

TOWNSHIP OF LOWER MAKEFIELD
BOARD OF SUPERVISORS
MINUTES – MARCH 7, 2005

The regular meeting of the Board of Supervisors of the Township of Lower Makefield was held in the Municipal Building on March 7, 2005. Chairman Stainthorpe called the meeting to order at 7:30 p.m. noting that the Board had been meeting in Executive Session since 7:00 p.m. to discuss legal matters.

Those present:

Board of Supervisors: Pete Stainthorpe, Chairman
 Scott Fegley, Vice Chairman
 Frank Fazzalore, Supervisor
 Steve Santarsiero, Supervisor

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

Absent: Grace Godshalk, Secretary/Treasurer

PUBLIC COMMENT

Mr. Zachary Rubin, 1661 Covington Road, stated he is a strong proponent of a Senior Center in Lower Makefield; however, it is his understanding that the \$1.5 million in State funds is part of a capital program wherein the State has the ability to borrow \$200 million to fund certain projects that are worthy of economic impact on communities. He stated on this list there are over \$4 billion in projects. He stated the petition being circulated is to ask the Governor to allocate funds out of \$200 million available out of the \$4 billion on the list, to build a Senior Center. He stated he does not think the economic impact of a Senior Center would be great enough for the Governor to allocate those funds. He stated he feels that they should pursue other avenues as well since he does not feel the Township is going to get the money from that source. Mr. Fazzalore stated that things have changed in the State. He stated the Community College is included in that \$200 million which means there will be less for the College.

Mr. Bob Slamen, 50 Bedford Place stated he is against the Senior Center noting this is not “free money” coming from the State. He stated the Governor raised the income tax 10%. He stated the seniors do get a lot from the Township as they get excellent police and fire protection, roads repaired, sewer service, etc. He stated they get everything all other Township residents receive.

Mr. James Holbert, 884 Slate Hill Road, stated his neighborhood is very concerned that Verizon is using their neighborhood as a dumping ground. He stated they started their project about eight weeks ago. They have dumped gravel and stone at the entrance of their community and the school buses can no longer take their normal route.

Mr. Stainthorpe stated the Township Manager has been meeting weekly with Verizon. Mr. Fedorchak stated they will look into this tomorrow.

Mr. Sam Conti, 96 Sutphin Road, stated there was an article in the Bucks County Courier Times regarding Grants. He stated the Township recently removed recyclable containers from the parking lot; and he asked if the Township did not receive Grants because of the removal of those receptacles. Mr. Fedorchak stated the Township has received a Performance Grant every year for the last fifteen years. Mr. Fegley stated the Township has historically been one of the top three Municipalities in the State for its participation in recycling efforts. He stated they will also hold their second hazardous waste pick up in the Township in the near future. The DEP has only five of these in the County, and Lower Makefield is one of the Townships that participates as a host site. Mr. Conti also noted an article regarding farm subsidies. He noted the article indicates that some Municipalities have received such subsidies. He asked if the Township could apply for these since they own open space and farm properties. Mr. Fedorchak stated this has never been investigated. Mr. Conti noted the listing of local farmers who are receiving subsidies and stated possibly the Township could qualify for this. Mr. Stainthorpe stated they should probably look into this.

APPROVAL OF MINUTES

Mr. Santarsiero moved and Mr. Fazzalore seconded to approve the Minutes of February 21, 2005 as written. Motion carried with Mr. Fegley abstaining.

DISCUSSION AND MOTION ON RESIDENTS' REQUEST FOR TRAFFIC CALMING MEASURES ON RIVER ROAD BETWEEN BLACK ROCK AND FERRY ROADS

Ms. Judy Curlee, 551 River Road, asked that those in attendance with regard to this matter stand. She stated she is representing forty petitioners who reside along River Road between Ferry and Lechtworth. She stated this is a 2.6 mile stretch of road. She reviewed the various speed limits along the length of River Road. She stated there are problems with reckless driving and property damage. She stated there have also been incidents of killed and injured domestic pets and deer on the road. She stated the road topography does not lend itself to the posted speed in their area. She stated there are sixty-nine points of egress along this stretch of road. She has had discussions with Mr. Fedorchak about traffic calming measures that were recently approved for

Lindenhurst Road. They would ask that the Board of Supervisors do a traffic study in their area. They are requesting that there be a reduction in the speed limit to thirty-five miles per hour, increase and maintenance of signage including installation of a “Watch Children” sign, and that there be increased law enforcement during rush hour and weekends. She noted the letter received from Mr. Hastings from Rose Hollow who has had two near misses trying to visit a resident of this area.

Mr. Seth McCormick, 777 River Road, stated he is 100 yards up from Black Rock Road. He stated he has a six foot stockade fence in front of his property. He stated the river bank in front is quite steep. He stated the preferred route to New Hope for motorcycle riders is to come from Black Rock and up River Road. He feels they are traveling approximately eighty miles per hour by the time they reach his driveway. He noted a fatality and property damage in the vicinity of his home as well as vehicles going off the road. He feels there is a tremendous disregard of the speed limit in this section of River Road and does not feel the area is policed as he has never seen a traffic stop in this area. He has contacted the State since when there is a heavy snow, because there is no shoulder, snow plows have taken down his fence and a number of mailboxes. The State indicated his fence was within the acceptable perimeter of what the State regards is its province for snow clearing. He asked that someone in authority speak to them about this matter.

Mr. Tom Lytle, 525 River Road, stated he has had property damage including damage to his mailbox and to the fire hydrant. They would like a safe environment for the people using the road and the people who live there. He stated it is very hazardous trying to turn into his driveway with a tailgater behind them who then proceeds to pass into the oncoming lane of traffic. He asked that the Township do a traffic study.

Mr. Leonard Shrug, 621 River Road, stated the width of the paved surface is 26'. He stated he does not feel forty miles per hour is slow enough for this road and a car will either do property damage or go into the River because of the narrowness of the road. He stated because of the topography, it would be very hard for any of the driveways coming onto to the roadway to meet the minimum PennDOT guidelines for clear site distance for a forty mile per hour road. He stated this is a residential area despite the fact that it is considered a collector road. They feel it should have a thirty-five mile per hour speed limit.

Mr. Stainthorpe stated he is a proponent of lowering speed limits in general. He stated River Road is one of the most beautiful roads in the Township and is an asset to the Township. He stated the Township can apply to take back State roads. He stated they recently did this on Edgewood Road for the purpose of lowering the speed. He feels they should look into this on River Road as well. He stated the State has turned them down on other roads in the past noting that they did try to take back Lindenhurst Road. While the State would not agree to this, they did agree to traffic calming measures. He noted there

made a similar application before the Zoning Hearing Board for Memorial Park. He stated they cannot control the way the Water Company tells them to extend the public water.

Mr. VanLuvanee stated the fourth Variance relates to the area adjacent to Memorial Park. He stated the Planning Commission has indicated they would rather see parallel driveways rather than a common driveway. He stated they did show them a common driveway where they would eliminate any wetland disturbance and reduce the wetland buffer disturbance. The Applicant feels a common driveway is reasonable although they understand why the Township may have a problem with this.

Mr. Day stated he did speak to the Water Company and they would prefer that they bring the water down the opposite side. Mr. Butrow stated they would still have to cross the stream in either case. Mr. VanLuvanee stated they do not feel they have the ability to control the Water Company.

Mr. Fazzalore asked if there would be any disturbance to the wetlands themselves. Mr. VanLuvanee stated there is some wetland disturbance with regard to Variance #1, Variance #3 and Variance #4.

Mr. Stainthorpe stated if Mr. Koopman and the engineer indicate that this is the only way they can do it, he would be in favor of all the Waivers. He would not be in favor of a shared driveway and would prefer that they avoid this. Mr. Fazzalore stated the Board should recall that during the development of Dolington Estates, Mr. Minehart was very cooperative.

Mr. VanLuvanee stated he feels these Variances are relatively minor and they are below what is permitted for lot number under the calculations.

Mr. Santarsiero stated he would prefer that they not have a shared driveway. He stated he is not concerned with the minimal encroachments they are describing. He stated he does have a concern with the driveway going out to Lindenhurst Road although this is not being considered this evening.

Mr. Fegley stated he would like them to mitigate any wetlands elsewhere on the property. Mr. VanLuvanee stated they could look into this. He stated they were trying to minimize clearing on the site and they might have to clear more trees to create more wetlands. He stated they may be able to take wetland buffer and turn it into wetlands. Mr. Fegley stated they could also allow them to do wetland mitigation on Memorial Park property, and Mr. VanLuvanee stated they could look into this as well.

Mr. Garton stated they could consider withdrawing their opposition subject to doing wetland mitigation either on or off-site.

Ms. Susanne Curran, 930 Piper Lane, stated they should notify potential purchasers that Memorial Park is adjacent to this property. Mr. Fazzalore stated this is part of the Disclosure Statement.

Mr. Santarsiero moved, Mr. Fazzalore seconded and it was unanimously carried that the Board withdraw its opposition subject to mitigating the wetlands either in the wetland buffer on site or elsewhere on the Memorial Park site to be determined between now and when the Zoning Hearing Board Hearing takes place.

APPROVAL OF EXTENSIONS FOR HOVNIANIAN BUILDERS FOR FIELDSTONE (#496N), LOWER MAKEFIELD TOWNSHIP FOR PATTERSON FARM, AND ELLIOTT BUILDERS FOR FLOWERS-MADNAY

Mr. Fazzalore moved, Mr. Santarsiero seconded and it was unanimously carried to grant the following Extensions:

Hovnianian Builders for Fieldstone, Edgewood Road (Plan #496N) to 7/21/05

Lower Makefield Township for Patterson Farm to 6/25/05

Elliott Builders for Flowers-Madnay, Washington Crossing Road to 6/20/05

DISCUSSION AND TABLING OF CERTIFICATE OF APPROPRIATENESS FOR 1679 EDGEWOOD ROAD (MESSICK PROPERTY)

Mr. Edward Murphy, attorney, and Mr. Chris Messick were present. Mr. Garton stated the Board of Supervisors has discussed this in the past and were advised that the Applicant was in discussion with Mr. Carter VanDyke. Tonight the issue is whether they will grant permission to demolish the structure. HARB has recommended that it not be demolished. Mr. Garton stated the Board of Supervisors has received the **correspondence** from Mr. VanDyke with respect to this matter.

Mr. Murphy stated they met with Mr. VanDyke on three occasions and met on the site. He noted the 3/3/05 memo from Mr. VanDyke which summarizes how he feels the structure should be considered going forward. He stated Mr. Messick is in agreement with the recommendations made by Mr. VanDyke including the documentation of the location of the property as it relates to Edgewood Road. He stated the survey has already been commissioned by Mr. Messick and will be provided to the Township when completed. Mr. VanDyke indicated he has some sketch plans depicting his ideas on how the site could be developed including the replication of the building in question but would not release these at this time.

Mr. Stainthorpe stated they have hired Mr. VanDyke as their consultant and have been working with him for years. Mr. Stainthorpe stated he feels they should take his advice. He stated he has been involved in the Plan of the Village from the beginning and provided they can properly secure what goes in there in the future, he feels they should permit them to take the building down.

Mr. Santarsiero stated he is supportive of developers who are coming in and trying to realize what the Township envisions for the Village and does not want to discourage him; however, his concern is that he is reluctant to make a decision on allowing him to demolish the building without having a better handle on what the repercussions would be on potential funding going forward. He stated most of this was done prior to Mr. Messick's purchase of the property; and he cannot be held accountable for that, but he has had it for six months and it has continued to deteriorate. He stated he feels they should have at least put on a better cover and tried to stop some of the deterioration, although he is not sure this would have made any difference.

Mrs. Heinz stated Mr. Heinz stated that should the Board decide to take it down, he would encourage them to require the developer to replace it in kind and that the developer retain as much as possible of the original fabric. He feels it should be a recorded demolition and that they salvage as much as possible to be reused on the site. Mr. Murphy stated this is what Mr. VanDyke has recommended. Mr. Heinz has also recommended that they get approval from HARB.

Mr. Stainthorpe stated he would prefer not putting this decision off since they frequently do this when it relates to historic structures and do not make decisions. He stated he feels if they want to move forward with the Village, they now have a developer who wants to do so; and he feels they should let him do this. Mr. Santarsiero stated he feels they should have an expert present at the next meeting who can tell them what the impact would be to the Historic designation if this building is taken down. He feels this can be done at the next meeting. Mr. Murphy stated he was discussing with Mr. Messick if there are public records available so that they can calculate the aggregate square footage of the contributing and non-contributing structures in the Village. Mr. Garton stated he feels a survey was done and they could get this information. Mrs. Heinz stated it is really not 50% - it is what the PHMC decides. She suggested that Mr. Marshall be contacted. Mr. Santarsiero suggested that they get the square footage and have Mr. Marshall come to the next meeting.

Mr. Fazzalore moved, Mr. Fegley seconded and it was unanimously carried to table.

APPROVE GRANTING CERTIFICATES OF APPROPRIATENESS

Mr. Fazzalore moved, Mr. Santarsiero seconded and it was unanimously carried to approve granting Certificate of Appropriateness for 635 Heacock Road (McCaffrey's) sign permit.

Mr. Fazzalore moved, Mr. Santarsiero seconded and it was unanimously carried to approve granting Certificate of Appropriateness for 1706-1712 Yardley-Langhorne Road (James & Elena Harris) re-roofing permit. Mr. Stainthorpe stated this was approved by HARB.

DENY REQUESTS FOR DEDICATION FOR ROLLING GREENE, PEAKE FARM, AND VALLEY GREEN

Mr. Fazzalore moved, Mr. Santarsiero seconded and it was unanimously carried to deny request for Dedication for Rolling Greene (a/k/a) Santosa Estates for the reasons set forth in the memo received by the Board of Supervisors.

Mr. Fazzalore moved, Mr. Santarsiero seconded and it was unanimously carried to deny request for Dedication for Peake Farm for the reasons set forth in the memo received by the Board of Supervisors.

Mr. Fazzalore moved, Mr. Santarsiero seconded and it was unanimously carried to deny request for Dedication for Valley Green for the reasons set forth in the memo received by the Board of Supervisors.

PUBLIC HEARING AND APPROVAL OF ORDINANCE NO. 348 – DELAWARE RIVER SOUTH WATERSHED STORMWATER MANAGEMENT, ORDINANCE NO. 349 – NESHAMINY CREEK WATERSHED STORMWATER MANAGEMENT

Mr. Garton stated these Ordinances have been advertised for consideration this evening.

Mr. Santarsiero moved and Mr. Fegley seconded to approve Ordinance No. 348 and Ordinance No. 349. There was no public comment, and the Motion carried unanimously.

APPROVAL OF RESOLUTION NO. 2076 ADOPTING THE FEE SCHEDULE RELATING TO STORMWATER MANAGEMENT ORDINANCES

Mr. Garton stated this is for the fees associated with the Ordinances just approved.

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There being no further business, Mr. Santarsiero moved, Mr. Fazzalore seconded and it was unanimously carried to adjourn the meeting at 9:25 p.m.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Pete Stainthorpe", with a long, sweeping flourish extending to the right.

Pete Stainthorpe, Chairman