Greiner showed maps of the area involved. He stated they feel constructing a dry dam will catch run off from the large storms. He noted land already owned by the Township where the dam could be constructed. A drawing of an earthen dam with a concrete wall was shown which is the type of dam they propose to construct. They will also install a pipe underneath to take the every day flow so that the dam will be dry **except during** a storm event. It will basically be a detention basin. Mr. Greiner stated **they do not feel** it should present any danger but would most likely recommend installation of some fencing. The dam proposed will address the flooding problems at Milford Manor. At the School there is a culvert that runs underneath the School which is in poor condition and does not have a high capacity, nor does the overflow channel which goes around the School. They propose to block off the culvert at the top end and enlarge the channel around the school so the water will no longer go underneath the School. He noted there are sanitary sewer lines in this area which will have to be relocated. He also noted a small vehicle bridge and the pedestrian bridge which will have to be modified or replaced.

Mr. Grove stated the Department responsibility is for the design, construction, and supervision during construction of the project. He stated they have included in their report a sample Resolution to be approved by the Board of Supervisors which does spell out the Township's responsibilities (outlined on Pages 11 and 12 in the Feasibility Study). He stated the Township already owns the land where the dam would be constructed. He stated there are some wetlands and the Township would be responsibility for acquiring property to mitigate the wetlands affected by the dam construction. He stated if they could be mitigated on site, they would not have to acquire any additional land. They have identified five acres of wetlands but because of the type of wetlands, they would have to acquire ten acres to mitigate since it is a two to one requirement. He stated the sponsor would also be responsible for re-locating any utilities. He noted there are two underground tanks on the School property that may also be impacted. The Township would also have to operate and maintain the completed project, and they have provided an estimated cost that will be required to operate and maintain the project including maintaining the wetlands. He stated the Township would also be required to provide a Performance Bond approved by the DEP. Mr. Grove stated the Township must also hold and save the **Commonwealth free** of liability for any damages resulting from the project's construction. He added that this is

only a preliminary study and responsibilities of the Township may change after the final report.

Mr. Lambert stated a Resolution is needed to be approved by the Board of Supervisors in order for the DEP to proceed to obtain the funding for the project. He stated they will have to first request money for the design phase, and this may take one year or more. Once the design funds are released a consultant will be assigned by the Department of General Services and they will then send a detailed project Plan to the Township to show what rights-of-way are needed. Mr. Lambert stated the estimated cost of the physical construction is over \$1 million which will all be paid by the State. He stated it may take several years before they actually start construction.

Mr. Fazzalore moved and Mr. Fegley seconded to approve Resolution No. 1071 as listed in the Feasibility Study and agree that as sponsor of the Project, the Township will be responsible for the items listed in the Study under Section IX.

Mrs. Godshalk asked if a study was ever done to see if it would be less expensive to purchase the properties rather than construct the dam. She agreed that this would not solve the School problem. Mr. Lambert stated they do feel it is economically feasible to do the project they have outlined.

Mr. Bransick noted his home is at 215 Valley Road which is located in Falls Township. He asked how much relief this project will give to his property. He also asked if Falls Township has been advised of the project and if there is something they can do as well. Mr. Fedorchak stated Falls Township was contacted about this project two years ago. Mr. Lambert stated they do not have specific information below the Township line, although the dam will reduce the level of flooding in that area. He stated it was suggested that the Township clear some of the vegetation in the area so that it does not clog the channel. Mr. Lambert stated the effect of the dam does lessen as you get further away from the dam.

Ms. Helen Wochnicky from Esther Lane asked if this project will help her property, and Mr. Lambert stated they feel it will. Mr. Hackman stated that those closest to the dam will get the maximum relief.

Mr. Bob Dinon, Derbyshire Road, asked about the stream, and Mr. Greiner stated they will have to relocate portions of the stream since it was re-located previously. Mr. Greiner stated they will also enlarge the overflow channel and will not use the existing pipe under the school except for drainage from the parking lot and roof of the school.

One gentleman asked the time for completion of the project, and Mr. Hackman stated it will not be completed for a few years.

Ms. Maya Mosner, the Delaware Riverkeeper, stated she feels there is a lack of information. She asked that the Board hold off on any decision at this time. She stated she does not feel they have provided costs to the Township for the project. She stated mitigating wetlands and relocating sanitary sewer lines and bridges can add up to a significant amount of money. She asked permission to submit information to the Board for their review. Mr. Hackman stated they would be glad to accept her written comments. He noted the State has indicated that they are willing to spend \$1 million to help correct this situation.

Ms. Mosner stated the State did not look at other alternatives that may be more protective and more cost effective. Mr. Hackman stated he feels the Township should move ahead with the project since properties are being washed out and the School has had to spend a significant amount of money correcting flood damage.

Mr. Robert Farr, 1048 Erin Court, asked how they will resolve the fact that by building such a detention basin, they will flood his home. Mr. Fedorchak stated they will not design anything that would flood his home. It was suggested that Mr. Farr review the new report to see how his property would be impacted. Mr. Lambert stated they have to apply for a permit to construct the dam and must show that they will not cause harm to anyone's property. Mr. Farr asked if they did a soil analysis, and Mr. Lambert stated this will be done during the design phase. Mr. Farr stated the bedrock is close to the surface and he feels they will have to use dynamite. Mr. Lambert stated the foundation of the dam will tie into the bedrock.

Mr. Mike Telepchak, David Terrace, asked how much water the dam will hold back. Mr. Greiner was unable to provide this information at this time. Mr. Telepchak stated they should make sure that it holds a significant amount. Mr. Lambert stated they will reduce the pipe coming out of the dam so that it goes out slower. Mr. Telepchak stated they are changing the direction of the stream to make it go smoother and when they do this it will push it further away from its natural course. He is concerned that the stream will go back to its natural flow and asked if this will cause additional problems. Mr. Lambert stated it will be constructed in such a way that it will be able to maintain its alignment after construction. Mr. Greiner stated the natural course of the stream was altered during the construction of the homes in Milford Manor.

Ms. Barbara Likens, 23 Edgewood Road, asked if the School Board has been contacted about the funds they may have to spend and what their comments may be on the project. Mr. Fedorchak stated he has been in contact with Mr. Nuzzolo's office and they are aware of the Township's effort and have been very much in support of this effort. He stated the DEP representatives have also met with the Boehm representatives. They are aware that the report is finished, and Mr. Fedorchak stated he intends to go before the School Board and discuss it with them in more detail.

Mr. Lou DeVino, Chairman of the Neshaminy Floodwater Association, stated the Township should keep on track and not get diverted away from the project. He stated he feels this project will benefit the Township. He stated money for the purchase of properties by the government is very limited. He agreed to provide information on the report for the Chub Run Dam as well.

Motion to approve carried unanimously.

APPROVAL OF MINUTES

Mr. Fegley moved, Mr. Fazzalore seconded and it was unanimously carried to approve the Minutes of the October 16, 2000 Public Meeting as written.

Mr. Fegley moved, Mr. Allan seconded and it was unanimously carried to approve the Minutes of the October 10, 2000 Budget Work Session as written.

Mr. Fegley moved, Mrs. Godshalk seconded and it was unanimously carried to approve the Minutes of the October 30, 2000 Budget Work Session as written.

APPROVAL OF EQUIPMENT RENTAL AND TREE TRIMMING BIDS

Mrs. Godshalk moved, Mr. Allan seconded and it was unanimously carried to approve the equipment rental and tree trimming bids.

APPROVAL OF BUCKS COUNTY CONSORTIUM ROCK SALT BIDS

Mr. Fegley moved, Mrs. Godshalk seconded and it was unanimously carried to approve the Bucks County Consortium Rock Salt Bids.

APPROVAL OF PENNDOT SNOW REMOVAL CONTRACT 2000-2001

Mr. Fazzalore moved, Mr. Fegley seconded and it was unanimously carried to approve the PennDOT Snow Removal Contract 2000-2001.

APPROVAL TO PURCHASE HOLLAND BI-DIRECTIONAL TRACTOR MODEL TV140 WITH 90 PERCENT DEP GRANT FUNDS

Mr. Hackman stated this was in the Budget for this year. He stated he looked at what appeared to be a new tractor that was purchased by the Princeton Housing Department who found it was too large for their use. They are selling this used piece of equipment, that is very close to being new, and it will cost approximately \$12,000 to \$13,000 less than a new piece of equipment would cost. DEP Grand Funds obtained by Mr. Coyne will pay 90 percent of the cost of this piece of equipment. Mr. Fazzalore asked what they use this equipment for, and Mr. Coyne stated it will be used in the leaf operation and for snow removal. Mr. Hackman stated he feels this will help speed up the operation.

Mr. Hackman moved, Mrs. Godshalk seconded and the motion to purchase the tractor carried with Mr. Fazzalore voting no.

REPORT ON PENNDOT HEARING REGARDING BRANDYWINE REALTY TRUST (NEWTOWN OFFICE COMMONS)

Mr. Garton stated they made a presentation before PennDOT on Newtown Office Commons. Ms. Sue Herman thanked the Township for the fine job they did representing the Township and stated she is looking forward to hearing PennDOT's ruling. Mr. Garton stated once he gets the notification, he will make it available to the Township Manager who will advise the residents.

Ms. Herman asked for an update on the CAU hearing. Mr. Garton stated the traffic people wrote a response to Mr. Yeager's comments, and the Hearing Officer stated he felt it was

moot. Mr. Garton responded that they had not yet given them a Hearing date, and they are still waiting for the date.

Ms. Herman asked if a date has been set for the I-95 meeting, and Mr. Fedorchak stated it will be the first Board of Supervisors meeting in December.

DISCUSSION AND APPROVAL OF CONCEPTUAL MASTER PLAN AMENDMENT WITH MATRIX DEVELOPMENT CORPORATION

Mr. Joseph Taylor, Mr. Marc Brookman, Mr. Russell Tepper, and Mr. Robert Rodgers were present. Mr. Garton stated following the last meeting with the Board of Supervisors, the developer was asked to look into a number of concerns expressed by the Board.

Mr. Brookman stated the property is currently under an Agreement that would permit more than 1,000,000 square feet of office and industrial uses. The Matrix proposal is to reduce that square footage to 990,000 square feet. They propose to substitute for some of the industrial uses, retail uses which are now permitted under the current Township Zoning Ordinance. The traffic improvements, that will be discussed in greater detail, will all be constructed as part of the first phase of the development which is proposed to include the large retail stores, small retail stores, a limited service hotel, and an 80,000 square foot office building which were shown on the Plan. Those uses and all the traffic improvements to include Big Oak Road re-alignment, widening Oxford Valley Road, and all intersection improvements along Oxford Valley Road, will all be installed as part of the first phase of the project. Mr. Brookman stated although they are still in discussion with Middletown Township, they are proposing a large retail store, a full-service hotel, and an office building in Middletown. Those projects will also result in less square footage than was on the original Plan. Mr. Brookman stated Lower Makefield Township will receive direct revenues of \$187,000 and the Pennsbury School District almost \$2,300,000 on an annual basis.

Mr. Brookman stated they have met with the Yardley Corners Community Association; and in response to their request, they are going to ask the Township permission to install a planted berm. They are also offering to the Township as provided for under the Master Plan Approval Agreement, reimbursement for improvements that were performed by the Township to date as well as making a contribution for improvements that are being fully funded by both the Commonwealth and Federal Government for Route 1 Interchange improvements. The total of these non-restricted contributions to the Township would be \$1,375,000.

Mr. Taylor stated the project will be built in phases. Phase I will include 375,000 square feet of first class retail. They have deleted from the project the grocery store they had contemplated previously.

Mr. Garton noted the feature they were to have on the Weiner Tract. He stated it has now been indicated that this cannot take place because of circumstances beyond the control of the developer. Mr. Hackman asked if the Weiner Tract includes a portion of the old road, and Mr. Brookman stated it does. Mr. Hackman asked if the Township could give some of their property in this area to the applicant. Mr. Brookman noted there is actually a triangle within a triangle and the inner triangle is owned by an individual. Mr. Garton stated they would probably not be able to abandon the right-of-way because of the presence of utilities.

Mr. Taylor stated they did try to purchase the Weiner parcel, and they do have concerns about it.

Pictures of the proposed signs were shown. Mr. Brookman noted they propose to use Bucks County fieldstone with the name of the Center and the names of the tenants. Signs will also be at the various intersections at the entrances of the Center. Mr. Tepper noted on the Plan the proposed locations of the signs. Mr. Hackman stated there is a Sign Ordinance which they should consider in their final designs. Mr. Taylor stated they recognize that the signs and locations will be subject to a final approval by the Township.

Mr. Taylor stated in Phase I there will be four points of ingress and egress.

Mr. Fazzalore asked if they will proceed with the Lower Makefield Township portion if Middletown Township does not grant approval for their portion, and Mr. Taylor stated they will. Mr. Fegley asked how they will improve Big Oak Road if they do not get approval from Middletown. Mr. Brookman stated they are going to make application to install those improvements whether or not Middletown approves the Development Plans. They are going to ask them to work with Lower Makefield Township so that Lower Makefield Township can be the Municipality that approves the final design. Mr. Taylor stated they do intend to pursue a development plan in Middletown Township.

Mrs. Godshalk stated Old Oxford Valley Road coming out onto Big Oak Road has a problem with stacking going east. She stated they have only proposed moving Old Oxford Valley Road west about 50 feet which only provides for about five more cars. Mr. Brookman stated they have re-aligned Old Oxford Valley Road and moved it further to the west and also increased the number of lanes on Big Oak Road from three to a proposed six so the amount of volume that will travel in an easterly direction will have the benefit of the additional lanes. They have also provided an access point from Old Oxford Valley Road for right turns in and right turns out so traffic coming out can go in a southerly direction. Mrs. Godshalk stated she feels this further complicates the situation since they will mingle with the traffic trying to go around the corner. Mr. Hackman stated the Township asked them to provide this to take some of the pressure off the intersection of Big Oak and Oxford Valley Roads. Mr. Taylor stated Old Oxford Valley Road has been moved west by 150 feet. Mrs. Godshalk stated some years ago she had suggested a direct access from Route 1. Mr. Taylor stated from their perspective, they feel they have tried to meet the goals the Township engineer has given them. He stated they do not currently have the right to access from Route 1 or I-95. They feel they have met the requests of the Township as far as levels of service.

Mr. Fazzalore asked if their prospective retail customers have been advised of the restriction on hours of operation. He asked how they would be competitive with others in the area who are permitted to be open twenty-four hours. Mr. Taylor stated their potential users have been advised of these restrictions.

Mr. Fegley asked who will maintain the open space and detention ponds. Mr. Taylor stated the common areas will be maintained by Matrix with the costs shared by the individual users of the facility. There was discussion on whether Tall Pines would be dedicated to the Township or a private road; and Mr. Taylor stated he would anticipate Tall Pines would be private until the entire project was developed, and they would then seek to turn it over to the Township. Mr. Coyne noted Township Line and Old Oxford Valley Road and asked if

they would be upgraded to Township standards, and Mr. Garton stated they will be re-constructed. Mr. Taylor stated Big Oak Road is being completely re-constructed.

Mrs. Godshalk noted Item #8 regarding the unrestricted contribution. She stated while 600,000 square feet of office space is proposed, they are only considering an 80,000 square foot office building in Phase 1 and 520,000 square feet will be constructed at a future time. She stated the money is to be paid at the rate of \$200,000 for each building containing 80,000 square feet so it appears that the Township will only get the money for the two large buildings and the hotel. She stated the Township will actually get less than half the money they are indicating they will give to the Township. Mr. Hackman referred to Item #7 regarding the \$100,000 contribution. He stated he feels when the Certificate of Occupancy is issued this is when they should start. Mr. Garton asked if they should pro rate it so that they get it on a regular schedule and be paid on January 1, and Mr. Hackman stated he felt this would be fine. Mr. Hackman also noted that Matrix will be contributing \$1,375,000 to Lower Makefield. Mr. Hackman stated they have not indicated when the \$200,000 will be paid and instead of having the determination be when the buildings are constructed, he would like to know up front that it would come in on some schedule. He added he would really prefer it to be paid all up front. Mr. Taylor stated front-ending the project with all the traffic improvements results in a need to tie the contribution at some level to the development construction itself. He stated they would agree that the hotel would be the subject of a payment as well and would agree to an outside date by which the contribution for the hotel and the two "boxes" would be paid. Mr. Hackman stated he would like to have some certainty about the funds coming in since the Township does have some projects they are considering for which they could use these funds. Mr. Fegley stated the \$100,000 contribution each year should be in perpetuity and would be required of any successors.

Mrs. Godshalk stated she does not feel \$1,000,000 is worth the impact on the quality of life the Township may have to deal with once this development is constructed. She stated she is not going to vote in favor of this project since they worked on the first Agreement for many years and it would have had much less of an impact on the community. She stated she recognizes it may not have looked as attractive, but she feels this current proposal is much more than an amendment and is really a new plan.

Mr. Hackman stated he feels this Plan is far superior to the Bellemead Plan since it results in less square footage and is an upgrading as far as the type of uses is concerned. He noted the current Ordinance does allow the uses now being proposed by Matrix.

Mr. Allan stated he is still concerned with the traffic.

Mr. Fegley stated the property is going to be built and it will not remain open space. He stated he feels people are overlooking the benefits that this development will bring in. He stated they are getting 300,000 square feet less of office space. He noted that Parsons Brinckerhoff, the Township's independent engineer, also indicated the traffic improvements proposed by the developer include all the improvements Parsons Brinckerhoff recommended and they feel the proposed improvements will be sufficient to mitigate the traffic impact. Mr. Fegley stated he feels this developer has worked more openly with the Township than any other developer in the Township he has worked with. He stated they will also be paying taxes and \$100,000 a year in perpetuity to the Township.

Mr. Fegley stated this is not an option between open space and development, it is an option between development and development. He stated he feels what is proposed is better than what they could construct by right under the Ordinance.

Mr. Allan stated he still feels this will negatively impact the quality of life in the Township. He stated he feels the impact from retail is much more of a negative impact on the community than office space. Mr. Hackman stated the entire area is presently zoned for retail, and if this developer wanted to, they could construct ten retail stores. Mr. Allan stated he felt they could be required to construct as required under the Bellemead Plan. Mr. Fegley stated under the Bellemead Plan they could build more square footage.

Mrs. Godshalk stated no one on the Board has indicated that this tract would remain open space. Mr. Fegley stated people in the community have indicated that it should be open space and this is not going to occur on this property.

Mr. Fazzalore moved and Mr. Fegley seconded to approve a conceptual amendment to the Master Plan Agreement between Bellemead Development Corporation and Lower Makefield Township dated 1988 so as to supply instead of the current conceptual plan attached to the Agreement, the Plan that is being shown this evening subject to the following Conditions:

- 1) The developer in the Plan depict the fact that the developer shall complete the traffic improvements as outlined in the Parsons Brinckerhoff report as part of Phase 1 of the project;
- 2) That the Plan would contain 600,000 square feet of Class A office space, 300,000 square feet of retail space exclusive of the garden center including two retail facilities, and a 60,000 square foot limited service hotel;
- 3) Retail uses to be consistent with the zoning classification but no grocery store shall be permitted in Lower Makefield or Middletown;
- 4) The aesthetics shall be mutually agreed upon by the Township and the developer and shall be consistent with the presentations previously made;
- 5) Project will be completed in phases with the understanding that Phase I would consist of two large retail buildings, limited service hotel, and small retail facilities, and at least one office building not less than 80,000 square feet in size;
- 6) The work completed for each phase that relates to storm drains to be subject to the approval of the Township engineer;
- 7) Developer shall make a \$100,000 per year contribution in perpetuity as a fee-in-lieu of the cost incurred by the Township for additional police and other services with said payments to be pro rated for the first year based upon issuance of the first Certificate of Occupancy and be made January 1 thereafter each and every year;
- 8) The developer to make an unrestricted contribution to the Township in the amount of \$1,375,000 at the rate of \$200,000 for each building, including the hotel, with the understanding that the timing of the balance beyond the buildings in the first phase will be subject of further discussion between the Township and the developer at the time of the execution of the actual document;

- 9) Hours of operation to be limited to between 6:00 a.m. and 10:00 p.m. Monday through Saturday, and Sunday from 8:00 a.m. to 7:00 p.m.
- 10) Further subject to execution of a comprehensive Amendment Agreement between the Township and the developer incorporating the terms and conditions as set forth here as well as terms and conditions that have been previously discussed that are minor in nature that are housekeeping issues but all of which shall be incorporated into a Master Plan Amendment Agreement.

Mr. Allan stated he would like to earmark some of the money for a Senior Center. Mr. Hackman stated while this may be what happens, he does not feel it is appropriate for this to be added to the Motion.

Ms. Jo Booth, 259 Yellow Spring Court, stated she objects to the stores although she does not object to the rest of the plan. She asked why this could not be open space. Mr. Fegley noted the developer already owns the land. He stated the Township does not have sufficient money to buy it even if it were for sale.

Mr. Roeper, Planning Commission Member, stated he understands this is a Sketch Plan at this point, and asked if there will be a Final Plan. Mr. Garton stated this is only an amendment to the Master Plan and each subsequent phase will go through the normal development process through the Planning Commission and Board of Supervisors.

One gentlemen from 1971 Knights Circle - Palmer Farm - stated he does not feel there is a need for more retail in this area.

Ms. Deborah Gould stated she does not feel the residents are going to be in favor of this when they have to deal with the traffic. She noted the three Supervisors who are in favor of the Plan do not have to access their homes through this intersection since they can access them from I-95. She stated retail will have a severe impact on the area. Mr. Hackman stated all the Supervisors recognize the concerns about the traffic. He stated the Bellemead Plan was approved twelve years ago, and the land is now zoned for commercial. Ms. Gould stated if they were to come to the Planning Commission under the current Ordinances, the Plan would not look like it does now. Mr. Fegley stated they could build retail.

Ms. Linda Maney, 1516 Brock Creek Drive, stated the current back up from Route 1 will now back up for traffic making both a right and left. She asked that they not approve the big box retail uses.

Ms. Marlene Ferraro, Palmer Farm, asked if there are any plans to resurface the road near the railroad tracks. Mr. Hackman stated that portion of the road is in Middletown Township, and he feels that they may be planning to improve it down to the railroad tracks. Mr. Allan stated Middletown has on their Agenda a 550 unit apartment complex.

Ms. Linda Maney stated she feels people will now go up further on I-95 and go back down through the Township to come to the southern portion so that they can avoid this intersection.

Ms. Stacy Feinberg, Oxford Valley Development Corp., stated they have the Mobil Station in this area. She stated the Plans have not been available for review by the public. Mr. Hackman stated the Plans have been available at public meetings for six months. Ms. Feinberg stated she tried to review this information in the Township Office and was told it was not available. Mr. Fedorchak stated Ms. Feinberg only approached him today, and he suggested to her that she come to the meeting this evening so she could get the full presentation. Ms. Feinberg asked if the information will now be available for her review in the Township Office tomorrow, and Mr. Fedorchak stated it will be available.

Ms. Jo Booth noted the location of mature trees on the tract on the right side of Big Oak Road going west. Mr. Hackman noted the green area on the Plan indicating which trees will be saved.

Ms. Gould asked who is planned for the big boxes, and Mr. Taylor stated they have not signed any agreements with anyone for these uses at the current time.

Motion carried with Mr. Fazzalore, Mr. Fegley, and Mr. Hackman in favor, and Mr. Allan and Mrs. Godshalk opposed.

APPROVAL OF DEVELOPMENT AGREEMENT FOR THE LOBERG SUBDIVISION

Mr. Fazzalore moved, Mr. Fegley seconded and it was unanimously carried to approve the Development Agreement for the Loberg Subdivision.

Mr. Garton stated the developer would like permission to change the name from Loberg to Meetinghouse. The Board of Supervisors was not in favor of this particular name. Mr. Mike Stadulis was present and agreed to consider this matter further. Mrs. Godshalk thanked Mr. Stadulis for the relocation of the corn crib from the Loberg Tract to Elm Lowne and the associated work they did on this project.

APPROVAL OF DEVELOPMENT AND SET ASIDE AGREEMENT FOR GOODWIN LACEY

Mr. Allan moved, Mrs. Godshalk seconded and it was unanimously carried to approve the Development and Set Aside Agreement for Goodwin Lacey.

DISCUSSION AND TABLING OF PRELIMINARY PLAN FOR FIELDSTONE @ LOWER MAKEFIELD

Mr. Garton noted the Plan for Tax parcel #20-16-73 dated 10/20/98, last revised 2/12/99. He also noted the CKS letters dated 9/14/98 and 3/8/99, and PCS letter dated 3/17/99, and comments from Skelly & Loy dated 4/9/99 and 3/31/00. He also noted provisions of the Ordinance Section 200-66i, 3, 4 and 6.

Mr. Tobin, representing the applicant, stated he has reviewed the letters. Mr. Tobin stated the Revised Plans were filed today with the Township. Mr. Doherty stated he received the Plans after 3:00 p.m. He has done a quick review of the Revised Plans. He noted the previous Plan was for 49 lots and they are now at 30, 28 of which are new dwelling units.

Previously they had proposed one stormwater basin and they are now showing four small detention basins. He stated the proposal for sanitary sewers was previously a gravity system with a pump station and now it is proposed to be a gravity line through Schuyler Drive with no force main. The depth of the gravity line would be 15' to 18' through Schuyler. The Plan noted a Lot #30 which is remaining lands and it does not indicate what will be done with this area but it does include the fill area. He stated some lot numbers and lot areas have been changed as well as grading, housing elevations, and storm pipe lay out. The roadway configuration is now a loop street instead of being connected to Yardley Estates. Mr. Doherty was asked if these Plans are substantially different than the Plans previously submitted; and Mr. Doherty stated he felt this was a legal opinion.

Mr. Tobin stated the changes made were in response to the engineer's comments.

Mr. Garton stated his legal opinion is that the Plan being shown this evening is substantially different and would constitute a new submission.

Mr. Tobin presented this evening a response to the PCS letter dated 10/30/00.

Mr. Hackman stated when Plans come in on the day of the meeting, they cannot be reviewed by the Board of Supervisors that same evening. He stated they have also now submitted additional information to the Board this evening which they have not had an opportunity to review. He stated it appears the Plans submitted over one year ago bear no relation to this new Plan. He declared that these are new Plans and feels the Board should deny the old Plan and the developer can then submit new Plans and take it from there.

Mr. Tobin stated given an opportunity to allow the Township **engineer and Township Solicitor** to review the Plans in more detail, they will find that **this is not a new submission** but is a revision in response to the engineers comments. He stated in order to allow the Township time to review this information, they are prepared to offer an extension of time. They are also prepared to explain their revisions to the Board and why these revisions were made.

Mr. Garton stated he does not feel the current Plans expire until the end of the month so that the Board could table the matter until the next meeting so that the Township can review the information received.

Mr. Fegley moved and Mr. Allan seconded to table.

Mr. Tobin also provided to the Township this evening a chronology of events dated 11/6/00 from John VanLuvanee. Mr. Tobin stated he had no further documentation to submit to the Township this evening.

Motion to table carried unanimously.

APPROVE EXTENSION OF TIME TO GARY & JEANETTE MINNES

Mr. Allan moved, Mrs. Godshalk seconded and it was unanimously carried to grant an extension of time to Gary & Jeanette Minnes Preliminary/Final Plan until 2/10/01.

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APPROVAL OF REQUESTS FOR DEDICATION OF HIDDEN OAKS, PHASES 1, 2, 3 AND 4 - RESOLUTION NOS. 1067, 1068, 1069, 1070

Mr. Garton stated the Township staff have recommended that the Township accept dedication.

Mr. Allan moved, Mrs. Godshalk seconded and it was unanimously carried to approve Resolution #1067 - Dedication of Hidden Oaks I, Phase 1.

Mr. Allan moved, Mr. Fazzalore seconded and it was unanimously carried to approve Resolution #1068 - Dedication of Hidden Oaks I, Phase 2.

Mr. Allan moved, Mrs. Godshalk seconded and it was unanimously carried to approve Resolution #1069 - Dedication of Hidden Oaks I, Phase 3.

Mr. Allan moved, Mr. Fegley seconded and it was unanimously carried to approve Resolution #1070 - Dedication of Hidden Oaks I, Phase 4.

APPROVE SUBMISSION OF APPLICATION FOR FEDERAL HIGHWAY SAFETY GRANT

Chief Coluzzi stated they would request approval to apply for the Grant in the amount of \$5,000. This is a 100% Grant with no match required. This is a seatbelt and child restraint education program which will be conducted in four phases.

Mr. Fazzalore moved, Mrs. Godshalk seconded and it was unanimously carried to approve submission of the Application for the Federal Highway Safety Grant.

Mr. Hackman complimented the Chief and his staff for finding out about this Grant.

OTHER BUSINESS

Mr. Fedorchak reminded the Board that the Road Tour will be held on Saturday starting at 8:30 a.m. Mr. Fazzalore stated he will be unable to attend the Road Tour.

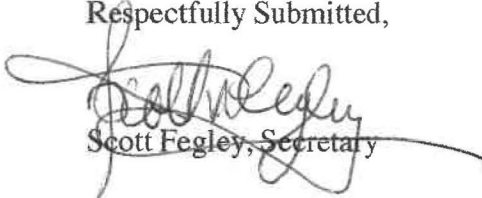
Mrs. Godshalk thanked the Yardley News for the article regarding the Open House for Chief Coluzzi and asked that the Bucks County Courier Times also put something in their paper about this event.

APPOINTMENTS

Mrs. Godshalk moved, Mr. Fazzalore seconded and it was unanimously carried to re-appoint Florence White to the Historic Commission.

There being no further business, the meeting was adjourned at 10:35 p.m.

Respectfully Submitted,


Scott Fegley, Secretary