

**TOWNSHIP OF LOWER MAKEFIELD  
ENVIRONMENTAL ADVISORY COUNCIL MEETING MINUTES  
WEDNESDAY, DECEMBER 16, 2009**

The regular meeting of the Environmental Advisory Council of the Township of Lower Makefield was held in the Lower Makefield Township Municipal Building on Wednesday, December 16, 2009. Chairman Geoff Goll called the meeting to order at 7:30 p.m.

**Those present:**

**Environmental Advisory**

**Council:**

Jim Bray, member  
Laura Brandt, member  
Alan Dresser, member  
Rick Ewing, Vice-Chairman  
Geoff Goll, Chairman  
Lisa Grayson-Zygmunt, alternate (absent)  
Joseph Sundeen, member

**Others:**

Dan McLaughlin, Supervisor Liaison  
Jason Simon, Supervisor Liaison

Mr. Goll thanked Mr. Simon for his participation with the EAC this year and welcomed Mr. McLaughlin as the new Liaison. Mr. Simon thanked the Council for giving him the opportunity to serve on the Council.

**APPROVAL OF THE NOVEMBER 2009 MEETING MINUTES**

Mr. Bray moved and Mr. Sundeen seconded and the November meeting minutes were unanimously approved with changes.

**SCAMMEL'S CORNER PRESENTATION**

Mr. Goll recused himself from the discussions. Mr. Nick Casey, project manager, Mr. Kerr, attorney for the applicant and Mr. Mark Mayhew, engineer were present at the meeting to make a presentation to the Council. Mr. Mayhew stated that new plans were distributed and those plans answer many of the comments and concerns of the EAC and the neighbors.

Mr. Casey stated they met with the EAC a year ago. Development of the project site goes back many years noting that Quaker is still in litigation with the Township. There have been many meetings to adhere the plans to a desirable project to the Township, the neighbors and Quaker such as no through traffic, access off of Afton Road discouraged and preserve the manor house with an appropriate lot around it. The site capacity calculations permit 16 lots and noted that K. Hovnanian is no longer developing the site.

Mr. Casey said they feel they have addressed all of the concerns and comments from the EAC and the neighbors. One of the concerns was how close the detention basins are to existing properties. They reduced the setbacks to 35 feet to preserve more trees and basin #2 was pulled back from the existing property on Princeton Drive. They re-routed the discharge from basin #2 to basin #1, which will then drain down to Afton Road and eventually Brock Creek. Mr. Casey said they would do supplemental planting with natives behind the houses that abut the development. Access to Yale Drive will be eliminated and they plan to have emergency access off Yardley-Newtown Road subject to Township approval.

Mr. Ewing asked what material would be used for the emergency access drive. Mr. Casey said they would decide on a porous surface during construction. Mr. Casey said they re-oriented lots 15 & 16, moved the house back on lot 16 to preserve the trees on Afton Road and eliminated the common driveway. He stated they are not proposing sidewalks or curbs and are utilizing the swales along the road. Rain gardens have been suggested but they would prefer to preserve trees on the property, which would be the trade off of rain gardens.

Mr. Dresser asked if there have been any infiltration tests done at the site. Mr. Mayhew replied yes. Mr. Dresser said the soil is very good at the site for infiltration. Mr. Ewing thanked the Quaker representatives for their presentation.

Mr. Sundeen said the smallest lot is in the 18,000 square foot range and noted there are larger lots suggesting Quaker should take advantage of the good infiltration at the site. He asked if there would be sidewalks and Mr. Casey replied no.

Mr. Dresser said on basin #1 the outlet goes off to the northwest and empties to nowhere which will create erosion. Mr. Casey said that will be addressed during construction and will be tied to a pattern of discharge onto Afton Road.

Mr. Bray stated that basin #2 overflows to basin #1 and asked what is the function of basin #2. Mr. Casey said there would be infiltration in basin #2 as well and part of the site drains to basin #2. Mr. Bray commended the new design of moving the houses away from the existing houses in Sandy Run II. He asked if the cul-de-sac is going to be vegetated. Mr. Casey said they plan to vegetate the basin subject to the approval of the Township. They will vegetate the basins with a meadow mixture for better water absorption.

Mr. Dresser said the basin #1 slope is 18 feet lower on the east to the west end. Mr. Mayhew said the drop across the basin is only 4 feet deep at the center and they don't want to disturb the existing slope.

Mrs. Justine Seman, 1259 Yale Drive asked if there is an opportunity for residents to walk the property to see the surveyed line of the property. She asked if Quaker could

include walkways from the development down Afton Road into the Borough and she is still concerned about the flow of water from the development to the Sandy Run II properties.

Ms. Maryellen Galley, 1042 Lafayette Drive asked what does the dark green area on the plan represent. Mr. Casey said the green area is the preserved trees area. She asked what Quaker would do with the bamboo trees on the Quaker property that have now grown onto her property. Mr. Casey said that Quaker would remove the bamboo trees only if they are on the Quaker property. They cannot remove trees on the neighbors' property.

Ms. Janet Wassom, 1079 Princeton Drive said she has had terrible runoff onto her property from Scammel's and the trees have been weakened by the water runoff. She has called Quaker several times about the safety issue with the trees which they said they would correct and no one has ever come out. Mr. Casey said they would take down those trees that are deemed unsafe at the start of construction of the development.

Ms. Diane Audette, 1048 Lafayette Drive asked about the depth of basin #1 and how will the runoff be captured. Mr. Casey said the water would be captured through pipes. She said that some of the trees bordering her property are not in great condition and should be taken down and replaced with a proper buffer. Mr. Casey said there would be selective tree and brush clearing on the property and they will supplement with native species. Ms. Audette asked what would happen to the manor house. Mr. Casey said they will sell the manor house in as-is condition but would require the buyer to preserve the house. Ms. Audette stated that the prior owner took down more trees than allowed by the Township, clear-cutting the property on a holiday weekend when no one was around and the new developer should be held to replacing those trees.

Mr. Casey said in 1998 the prior owner started to clear cut the property. The Township stopped the owner from taking down more trees but the Township did not have an ordinance to prevent this from happening. The owner tried to clear cut the property again and the Township took the owner to court and both sides are in litigation over the woodland limits and site calculations then allowing 23 lots versus the 16 lots proposed today. The Township also expressed a strong desire to preserve the manor house. Demolition permits were issued for the manor house at one time by the Township to Quaker but Quaker will not pursue demolition. The litigation is still pending.

Mr. Sundeen noted if the clearing was never done 16 lots could still have been built upon and from this plan, Quaker is basically going with what the site would originally have allowed. Mr. McLaughlin asked what Ms. Audette wants done about the clear cutting. Ms. Audette said she wants the litigation settled before the construction begins.

Ms. Marcia Leahy, 1032 Lafayette said she is upset because the prior owner got away with the clear cutting and it sets a precedent in the Township although the Township has a standard for this issue.

Ms. Audette talked about the wildlife that lives on the property and asked what will happen to the wildlife once the development begins. Mr. Dresser stated that is a valid concern but there is not much we can do about the wildlife. One resident asked how could the litigation go on for so long.

Mr. Sundeen asked if the development could go forward with the pending litigation. Mr. Casey said they could move forward but would need to come to a resolution on the litigation.

Ms. Seman said that she would like to go back to her point that she would like to walk the property line. Mr. Sundeen said the consensus is that the Quaker Group has met the drainage and slope issues. Mr. Casey reiterated the point that Quaker has addressed the EAC and residents' comments and concerns.

Mr. John Fuller, 1018 Lafayette Drive stated that lot 16 is small and asked what stops the owner from removing the buffer to make the property bigger. Mr. Sundeen said the owner would need a permit to remove trees. Mr. Bray said he is upset that the property owner took down trees like this. Unfortunately, there is a Pennsylvania law regarding this but we cannot levy fines for these types of violations. Mr. Bray said that he would talk to State Representative Santarsiero about changing the law. If the owners were fined \$50,000 to \$60,000 per day they would have stopped sooner.

Mr. Sundeen asked the residents to put their names and email on a list to walk the property. Mr. Casey said that he is opposed to the idea of the residents walking the property.

Ms. Audette asked who would maintain the system of underground basins. Mr. Casey said it is up to the Township to maintain the basins or the homeowners association and that will be dictated during the approval process.

Mr. Casey, Mr. Mayhew and Mr. Kerr excused them selves from the meeting.

## **PROJECT UPDATES**

**Recycling Education Program** – Mrs. Brandt said she was asked to speak in Solebury for grades 6<sup>th</sup>, 7<sup>th</sup> & 8<sup>th</sup> about recycling. Mrs. Brandt gave a recap of her presentation and gave a background on TerraCycle to the kids. Mr. Sundeen suggested including information in the next newsletter asking people to volunteer at the Township schools to aid the schools in their recycling programs.

Mrs. Mazzitelli said that she is working with Mrs. McCormick-Miller, the principal at Makefield Elementary and Mrs. Stafford, the Recycling Club leader to expand the current recycling practices at Makefield. Makefield currently recycles plastic bottles, cans, drink pouches, chip wrappers, paper/cardboard and has started composting cafeteria waste.

However, the cafeteria uses non-recyclable foam trays for food transport and Mrs. Mazzitelli would like to see the District switch to compostable/biodegradable or recyclable trays and asked the EAC to assist her with a proposal for the District to implement at Makefield and hopefully district-wide. Mrs. Mazzitelli stated that she would also like to see the District use single-stream recycling which would promote significant District-wide recycling rather than the few schools that are now separating out the recycled products. The Council agreed they would work with Mazzitelli to develop a proposal to expand recycling and reduce waste within the District.

**Email Newsletter Update** – Mr. Sundeen stated they would send out the next newsletter in January.

**Recycling Survey** – Mr. Dresser stated the \$7,500 grant from the DEP will be issued for yard waste and waste practices survey is complete and a report has been issued. The report includes residential and commercial surveys with recommendations for changes to our program.

**Lecture Series** – Mr. Bray said the Coal Country DVD he recently received might be a great basis for the next lecture series. He will review the DVD and suggested the Council host a lecture in March on the topic if the Council agrees. The Council agreed to discuss at the January meeting.

**Solar Project** – Mr. Bray stated he is looking at energy firms in the state to see what new developments are happening.

**Drainage Basin Project** – Mr. Bray said the project is going really well and not only is it good for the environment but it saves the Township money. Mr. McLaughlin asked how many basins are in the Township. Mr. Bray stated there are 123 basins. Mr. McLaughlin asked why aren't all of the basins naturalized. Mr. Goll said the neighbors of many of the basins have shown opposition to the program.

Mr. Bray said to Mr. McLaughlin that this Council has been so lucky with the success of the projects it has presented to the Supervisors such as the LID ordinance, the Green Building Code and the basin project that other communities look to Lower Makefield for guidance. The Council has an active outreach program noting he recently spoke at Towemencin Township and has spoken all over Pennsylvania and in New York about the Township's green initiatives.

## **LAND USE REVIEWS**

**Zubaida** - Mr. Goll stated he sent a draft to Mr. Majewski. The applicant is looking to expand the building and add adequate parking. He stated the applicant is far from complying with the Township ordinance for storm water management. He noted the applicant has not performed an EIA. He is waiting for a response from the applicant on

infiltration and bio retention might help them meet their goals. The big issue is lighting so as not to impact the neighbors. Mr. Goll said that Rock Run Creek already has a huge flooding issue and this property runs off to Rock Run. The applicant is asking for a waiver for this issue. Mr. Goll asked the Council for any comments to be sent to him then he will send the comments to the engineer.

**Dogwood Drive** – tabled until the next meeting.

**Flower's Tract** - tabled until the next meeting.

**Edgewood Crossing** – tabled until the next meeting.

**Freeman's Farm** – tabled until the next meeting.

**Scammel's Corner** – Discussed earlier in the meeting.

**Octagon** – tabled until the next meeting.

## **OPEN DISCUSSION**

Mr. Goll said this would be his last meeting as Chairman and thanked Mr. McLaughlin for coming to the meeting tonight and thanked the Council for a great year.

Mr. McLaughlin said the biggest issues he heard recently from the public was the leaf collection and the playing fields and the environmental impact of both. He asked what is the impact of fertilizing the proposed fields and runoff. Mr. Goll asked if the proposed 5 million dollars to pay for these fields covers the cost to comply with storm water runoff regulations.

Mr. Dave Ripka, 681 River Road said he was recently a speaker at a Chamber energy meeting and he met a gentleman that represents a solar company that leases solar panels. His company would buy and install the solar system then lease to the Township for one dollar if the Township was interested. Mr. Bray said the Township is already looking into a PPA (Power Purchase Agreement) with such a company. The company would build the system then sell the power at a lower rate to the lessee with the option to buyout the agreement and system in 20 years.

Mr. Ripka said the Township and Borough have spent a substantial amount of money on flood control recently and noted that he is involved with the DVRBC and it was discussed at a recent meeting that the flooding in the past years came from the reservoirs and dams. If properly managed, the reservoirs and dams could alleviate the flooding.

The next regular meeting is scheduled for Wednesday, January 13<sup>th</sup> at 7:30 pm in the Township Building.

There being no further business the meeting was adjourned at 9:25 p.m.

Respectfully Submitted,

Geoff Goll, Chairman