

TOWNSHIP OF LOWER MAKEFIELD  
BOARD OF SUPERVISORS  
MINUTES – AUGUST 2, 2004

The regular meeting of the Board of Supervisors of the Township of Lower Makefield was held in the Municipal Building on August 2, 2004. Chairman Fazzalore 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. discussing legal matters and land acquisitions.

Those present:

Board of Supervisors:            Frank Fazzalore, Chairman  
   Pete Stainthorpe, Vice Chairman  
   Scott Fegley, Secretary/Treasurer  
   Grace Godshalk, Supervisor  
   Steve Santarsiero, Supervisor

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

PUBLIC COMMENT

Ms. Virginia Torbert, 1700 Yardley-Newtown Road, asked about the status of the Northern Fire Station. Mr. Fedorchak stated he has had a number of discussions with representatives of the Volunteer Executive Committee and the Building Committee. The project was put out to bid a second time in an effort to reduce costs; and unfortunately, with the increase in the price of wood and steel, they did not realize the savings they had anticipated. They would have to pay a significant amount of money for a lesser building. In his discussions with Mr. Larry Newman, Mr. Newman advised Mr. Fedorchak that the most likely scenario would be the volunteers would advise the Board of Supervisors that they should wait until they see a more favorable cycle in the price of building materials and re-visit the project at that time. Mr. Fedorchak is waiting for a written statement to this effect from the Fire Company, and he will pass this on to the Board of Supervisors.

Mr. Fazzalore stated the Board of Supervisors has never been able to get the bid price to the amount that the Township borrowed. Mr. Fegley stated the Fire Company was very anxious to have the Board of Supervisors approve a Plan, and now it is not proceeding.

Mr. Fedorchak stated approximately one and a half years ago they put the project out to bid for the first time, and the price came back at \$2.25 million which was well in excess of what they had anticipated. When they went out to bid a second time in some respects things got worse since they had cut out a number of items in the scope of work, and the

material prices were higher. Mr. Fedorchak stated the Fire Company is also looking at other projects as well that they had hoped to accomplish; and with the cost for the Northern Fire Station well in excess of what was budgeted, he feels their decision will be to hold the project off and wait for some more favorable construction figures in the future.

Ms. Torbert stated she does not feel this is a satisfactory way to proceed; and one year ago when the numbers came back high, they should have revised the Plan to what it was originally to be which was a small Sub-Station. She stated she does not feel costs are going to go down. She feels they should look at a much more modest Station. She stated the intent was to get better coverage in the Northern area, and she does not feel it is going to get done. Mr. Fazzalore stated in his discussions with a number of the firefighters, it appears as though there is some split among them whether they want this Station at all. He stated a number of the firefighters have indicated that they do not know how they will be able to man the Station. Mr. Fazzalore suggested that the firefighters go to the Northern area and recruit people from that area.

Mrs. Godshalk stated she feels the representatives from the Fire Department should be brought in to discuss this matter. She stated the Township has already borrowed the money for the Northern Station. She stated prices will most likely not go down. She stated hopefully they are not in violation of the law by borrowing money for a specific project and then not using it. Mr. Fedorchak stated he will discuss this with the Fire Department and schedule something in the near future. Mr. Stainthorpe stated he feels they should come prepared to talk about fire protection in general in the Township. He stated there was discussion about the response time to the McCaffrey fire, and they may need to consider whether a Volunteer Fire Department still works in Lower Makefield Township.

#### MOTION REGARDING WRIGHT PROPERTY

Mr. Garton stated Ruth Wright, owner of a substantial property at the intersection of Lindenhurst Road and 332, has been in discussion for some time with the County of Bucks, the U.S. Department of Agriculture, and the Township about the prospect of selling her development rights and securing a Conservation Easement over her property in order to maintain its integrity as a farm forever. Mrs. Wright has signed an Agreement with the Township, the Commonwealth of Pennsylvania, the County of Bucks, and a separate Agreement with the Heritage Conservancy with the Department of Agriculture's involvement to sell her development rights on eighty-two acres in Lower Makefield Township for a sum equivalent to \$30,000 an acre.

Mrs. Godshalk moved and Mr. Stainthorpe seconded to approve execution of the Agreement and send it to the County for their signature as well.

There was no public comment, and the Motion carried unanimously.

#### APPROVAL OF JULY 7, 2004 MINUTES

Mr. Santarsiero moved and Mr. Fegley seconded to approve the Minutes of July 7, 2004 as written.

Mr. Fazzalore stated during this special meeting, the Board decided to opt in to the Pennsylvania Uniform Construction Code. He noted the Lower Makefield Township Codes also remain in effect as they are stricter. Ms. Torbert asked if any other business was discussed. Mrs. Godshalk stated, while she was not in attendance at that meeting, she understands there was discussion about the wells at the Golf Course.

Motion carried with Mrs. Godshalk abstaining.

#### APPROVAL OF JULY 19, 2004 MINUTES

Mr. Fegley moved, Mr. Santarsiero seconded and it was unanimously carried to approve the Minutes of July 19, 2004 as written.

#### DISCUSSION AND MOTION ON EDGEWOOD VILLAGE VISION PLAN

Mr. Carter VanDyke and Ms. Suzanne Curran, representing the Historic Commission, were present. Ms. Rae Pinchuk and Ms. Michele Stambaugh of the Historic Commission were also present in the audience. Ms. Curran stated they are present to introduce proposed Ordinance amendments relating to Edgewood Village.

Mr. VanDyke stated the Board has received the three documents involved. He stated one is to Chapter 200 of the Lower Makefield Township Zoning Ordinance involving amendments to the Historic/Commercial District, the second is to Appendix B-Historic District, and a third relates to Chapter 178 – Design Standards in the Subdivision and Land Development Ordinance. In Chapter 200 of the Zoning Ordinance they are recommending changes suggested by the Planning Commission and the Township Solicitor. They have recommended prohibiting any drive-through windows in the District. Changes have also been recommended to building setbacks, requirements for reverse frontage, impervious surface requirements, and requirement for a minimum of 200 square feet outdoor space. There are also recommendations regarding accessory structures. With regard to Appendix B, they have addressed setback criteria. He noted that while R-4 has been built out in this area, the District does include R-4 so they did keep it in the document. There are also recommendations on setbacks from the existing

right-of-way and amendments to buffer criteria with regard to buffers from parking and lot lines. They also made changes to the parking criteria in order to allow meeting the parking requirements off-lot in order to encourage development of the area. There are also recommendations on signs. They did make changes to the definitions in the Ordinance, particularly with regard to demolition. They noted all the parcels in the District by lot so that there is no question as to which parcels are in the District. They amended the duties of the Building Inspector and identified a number of items to be reviewed by HARB. They included an item suggested by the Planning Commission regarding gross square footage of buildings and square footage permitted per story. He stated this should still allow for flexibility in building size since they are providing for an average. They have indicated that a Certificate of Appropriateness is not necessary for interior alterations or repairs. This is consistent with State guidelines.

Changes recommended to the Subdivision and Land Development Ordinance were noted. Mr. VanDyke noted those that relate to restrictions with regard to arterial and collector roads. They amended some of the street intersection requirements to permit less wide radii which typically work in historic Villages. They also amended the provisions for reverse frontage, and exceptions for driveways. They are encouraging people to share driveways in order to minimize the number of curb cuts. They also added a section regarding private driveways, only in the Historic District, to provide for access through an alley. This would also help reduce the number of curb cuts on the arterial streets. They also made recommendations on street lights, other lighting, off-street parking standards, and buffer standards which are similar to the recommendations made in the Zoning Ordinance. In conjunction with the Township engineer they amended the stormwater management section and added a new Section G requiring that all storm water collection and management be underground. They are trying to avoid large “pits” for water storage. He stated the trend now for Villages and Boroughs is to have underground systems.

Mr. Fazzalore asked if these amendments will affect other Ordinances. Mr. Garton stated they only relate to the Historic District and will not impact anywhere else. Mr. Fazzalore noted the Plan previously presented by Mr. VanDyke and asked if anything has changed from that concept. Mr. VanDyke stated two studies were done. The first was done by March Associates which proposed new streets, townhouses, etc. and his firm used that document as a guideline. He then developed Design Guidelines for individual buildings. What is being presented this evening relates to individual buildings and how they could be developed and re-developed so that they are consistent with historic guidelines. Mr. VanDyke stated approval of these regulations is the next step. They are also preparing concepts for the streetscape which will be reviewed by PennDOT and the Township engineer. They want to make the Village more walkable and bring up the caliber of the streetscape. They can then go out and solicit funding. Mr. Fazzalore asked how soon they feel they will see development of Edgewood Village. Mr. VanDyke stated

he feels this will come once they have public sewers which could come in two years. He stated HARB wants to have these documents on line before the sewers are in place. Mr. Fazzalore stated he feels Edgewood Village could be a showplace in the Township.

Mrs. Godshalk stated they have wanted to get this part of the work being discussed tonight done so that they have the protection that these Ordinance changes provide once the public sewers come in. She stated there are larger lots that are owned by individuals and when they are ready to proceed with development of their lots, these changes would be in place and they would have a Master Plan for their particular lot. She stated they want to give the people there now the ability to develop this Nationally-registered town into a thriving spot in the middle of Lower Makefield Township.

Mr. Santarsiero thanked the Historic Commission and Mr. VanDyke for the work they have done. He feels the Township must be a little more proactive, not to purchase the properties or develop them themselves, but to foster the circumstances to have the developers come in once the infrastructure is available. He feels this could be a center of Town for Lower Makefield which it currently does not have. He stated the first step is to make these changes. He stated at one of the Planning Commission meetings, Mr. Stephen Heinz suggested that there be an architectural competition, and Mr. Santarsiero feels this and other things could help move the Village along. He would continue to encourage the Historic Commission to think in these terms.

Mr. VanDyke stated it is typical for a community to have a Vision Plan which would then become an official map. Mrs. Godshalk stated they do have this currently in the Master Plan.

Mr. Stainthorpe noted the elimination of the drive-throughs being recommended and asked if they are trying to create a vital retail community if eliminating banks which typically have drive-throughs is a good idea. Mr. VanDyke stated banks today do want a drive-through window and the Planning Commission did discuss this. They were concerned with the impact on the design if drive-through windows were permitted. Mr. VanDyke stated he feels banks can drive the economic development of an area and they may want to develop language that encourages drive-through windows that would not be disruptive. He stated this could be addressed as a Special Exception or Variance. Mrs. Godshalk stated people were concerned with the Bank proposal that came in recently for this area which had proposed three drive-through windows which took up much of the building. She stated any drive-through should be a certain percentage of the building itself. She noted the existing Wachovia Bank in the area which was designed with input from the Township and has only one-drive through window which is very effective and not disruptive. She would approve of putting this in as a Special Exception provided the drive-through area is a certain percentage of the building. She stated they could do this when a bank comes in. Mrs. Godshalk stated other drive-throughs are not

permitted in the Ordinance such as a fast food drive-through, and she would not encourage these in the Village.

Mr. Santarsiero noted Appendix B amending Page 5 in Section 11 paragraph 3L regarding the 3,000 square foot requirement. He feels the second clause should read "and in such incidences the second floor should be no less than." Mr. VanDyke agreed to make this change.

There was no public comment

Mr. Santarsiero moved and Mrs. Godshalk seconded to authorize the preparation of three Ordinances consistent with the presentation made for the Board's consideration and advertise it for public comment provided the change is made suggested by Mr. Santarsiero to Appendix B.

Mrs. Godshalk asked that her amendment regarding drive-throughs be considered as well. Mr. Garton stated they can amend this once criteria is developed. He would suggest that it be permitted through a Conditional Use rather than a Special Exception so that it can be considered at the Board of Supervisors' level rather than by the Zoning Hearing Board.

Motion carried unanimously.

#### DISCUSSION AND APPROVAL OF PRELIMINARY/FINAL LAND DEVELOPMENT PLAN FOR MEMORIAL PARK

Mr. Dave Horton of Boucher & James was present along with Ms. Ellen Saracini and Ms. Clara Chirchirillo, representing the 9-11 Committee.

Mr. Fazzalore stated the Board of Supervisors authorized \$1 million only for the road into the Memorial, and they are still proceeding on that basis. They are not ready to build the whole Park. The main focus at this time is to build the Memorial and get the road into the Memorial constructed. Mr. Fedorchak stated this is a Plan for the entire sixty-five acres with a focus on Phase I which is the portion noted by Mr. Fazzalore.

Mr. Fazzalore stated there was a proposal to install a 90' baseball field at this Park, and this has been rejected. Mr. Fazzalore stated the intent was that the fields in the park would be for pick-up games, etc. Mr. Fedorchak stated when this was discussed at the Planning Commission there was a recommendation made to change the existing field into a 90' field. This recommendation was not incorporated into the Plan being shown. Mr. Horton stated the lay out being shown is the one that was previously approved. Mr. Fedorchak stated PCS and CKS have reviewed the Plan, and Mr. Horton has incorporated their changes into this Plan. Mr. Horton stated these changes are not

reflected into this Plan being shown as they are still waiting for other review letters and they will make all the changes at one time.

There was some disagreement whether the Master Plan which was approved had two roads into the Park, and after review of the Master Plan, it was noted that two entrances were shown.

Mr. Fegley reminded the Board of prior discussions on the need for additional 90' fields in the Township. He stated he feels there is an opportunity at this Park to provide this. He stated he does not feel one 90' field would alter the balance they are looking for at this Park between active and passive recreation. Mr. Santarsiero stated he was one of the Supervisors who indicated that they should build a 90' field in all due haste. He was at the Planning Commission meeting when it was proposed that the field in the upper left hand corner of the Plan be converted into a 90' field. However, after the Road Tour, they talked about how Memorial Park was to be used; and in light of that, he feels it makes more sense to keep this field as a 60' field. He does not feel this means that they should not consider where a 90' field could be located. He stated one possible location is the property across the street from the Township Building, and he feels there are other locations in the Township which they should look at as well. Mr. Santarsiero stated lighting one of the fields at Macclesfield Park would also provide additional playing time.

Mr. Fazzalore stated the Park & Recreation Board has estimated it would cost \$2.5 million to do what they would like and the Township would have to raise taxes in order to do this.

Mr. Fegley stated he feels some of the Leagues will be using these facilities at Memorial Park, and they will not be simply for pick-up games. Mr. Stainthorpe stated the Park & Recreation Board comments remain that this is to be used by the Township residents and not the Leagues. He stated they do have other recommendations on where there could be fields for League play. Mr. Fegley stated he feels that since there are soccer fields proposed for this Park, there will be some League use of the fields although certainly not as heavily used as Macclesfield Park. Mr. Fedorchak stated the Township does not want to exclude any groups, and if YMS wants to use some of the fields for practices, they would certainly permit this. They could use them for games as well, but they do not want this to become Macclesfield Park II. Mr. Fegley stated he does not feel this would happen. He stated he felt YMS intended to move the younger players to this facility to give them more room at Macclesfield Park for the older players. Mrs. Godshalk stated since there are four soccer fields, she does not feel that they will be left fallow and asked why they did not just put in grass. Mr. Fedorchak stated a soccer field is essentially grass. He stated these are multi-purpose fields that could be used for a number of purposes.

Mr. Fegley stated he also feels PAA anticipates scheduling games at the 60' field as well. He stated the intention in the Master Plan was that this was to be a mixed-use park. He stated the public should be made aware that these fields will be used by Leagues but that they are creating a balance.

Mr. Fedorchak stated YMS's vision is directed at the Snipes Tract and the extent that they can achieve that vision will determine the extent that they need to use Memorial Park.

Mrs. Godshalk read from the Minutes of the Road Tour and comments made when they visited this facility noting that it was for spontaneous non-League play for the residents; but that if it was to be scheduled, it would be targeted for younger children. Mr. Fegley stated he does not feel there would be enough pick-up games to keep all the fields in use.

Mr. Fazzalore stated he would like to know how far the Township's \$1 million will go. Mr. Fazzalore stated they still have to borrow the \$1 million.

Mrs. Godshalk asked about the walking paths, and Mr. Horton stated they will put these on the revised Plans.

Mrs. Godshalk stated there are also changes which were to be made to the parking lot for the Memorial. Mr. Fedorchak stated the Committee has not finally designed the specifics of the Memorial. He stated the Plan this evening sets aside four acres for the Memorial.

Mr. Marty Frapoli stated he was at almost all of the Park & Recreation Board meetings when this was discussed, and he agrees with Mr. Fegley that the intent for the fields was for practices and games for the younger players. He stated there was a lot of input from the community as to how the fields would be used. He stated the residents were comfortable with the younger players being scheduled on these fields. He stated the Park & Recreation Board did advise that they were only a recommending body, and he asked when the time would be for greater citizen involvement as to the nature of the facilities proposed and where they are placed. Mr. Fazzalore stated the time is now.

Mr. Fazzalore stated he was advised that the neighbors were in agreement with the Plan being presented. Mr. Frapoli stated he does not feel any of the neighbors were objecting to the soccer and baseball fields. He stated he feels the contentious facilities are the roller hockey and basketball courts since these are the facilities that generate a lot of noise.

Mr. Fedorchak stated he attended a number of the Park & Recreation Board meetings and a considerable number of public meetings where a considerable number of residents attended and these issues were discussed. He stated what is now being shown is the Park & Recreation Board recommended Plan which was adopted by the Board of Supervisors after considerable discussion and public input. Mr. Frapoli stated the Park Board did hear their objections but left these in the Plan and advised them that they could take up their objections with the Board of Supervisors. Mr. Stainthorpe stated the Board of



Supervisors did have a public meeting in February or March and a number of neighbors were present and discussed the Plan. Mr. Fegley stated according to the Plan, the basketball courts and the roller hockey courts are considerably back from the roadway. Mrs. Godshalk stated they were moved from another location to the location currently shown. Mr. Frapoli stated the homes on the other side of Woodside Road are not shown, and they will be impacted as well. He stated to bring in basketball and roller hockey when there has not been a demonstrated need, is not right. Mr. Fegley stated they have had groups of people come in a number of times requesting more basketball courts and a place to play roller hockey so that the children are not playing in the street. He feels the locations proposed are set far enough back and with the buffer provided, they should not create a problem.

Mr. Santarsiero asked about the objection to roller hockey and basketball, and Mr. Frapoli stated it is the type of noise generated by these uses.

Ms. Gail Ross, 1583 Brookfield, stated at the Planning Commission meeting they did indicate that there will be a row of trees but these are not shown on this Plan. It was noted these will be shown on the revised Plan.

Ms. Gerry Hickson, Brookfield Road, stated she would like to see a place where her children can play without having to be in a scheduled League. Mr. Fegley stated they feel that they should be able to do this at this location since there will be blocks of time which are to be left open.

Mrs. Godshalk moved, Mr. Stainthorpe seconded and it was unanimously carried to approve the Preliminary/Final Land Development Plan for Memorial Park dated 6/21/04 subject to:

- 1) Receipt of all permits and approvals by Agencies having jurisdiction;
- 2) Compliance with PCS letter dated 7/12/04 including Grant of Waivers noted;
- 3) Compliance with CKS letter dated 7/12/04;
- 4) Compliance with Zoning Hearing Board decision rendered 1/20/04.

#### APPROVAL OF AMENDING CONTRACT WITH LIUBA LASHCHYK FOR DESIGN SERVICES RELATING TO THE GARDEN OF REFLECTION

Ms. Liuba Lashchyk, Ms. Ellen Saracini, and Ms. Clara Chirchirillo were present.

Mr. Stainthorpe asked the original amount of the Contract and who is paying for this. Mr. Fedorchak stated they received a Federal Grant in the amount of \$89,000; and he would recommend that the original cost which was approximately \$45,000 plus these

additional costs be taken out of that Federal Grant. Mr. Fedorchak stated the Grant was given to Lower Makefield Township. Mr. Fazzalore stated it was given for the Memorial. Mrs. Godshalk stated it was for “soft” costs not for costs of the construction of the Memorial. Mr. Stainthorpe asked if the balance could be applied to what Boucher & James is charging, and Mr. Fedorchak stated to some extent they can, but largely no. Mr. Fegley asked how many additional meetings they are considering since the cost proposed by Ms. Lashchyk is \$250 per meeting. He stated he would like to see a limitation on the number of meetings. Ms. Lashchyk stated she would estimate possibly three to four meetings, but it would depend on the amount of detail they still have to do. Mrs. Godshalk asked if it is costing \$250 for a two-hour meeting, and Ms. Lashchyk stated this is correct. Mr. Fazzalore asked the Committee members present how far they are into completing the process, and Ms. Saracini stated they are almost finished. She stated they still need to discuss the berm on the curved walkway and where the 3,000 names will be placed. They may also need to discuss details on the lawn area. Mr. Fazzalore stated originally they had estimated it would cost \$600,000 for the Memorial and asked how much it will increase to include the 3,000 names. Ms. Saracini stated they do not know; and if they cannot afford this, they will not do it. She stated the core elements of the Garden are what they are considering. Mr. Fazzalore asked about the design for the 3,000 names, and Ms. Lashchyk stated it will be a glass wall approximately three and a half feet tall. It will go around the walkway. The seventeen people they lost from Bucks County are in the core. Mr. Fegley stated he feels the 3,000 names is a new item, but Ms. Saracini stated they have always discussed this.

Mr. Stainthorpe moved, Mr. Santarsiero seconded and it was unanimously carried to approve amending the Contract with Liuba Lashchyk to reflect the following additional services:

- 1) \$3,250 for Conceptual Design
- 2) \$2,050 for Conceptual Design Development and Construction Drawings  
For Fore Court Elements
- 3) \$250 for Additional Meetings with Committee or Other Groups Not to  
Exceed Five Meetings.

Mr. Fazzalore stated he feels the Township needs to start the road. Ms. Saracini stated they need the road immediately because they must start the Garden in the spring as one of their Grants will expire in June, 2005. Mr. Fedorchak stated the first step is that the engineer must look into what they can get for \$1 million. He stated he does not feel it is likely that a road would be in place by the end of this year. He has had discussions with the people who handle the Living Memorial Grant; and he understands that if there are good reasons, they can get an extension. Mr. Fazzalore suggested that they get the engineer started in telling the Board of Supervisors what they can get for their money and then go out to bid. Mrs. Godshalk stated she feels this could be done by the end of the year since it would take only thirty days to put together construction documents.

Mr. Fedorchak stated it would have to go out for public bid. He feels this could take three to four months. Mr. Fazzalore stated he feels that they can state that they will do this expeditiously, and Mr. Fedorchak agreed and stated this is why he placed this item on the Agenda for this evening. He stated the Board must first hear what they can do in Phase I, and they may come back with one or two alternatives. They will then get direction from the Board of Supervisors and then put it out to bid. He stated they may want to consider if they want to include any recreation elements or not. Mr. Fazzalore stated at this time it was to be the road to the Memorial only. Mr. Fedorchak stated he felt that they had discussed having some recreation elements around the Memorial to draw people into the Park. Mr. Garton stated they should have the engineer look into what they can get for \$1 million.

Ms. Saracini asked how they could incorporate things that are donated. Mr. Fedorchak stated they can integrate this with the engineer and discuss it when they get closer to specing the project out. Ms. Saracini stated she does have people interested in donating their time and supplies. They are asking for plans so that they can tell her what they will do. Mr. Stainthorpe stated once they let a General Contract, he does not feel they can take contributions. Mr. Garton stated if someone was willing to donate a service, they could negotiate a Change Order with the contractor. He stated the key element is to see if they can identify the specifications before it goes out to bid. Ms. Saracini stated she would need those specs to take to someone who may want to make a donation. Mr. Fegley stated at the next meeting they are only getting the engineers options.

#### APPROVAL OF PRELIMINARY/FINAL PLAN FOR CHANTICLEER MINOR SUBDIVISION/LOT CONSOLIDATION PLAN

Mr. Edward Murphy was present. Mr. Garton stated this project has already received approval, but there are some issues relating to sewers that have not been resolved. The Applicant needs to proceed to closing to acquire the adjacent parcel – Tax Parcel #20-9-1-2. Mr. Murphy stated this is consistent with the Plan that was already approved. The existing home will remain as it is shown on the original Plan. This only enables the property owner to own their portion of the tract. Mr. Murphy stated the sewer moratorium is prohibiting the larger Plan from going forward at this time. The action this evening will allow them to proceed with the acquisition of the adjacent parcel.

Mr. Stainthorpe moved and Mr. Santarsiero seconded to approve Preliminary/Final Minor Subdivision/Lot Consolidation Plan for Chanticleer dated 6/30/04 subject to:

- 1) Compliance with PCS letter dated 7/21/04 including Grant of Waivers noted;
- 2) Compliance with CKS letter dated 7/27/04;

- 3) Lot #2 to be merged with the adjoining parcel with a Deed of Consolidation to be recorded as a condition of recording the Subdivision Plan;
- 4) Payment of all Township expenses associated with the Minor Subdivision Application.

Mr. Murphy agreed to the Conditions of Approval, and the Motion carried unanimously. Mrs. Godshalk was not present for the vote.

#### APPROVAL OF RANIELLO DEVELOPMENT AGREEMENT

Mr. Fegley moved, Mr. Stainthorpe seconded and it was unanimously carried to approve the Raniello Development Agreement.

#### DISCUSSION AND TABLING OF WILSHIRE GLEN LOT 22 REQUEST FOR DEMOLITION PERMIT

Mr. Bill Shroeder was present representing the property owners, Tyrone and Kelly Stevens. Mr. Garton stated there was an older home on the Raab Tract known as the Yardley property, and the approval for the tract had a note on the Plan that the house was to remain. The current owners would like to have this Note waived and permit the demolition of the house.

Mr. Shroeder stated Mr. and Mrs. Stevens own two lots in Wilshire Glen. He noted the home that they live in currently. They also own the old farmhouse and this is the building they wish to demolish because it is in a state of disrepair. Pictures of the property were shown. He stated there have been problems with vandalism which come with an abandoned house that is not secured.

Mrs. Godshalk stated she feels since they own the house, they should secure it. Mr. Shroeder stated he does not feel it is possible to secure an abandoned house. He stated the configuration of the house is such that it does not face out onto the street and instead it faces the back of Mr. and Mrs. Stevens' house. He stated they also have statements from twenty-eight other homeowners in the Subdivision in favor of this demolition. They were unable to contact the other homeowner in the Subdivision. Mr. Shroeder stated they will comply with all requirements of the Building Code when they demolish the house. Mr. Shroeder stated since the Township dealt specifically with historic preservation relative to the barn and there were no such notes relating specifically to the house, they feel they should be permitted to demolish it.

Mr. Fazzalore stated he has a copy of a letter sent by the Township Solicitor to Ms. Langtry indicating that the existing house is to remain. Mr. Garton stated the Plan does have an arrow with a note saying "house to remain." Mr. Shroeder stated they have taken an Appeal to this, but would like to be able to work this out amicably tonight.

Mr. Fegley asked what their intention was when they bought the lot. Mrs. Stevens stated their intent was to tear down the house. Mrs. Stevens stated when the land was originally sold to Pulte the lot was sold for \$1 back to the two partners and was not part of the development. Mr. Fegley asked what was told to Mrs. Stevens about the lot with the house on it. Mrs. Stevens stated a person representing the builder told her it could potentially be removed. She stated she did not purchase the property until a later time. The person who originally purchased it, put it up for sale. Mr. Fegley asked who told her she would be able to demolish it at the time when she purchased the property.

Mrs. Stevens stated no one told them that when they purchased it. Mr. Fegley asked if they did any investigation to determine whether or not they would be able to demolish it, and Mrs. Stevens stated they did read through the Board of Supervisors meeting Minutes and there was only mention of the barn. Mr. Shroeder stated nothing said anything about this house. Mrs. Godshalk stated anyone who bought a property in that Development had the Plan to look at which clearly states "house to remain." Mrs. Stevens stated they did not see this. Mr. Shroeder stated "house to remain" does not mean it could never be demolished. Mrs. Godshalk stated there is a Truth-In-Advertising Ordinance; and if the developer does not adhere to the Ordinance, they can be fined. Mr. Fegley stated if the builder misled them, their action is against the builder, not the Township. Mr. Fegley asked if they had any discussions with the Zoning Officer about this property before they purchased it. Mrs. Stevens stated they did look at Plans in Doylestown. They did not discuss this with the Township Zoning Officer. They did hear that the house was not historic. She stated it is not on a National register. Mrs. Godshalk stated it does not have to be on the National register to be considered historical. Mrs. Godshalk stated the Township tries to save every old home, and this home is approximately 200 years old.

Ms. Michelle Stambaugh of the Historic Commission stated Mrs. Stevens did approach them in 2003, and they advised her through a lengthy discussion that it was a historic house from 1820 and it could not be demolished. Ms. Langtry also submitted a memo following the meeting that they would recommend denial of demolition. She stated the house has been listed in their booklet, and it has in the last year and a half gone into extensive disrepair because it has not been cared for or boarded up. Mrs. Stevens stated she did meet with them on this and had additional discussion with Ms. Langtry and was told it was not historic. She stated her original question was how did this situation come to be. She stated it is not a house that can be seen and does not have any integrity within the development.

Mr. Stainthorpe stated the Board was provided copies of the Minutes from the Planning Commission meetings relating to this, but there are no copies of Minutes from the Board

of Supervisors meetings which would be the definitive piece. Mrs. Godshalk stated the Board's approval was based on the Planning Commission recommendation.

Mr. Shroeder stated the Board's approval letter, which is what the homeowners in Wilshire Glen have a right to rely on, does not say anything about the house not being able to be demolished. He stated it does have a lot of details about the barn.

Mr. Stainthorpe stated the Minutes from the Historic Commission clearly state that Ed Jones stated he and his partners would convert the barn on the property to a residence and that he and his wife will restore the original farmhouse and move in. Mr. Shroeder stated this was not part of the Board of Supervisors' approval. Mrs. Godshalk stated this was the reason for the note on the Plan that the house will remain. Mr. Stainthorpe stated he feels badly for Mr. and Mrs. Stevens but feels this is a case where a builder "snookered" the Township and the property owners. Mr. Shroeder stated if that is the case, the Board was in more of a position to prevent this than his clients since they were not here then. Mr. Fegley stated he feels Mr. and Mrs. Stevens' cause of action is against the builder.

Mrs. Godshalk moved and Mr. Fegley seconded to deny the request for demolition.

Ms. Torbert stated Lower Makefield is full of developments that were built on farmland and in almost every instance an effort is made to preserve the farmhouse. The original developer promised to restore the farmhouse and obviously he did not. She stated in Lower Makefield they try to preserve all the historic farmhouses.

Mr. Robert Lichtman, Wilshire Drive, stated he and his wife were told by the builder that the builder who owned the house at the time was going to fix it and move in or it would be demolished. He stated when the builder comes in asking for their money back from their bond, he would not give it to them.

Mr. Fegley stated the builder told the Township that the original builder was going to move in and restore it and live in it and some time after that apparently their plans changed. Whatever was told to the residents after that was not the record that occurred in the Township.

Mrs. Stevens stated Ed Jones was the one that stated this and not Pulte. They took this parcel back when they sold it to Pulte and they took this lot back for \$1.

Mrs. Godshalk stated when they came before the Township, the Board insisted that the house be saved. When the house went up for sale it was not advertised as a lot for sale – it was advertised as a house for sale. Mr. Tyrone Stevens stated the house will not sell. He stated the Township approved a thirty-home development and there are fifty children in the area. He stated they purchased the house the way it is. Mrs. Godshalk stated Mr. and Mrs. Stevens' lawyer has stated the property is a problem, and Mr. and Mrs. Stevens' are the owners. Mr. Shroeder stated it appears they want a boarded up house in a neighborhood that does not want it. Mr. Fegley stated they wanted the house to be restored. He stated a story was then told to future homeowners that it would be

demolished. Mrs. Stevens stated there was never a statement that it had to be restored. The only thing in writing between Eastern Equities and Pulte was that it would look presentable so that the new homes could be sold. Pulte then sold to Quaker.

Mr. Lou Erase, 1241 Wilshire, asked if the Township approved the restoration of the house across the street on Prospect Farm with acreage around it, and Mr. Stainthorpe stated they did. He stated they had a Conservation Easement on that property to prevent DeLuca from building more houses on the lot. Mr. Erase stated no one will buy this house now under discussion because you step off the front porch right into the adjacent property's kitchen. He stated the Township did it the proper way at Prospect Manor but did not at this location. He stated the house at Wilshire is facing the wrong way. Mrs. Godshalk stated there are a number of houses similar to this throughout the Township that are preserved and are on small lots. She stated this house is one of the largest lots in the development. Mr. Erase stated the problem is the orientation. Mrs. Godshalk stated when Mrs. Stevens bought her lot, she knew the location of this house. Mrs. Godshalk stated they did have Plans for the development.

Mr. Martin stated he has lived in this area for twenty-five years. He stated the farm did present an attractive atmosphere for the people. He stated the house in question is quaint but is in disrepair.

Mr. Stainthorpe stated he agrees that the house is an eyesore and a safety hazard in the neighborhood. He would like to table this matter until the next meeting. He stated he feels there must be mention of this in the Board of Supervisors Minutes because they always have extensive discussion when there is a historic house involved. He feels that they also need to think about what is the best overall decision for the community.

Mr. Fazzalore asked what Mr. and Mrs. Stevens will do with the property if the house is taken down. Mrs. Stevens stated they have not discussed this. Mr. Fazzalore stated if they are going to build another house, he would be concerned. Mr. Santarsiero stated this property does have local significance. He asked about the cost of demolition, and Mr. Stevens stated it would cost \$25,000. Mr. Santarsiero stated another option may be to move and house and orient it more to the street which may make it more attractive. He would prefer not losing the house. He also feels they need to research the matter more. Mrs. Stevens stated they would be willing to give the house to the Township.

Mr. Stainthorpe moved, Mr. Santarsiero seconded and it was unanimously carried to table this matter to the next meeting and instruct the Township Manager to find the Minutes of the meetings when this was discussed.

Mr. Shroeder asked that he be provided a copy of the Minutes as well.

APPROVE EXTENSION FOR PROTRACT ENGINEERING, INC. FOR PRIME PROPERTIES SUBDIVISION

Mr. Santarsiero moved, Mr. Stainthorpe seconded and it was unanimously carried to grant an Extension to ProTract Engineering, Inc. for Prime Properties Subdivision of Tax Parcel #20-34-132-1 to 11/6/04.

APPROVE EXTENSION FOR J.C. MCGINN CONSTRUCTION FOR MINEHART PRELIMINARY PLAN

Mr. Santarsiero moved, Mr. Stainthorpe seconded and it was unanimously carried to grant an Extension to J.C. McGinn Construction for Minehart Preliminary Plan to 11/21/04.

ZONING HEARING BOARD MATTERS

It was agreed with regard to the Mark Fried , 721 Stewarts Way, Variance request to construct a fence encroaching in the landscape buffer to offer no opposition unless they will not move the fence to the toe of the berm.

It was agreed with regard to the Gary and Barbara Gorecki, 346 Richard Road, Variance request to construct an addition resulting in greater than permitted impervious surface and a porch encroaching in the front yard setback to leave the matter to the Zoning Hearing Board with regard to the setback but with respect to the impervious surface that it be reduced.

It was agreed to leave to the Zoning Hearing Board the Besco Corporation/James Siegrist, 290 Greenview Road, Variance request to construct a sunroom and deck encroaching in the side yard setback.

Mr. Stainthorpe moved and Mr. Santarsiero seconded to authorize the Solicitor to appear in opposition and request a continuance for Sunrise Development, Inc. for the property located at the southeast corner of Stony Hill and Heacock Roads, requesting a Special Exception to permit construction of an assisted-living facility resulting in greater than the permitted impervious surface and “uses by special exception.”

Mr. Murphy was present with regard to this matter and asked what items are of concern to the Board. Mr. Fegley stated they are concerned with a multi-story structure on this busy corner. Mr. Murphy stated the use is permitted by Special Exception. He stated they would need a Variance for relief on the impervious surface. Mr. Fegley stated the



Board is concerned with the scale of the building. Mr. Murphy asked if they would prefer to have a one-story building. Mr. Fegley stated he would have to see how they would meet the criteria for a Special Exception. If they meet the requirements, it would have to be a one-story building. Mr. Fazzalore stated the Township engineer wrote a letter concerning certain problems with the roadways and cartways and the need to modify the signal; and he would hope that the developer would agree that he would do these things if the Township agreed to this use. Mr. Murphy stated they would consider that at the Land Development stage. Mrs. Godshalk stated she feels they must consider the “welfare” part of the Special Exception and consider the welfare of the people living in the area. She noted this area is zoned Residential.

Mr. Larry Borda, Heritage Oaks, stated he understood that the area would be residential when he moved into the Township. He stated they are now discussing an area which has demands placed on it with regard to stormwater management, and adding additional impervious surface will impact this as there will be large asphalt surfaces. He is also concerned about lighting in the area with this use as well as with certain amounts of infectious waste being removed from the facility. He stated he just received notice of this on Saturday and was not aware that it had been discussed at the Planning Commission meeting. He asked if it will still be on the Agenda for tomorrow evening at the Zoning Hearing Board. Mr. Garton stated they are going to request a continuance. Mr. Borda stated he would not have a problem with houses built on the property.

Mr. Sam Spera, Tomlinson Lane, stated they have had problems with torrential rains recently, and there could be a disaster with a lot of impervious surface in this area. He stated his neighborhood was not notified of this Application. Mrs. Godshalk stated there are requirements to notify residents within a certain number of feet from the subject property.

Mr. Joe Kubler, Heritage Oaks, stated he did review the Zoning of the area before purchasing his home last year and did proceed with the purchase of his home because of the residential zone of this property. He stated there are already problems with traffic in this area.

Ms. Joanne Banarck stated seventeen years ago when they purchased their home, they were told this area was residential. She stated they do not fault Mr. McFadden for wanting to subdivide his property, but they feel it should be developed as residential. She stated she has film of the storm years ago and there was a significant amount of water on this property. She stated there is a creek and wetlands on the property. She stated environmental studies were done previously when they were considering a subdivision of the property, and they identified wetlands and tributaries on the property. She stated she does not feel they should re-zone this for a nursing home or for commercial. She stated she does not object to residential.

Motion to have the Solicitor appear in opposition and request a continuance carried unanimously.

#### SUPERVISORS' REPORTS

Mr. Stainthorpe stated they did receive the Liquor License for the Golf Course, and they feel this will increase their food and beverage revenue. He stated at the most recent meeting of the Regional Traffic Task Force, he did bring up, at the Board's request, the fact that they were not happy with the way Minutes were to be taken. The other Township's agreed and the cost will be shared by the Townships involved. They will select a professional Secretary to keep Minutes for them. At that meeting they discussed operation of the quarries and how the change in the roads might impact them. The quarry owners were invited but none of them were in attendance. There was a landslide that day. The next meeting is scheduled for August 19 to be held at the Newtown Township Municipal Building.

Mr. Fazzalore stated he reviewed the income for the Golf Course, and they were at 95% of their Budget for the month of July with two days to go. Mr. Fedorchak stated he received today the latest report and they were at 106% for the month. Mr. Stainthorpe stated the Official Grand Opening was held and the Press and Golf Press were in attendance. They officially cut the ribbon and dedicated the Plaque.

Mrs. Godshalk thanked everyone for their support for the Edgewood Village Plan. She stated they worked a long time on this, and she feels they will enjoy seeing this come to fruition.

Mr. Santarsiero thanked the Planning Commission for putting the Edgewood Village Plan on their Agenda and carrying this forward. He reported that they had the second meeting of the Southeastern Bucks League of Municipalities and fifteen Municipalities participated. He has been given the task of writing out By-Laws including a Mission Statement. They discussed providing not only a forum for discussion but also an opportunity, if there is unanimity among the Townships at their individual Township Board level, on issues of regional importance which will give all of the participating towns a unique and perhaps greater voice in advocating for these positions. They also discussed some regional issues, one of which was one he brought up flowing from the study that is currently going on regarding the Scudders Falls Bridge and the proposal to widen I-95. He stated he raised the issue that if PennDOT and the Commission are going to study this issue through a Memorandum of Agreement, they should also at the same time study widening I-95 south of 332 because if they do all this work it would then come down to a bottleneck after 332 and this will not serve the residents in this part of the County well. He feels it would be more cost effective and more comprehensive to look at the entire highway while they are doing this work. He stated he will put together information on this for the Board's review which could be

discussed at a future meeting. He stated this might be an issue where the member towns could speak with one voice to advocate to PennDOT to expand the scope of the study. He stated they also discussed the recent change to the Floodplain Ordinance in Newtown Township and the other members of the Zoning Jointure – Newtown, Wrightstown, and Upper Makefield. He will provide additional information on this to the Board members. He stated this is an issue which was brought to his attention by Ms. Goren, Newtown Township Supervisor, and is potentially of concern to Lower Makefield because it could have an impact on the surface water run off going to Lower Makefield. He feels they should look at this more carefully; and if there is an adverse impact, they need to have a voice in this. There was also discussion on the transportation of a nerve agent through Bucks County which would not be in the best interest of the residents of Bucks County. No decision has been made on this and a decision on this is probably not coming in the near term. The argument by those in support of this is that the agent will be broken down and there should not be a concern. He is not sure why the route would have to go through Bucks County and this is another instance where there might be an opportunity for them to speak with one voice if the member groups are in agreement.

Mr. Fazzalore stated there was also discussion in the newspaper on shipping nuclear waste from New York to New Mexico which may come through a portion of Bucks County. Mr. Fazzalore asked if they are taking Minutes at their meetings and asked that these be distributed to the Board. Mr. Santarsiero stated he felt these were to be distributed to the other Board members. He stated their next meeting will be September 30 in Newtown Township and again on December 2 in Upper Makefield.

#### APPROVE AMENDING FEES FOR RENTAL OF ELM LOWNE

Ms. Jo Norum was present and stated they provided information to the Board on the fees to be charged. Mrs. Godshalk stated she feels “Ceremony Only” should be changed from \$250 to \$500 because of the work that needs to be done for such an event.

Mr. Fazzalore stated he understands that they are making these changes because they want to be more competitive.

Mr. Stainthorpe moved, Mr. Santarsiero seconded and it was unanimously carried to approve amending the fees for rental of Elm Lowne with the change of “Ceremony Only” from \$250 to \$500.

#### APPOINTMENTS

Mr. Fazzalore moved, and Mrs. Godshalk seconded to re-appoint James Gumbert to the Cable TV Advisory Board.

Mr. Santarsiero stated they did discuss this in Executive Session. He stated that while he will vote in favor of Mr. Gumbert's reappointment, he feels that when an individual's term is up the position should also be opened up to others in the community as well.

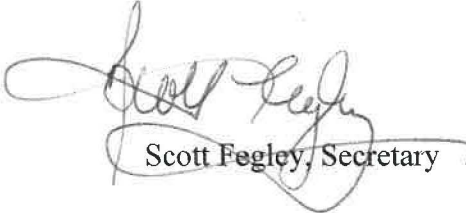
Motion carried unanimously.

#### OTHER BUSINESS

Mr. Fred Allan reported on the conclusion of the PAA season. He thanked the Township for their cooperation, particularly noting Ms. Liney and the Park & Recreation staff. He commented favorably on the condition of the fields and the positive response they hear from those outside of the Township who come from across the Country to participate in Tournaments.

There being no further business, Mr. Fazzalore moved, Mrs. Godshalk seconded and it was unanimously carried to adjourn the meeting at 10:00 p.m.

Respectfully Submitted,



Scott Fegley, Secretary