

TOWNSHIP OF LOWER MAKFIELD
PLANNING COMMISSION
MINUTES – MAY 11, 2015

The regular meeting of the Planning Commission of the Township of Lower Makefield was held in the Municipal Building on May 11, 2015. Mr. Dickson called the meeting to order at 7:40 p.m.

Those present:

Planning Commission: John Pazdera, Chairman (joined meeting in progress)
 Dean Dickson, Vice Chairman
 John Tracey, Secretary
 William Clark, Member
 Karen Friedman, Member

Others: Steve Ware, Keystone Municipal Services
 Nathan Fox, Township Solicitor
 Dobby Dobson, Supervisors Liaison

APPROVAL OF MINUTES

Ms. Friedman moved, Mr. Tracey seconded and it was unanimously carried to approve the Minutes of March 23, 2015 as written.

Mr. Tracey moved, Ms. Friedman seconded and it was unanimously carried to approve the Minutes of April 27, 2015 as written.

JOINT WORKSHOP WITH HARB

HARB members Jennifer Stark, Judith Grant, Liuba Lashchyk, and Karren Steil were present. Also present were Ms. Helen Heinz and Mr. Stephen Heinz. Ms. Stark noted the request sent to the Supervisors on March 11, a copy of which had been provided to the Planning Commission in their packet. She stated it describes why she felt they should get together. Ms. Stark stated they are looking at a vast change to what is happening in the Historic District, Edgewood Village, where there is an inventory which is being reduced. She stated there were six demolitions, and there are six buildings which are endangered; and this represents nearly 40% of what they have listed as the structures in the National Register Nomination which is what made the character of the District. Ms. Stark stated if the character of the District is compromised further, they jeopardize losing their designation and losing this cultural resource.

Ms. Stark stated they have found that there have been errors and omissions over the past ten years. She stated HARB is an advisory body and can only give recommendations to the Board of Supervisors. She stated in 2009 one of the structures that was torn down had Stipulations attached to it that were never adhered to. Mr. Dickson asked what structure was that, and Ms. Stark stated it was a tenant house. Mr. Dickson asked where it was located; and Ms. Stark stated it is the empty lot adjacent to the bank on the corner close to the point.

Mr. Ware provided this evening copies of the Edgewood Village Design Guidelines which includes a map.

Ms. Stark stated the development now is moving forward, and it is slated to be multi-purpose Commercial with a restaurant. She stated the development is now owned by a different developer, and none of the Stipulations that were put on that property with the original developer were carried forward.

Mr. Dickson stated he feels the foundation of the tenant house is still there, and Ms. Stark agreed. Mr. Dickson stated he remembered that Stipulation when Mr. Troilo was before the Planning Commission, and he advised Mr. Troilo that it was his recollection that the building envelope had to be preserved. Ms. Stark stated it was not the envelope but the foundation footprint that had to be preserved. Mr. Dickson stated he advised Mr. Troilo that it had to be replicated and could not be removed, and because it was in the Historic District there was a Stipulation Agreement with the Demolition Agreement that it could be demolished but that it would have to be replicated on the site, and Ms. Stark agreed. She added that the 2005 Minutes that were provided to the Planning Commission indicate the timeline. Mr. Dickson stated when he advised Mr. Troilo of this, Mr. Troilo indicated that he did not know anything about that.

Ms. Heinz stated at that time Mr. Carter VanDyke was acting as the Township representative with Mr. Troilo, and he did measured drawings of that building.

Ms. Friedman asked who is responsible for making sure the requests are adhered to. Ms. Heinz stated the Zoning Officer should have advised the Township attorney, and it should have been included as part of the Development. Mr. Stephen Heinz stated the Stipulation should have gone along with the Deed, and he is sure that the Stipulation was communicated to the person who bought it at that time which was Mr. Messick. Mr. Heinz stated he came in for a presentation before HARB, and there was an explanation that was a major aspect of the Demolition Permit. Ms. Friedman stated all of the Boards did a lot of hard work to make sure that they were stewards of historic preservation, and she asked if something did not get written down or was it written down and not paid attention to. Ms. Stark stated it is in the Supervisors Minutes from 2005. Ms. Friedman asked if it ever got transferred to a place where

the developer would know that was what being asked of him. Ms. Heinz stated it is not attached to the Deed so technically it would be up to the next Planning Commission to know that was part of the Stipulation.

Mr. Fox stated a HARB recommendation would be the same as a recommendation from the Planning Commission, and it is an advisory process. He stated it is at the discretion of the governing body whether or not to incorporate that in any Final Land Development approval. Mr. Fox added that he does not know any of the specifics about the development they are discussing. Mr. Dickson asked Mr. Fox if he has seen a copy of the Minutes, and Mr. Fox stated he has. Ms. Friedman stated she finds it hard to believe that the Supervisors would not have adhered to that knowing how all of them feel.

Ms. Heinz stated it has not been developed, and it is still coming.

Ms. Friedman stated she is concerned that if a mistake was made here, it could have been made elsewhere as well.

Ms. Heinz stated it would be up to the Board of Supervisors to decide whether they want to hold the new developer to this.

Mr. Dickson stated looking at the Minutes from 2005, the Demolition Permit was granted subject to "building is replicated and as much of clapboard and beams that can be saved and the foundation reutilized." Mr. Dickson stated he is assuming that has never been superseded; and if it has not, he assumes that it is still a matter of law. Mr. Fox stated it would be if it was an official act of the Board of Supervisors. Ms. Friedman stated they would need to research what happened at that level.

Ms. Stark asked if this has been approved since what HARB reviewed were elevations. Mr. Dickson stated the Planning Commission looked at a Sketch Plan of the restaurant, and it has not gone beyond the Sketch Plan level. Ms. Stark asked if it went through Zoning; and Ms. Grant stated she feels it went through Zoning, and she feels Mr. Troilo requested modifications to Zoning. Mr. Dickson stated Mr. Troilo came before the Planning Commission with a Sketch Plan only for informational purposes, and they have not seen a Preliminary Plan at this point. Mr. Dickson asked Mr. Fox if the Plan is even possible since it violates the Supervisors vote in 2005, and Mr. Fox stated he will have to look into this. He stated he feels his office and the Township engineer's office needs to pay close attention during the review process to make sure it is not in violation of the 2005 Demolition Permit and the Conditions that the Board of Supervisors placed on the granting of that Permit. He stated the only way those should be modified or waived is if there is official action taken by the Board of Supervisors.

Ms. Heinz stated there was a previous structure on that property to the west of the house, and she showed a picture of it. She stated they came in for a Demolition Permit to the Historic Commission at the time they were writing the TND; and they advised the owner not to take it down since if they took it down, they would lose their setbacks because the new setbacks would be further back, and the owner informed them at that meeting that the buyer, who was Mr. Troilo, had said that unless the building was gone, he would not buy it; and that was why he was coming in for demolition.

Ms. Stark stated they came before HARB twice seeking comments on the architectural massing and scale of the structure, and she believed that they were further along because they wrote up directives with consent if they followed the comments they were giving them. She stated if they are only at concept level, and they feel they have jumped ahead and gone through the HARB process which is typically done when you are trying to get a Permit, they are out of sequence. Ms. Stark stated she does not want some kind of jeopardy put into place since he has gone to HARB and they have given comment. She stated HARB was unaware of these Stipulations, and HARB actually stepped back after the second meeting and did their own research and Ms. Grant found the 2005 information.

Ms. Friedman stated no ground has been broken, but the house was demolished. She asked who demolished the House, and Ms. Heinz stated it was Mr. Messick adding they had an engineer out and there was a disagreement between two professional engineers as to whether it was structurally sound. She stated at some point Mr. VanDyke was acting as someone who could speak to Mr. Troilo because some of them were having difficulty negotiating in a nice way, and Mr. VanDyke was able to do that. Ms. Heinz stated there was a fund set up for Mr. VanDyke and Mr. Troilo paid Mr. VanDyke's expenses to advise him. Mr. VanDyke's solution was that they would re-build it, and he took measured drawings, and they were going to build it on the original foundation. Ms. Heinz stated the purpose of the TND was to try to preserve as much of the historic structure as possible, and they did not want to make it easy for developers to tear down the old and build something totally out of character. Ms. Friedman stated that would deflate the whole Edgewood Village concept.

Ms. Heinz stated when the Board of Supervisors gave the Preliminary/Final Approval for Flowers Field, all of the things they should have been arguing about with infill and the way the buildings would look and the structures going up Stony Hill road went away; but there is still the eastern end of the Village. Ms. Heinz stated she was concerned about the conversations that were coming out at the Board of Supervisors meeting when this was presented to the Board of Supervisors, and some Supervisors were saying they should tear down the buildings across the street

to provide more parking. Ms. Heinz stated the house at the very point is the second oldest house in the District. She stated Lower Makefield was one of the few Townships in Lower Bucks County that had a free Negro on the 1790 tax list in that property running a tailor business when there were perhaps twenty black people in the entire Township.

Mr. Dickson stated the house Ms. Heinz is discussing is the fieldstone house with the two additions, and he feels the ideal situation would be to remove the two additions and maintain the fieldstone; however, Ms. Heinz disagreed and stated she feels they should keep it the way it was accepted to the Register with the additions. She stated since there is a vacant lot across the street, she feels they should move the road in that direction if they want more space. Mr. Dickson stated he was looking for a compromise. Ms. Heinz stated as a historian, she feels it should stay as it is; and it would make it more useful since as a one-room structure, it would not be useful for much.

Mr. Fox asked if the Demolition Permit that was granted in 2005 was ever acted on; and Ms. Heinz stated it was, and the house is gone. She stated the foundation was filled in with dirt, but it is still there.

Mr. Heinz stated one and a half years ago he was trying to maintain his seat on HARB along with the institutional knowledge that he had about this situation; and at that point the Board of Supervisors specifically said that he was removed although he does not know the justification. He stated he is still very interested in Edgewood Village, and would happily be restored to the HARB, adding having the background he has in a lot of things might actually help.

Mr. Pazdera joined the meeting at this time.

Ms. Stark stated she feels it would be appropriate to give the Board of Supervisors a recommendation from the two entities talking about protocol, procedures, follow through, and vision.

Ms. Stark advised the Planning Commission that there are two buildings undergoing demolition by neglect. She stated they do use the Property Maintenance Code in the Township, and there are Sections within it which are applicable that have not been enforced. She stated the two structures are the ones on the point. Ms. Friedman asked why the Township is not enforcing the Code, and Ms. Stark stated she does not know. Ms. Friedman stated she does not know how much conversation the Historic Commission and HARB have with anyone in the development process or in the Township. Ms. Stark stated it does not seem like much. She stated when she came back on HARB she did have a discussion with Mr. Fedorchak about what

vehicle the Township had in place, and she made a point of getting it and sharing it with the rest of the members on the HARB; however, it is not being used. She stated HARB cannot force the Township to use it, and Mr. Dickson stated the Planning Commission cannot either. Ms. Friedman stated theoretically it should be used since is something they should be adhering to; and Ms. Stark agreed that it was adopted by the Township, and it is a legal mechanism.

Ms. Heinz stated this has been a long-term issue; and when they were doing the TND before Mr. Troilo purchased the properties on Stony Hill Road, they were owned by another landlord, and part of the issue is because they are low-end housing, they are not well maintained, and there are poor people in the housing. Ms. Heinz stated when there are complaints, those people pay the price. Ms. Heinz stated there are also some owners that are actually not in the Historic District and it would have to be even handed. She stated if the rest of those living in the Township did not mow their lawn, or if their house had siding missing, or their roof was covered with tarps, they would be cited; and she asked why the Township is not citing that area which is perhaps the poorest housing in the entire Township. She stated it would be a hardship, but maybe they could be brought in to see how they could work with all of the Boards to improve the situation. Ms. Friedman stated there might even be Grant funding they could get. Ms. Heinz stated if it is a “slumlord” the issue at some point becomes that since the Township is a Certified Local Community, should they encourage the Supervisors to condemn the properties if the “slumlords” are not taking care of the properties as is done in other Townships, and the Townships take them over and rehab them or turn them over to a developer who will rehab them. Ms. Heinz stated they are plenty of tools, if they want to do that; but she added unfortunately that is political. Ms. Friedman stated to not say something is not right either.

Ms. Stark stated she feels the system is broken. She stated the Boards and Commissions are the ones who are supposed to make the Board of Supervisors aware of what is going on, and they need to do that in a professional manner rather than making public comments at the meetings.

Ms. Friedman stated she feels they need to come up with a protocol document between the Boards; and Ms. Stark stated there is a protocol in place, but it is not being following.

Mr. Dickson stated the Planning Commission listens very actively and carefully to the EAC, and they take their recommendations very strongly. He stated in a case like this, it would seem as if they need to have the same level of input from HARB when it comes to historic buildings that are subject to demolition. He noted Scammell's Corner adding he is still not sure what is happening to the House since when they came before the Planning Commission they indicated that they were going to

demolish it and preserve portions of it, but this was not in the Court Agreement. He stated the Court Agreement stated that they were to preserve the original part of the dwelling, but they said “no.” He stated he does not know what the agreement was with the Board of Supervisors, but added that the house is still there although no one knows what they are going to do with it.

Ms. Heinz stated the HARB is very specific to Edgewood Village, and the Historic Commission deals with the rest of the Township; but she does not feel it is functioning very well right now. She stated under the Code, the Historic Commission has to be active. Ms. Heinz stated if some people are too abrasive to do the work, they need to find someone who can work with the Board of Supervisors.

Ms. Stark stated demolition by neglect is something that they could push now and get citations started, and there are some areas where the Code could be applied. Mr. Dickson stated he feels they would need to approach Mr. Ware and the Township solicitor to look for legal methodology to approach that. Ms. Stark asked if there should be a joint letter that would go to the Township solicitor, and Mr. Fox suggested that if there are a list of concerns they be sent to the Township Manager and be put on an Agenda for discussion at the Board of Supervisors. He stated if it is a communication issue, typically the practice in many Municipalities is that there are Minutes for the Planning Commission; and the business that happens at the Planning Commission is a required process under the Pennsylvania Municipalities Planning Code. He stated for HARB if they want their concerns to be heard, he feels it would be important to put a memo together when HARB is discussing this and, make sure the Township is copied on that. He stated no one may be aware of what HARB's concerns are. He asked Ms. Stark if they meet regularly, and Ms. Stark stated they meet regularly, and they have a Supervisor liaison who comes; and she thought what the liaison was doing was communicating with the other Supervisors.

Mr. Dobson suggested that they send a letter to Mr. Fedorchak. Ms. Friedman stated it is also more concrete if there is something in writing. Mr. Dobson stated they can then check to see what is enforceable. He stated there may be something that says they can go to the owner and advise them they will be fined unless they get it out of the neglect area.

Ms. Heinz stated the risk is that the owner may then indicate that he will demolish it because it is too far gone to spend the money, and as a historian this is the fear and is why they have not pushed too much; and they have always relied on the Supervisors to come to their rescue when things look really bad and meet with the people on the other side to negotiate something so it does not get to the point where it comes up at a public meeting and “gets nasty.” She stated they do want to make the Village a success commercially.

Mr. Dickson asked the mission of HARB, and Ms. Stark stated they are supposed to be overseeing changes to the structures within the Historic District so that it does not change character too dramatically. She stated this is only for exterior changes and maintenance. Mr. Dickson asked the purpose of the Edgewood Historic District, and Ms. Heinz stated the reason they have the District is to preserve the 19th Century crossroads village. She stated it was the main communications route between Falls Meeting and Newtown Township which was the County seat, and from Philadelphia to Yardley. She stated it was a little crossroads village which started approximately 1730 and developed as a mid-19th Century village in the 1850s; and they picked that area as the age to preserve. She stated most of those structures are from 1800 to 1880. Mr. Dickson stated he feels based on his recollection of Mr. VanDyke's plan it was for the preservation and eventual commercial use of the buildings, and demolition by neglect "flies in the face" of what they were originally trying to accomplish; and Ms. Heinz agreed. Ms. Friedman stated there should be no demolition in her opinion. Mr. Dickson stated there has been already which has been the problem. He stated he has been in the Township thirty years, and he has seen a number of those buildings demolished. Ms. Heinz stated there have been fires and vandalism. Ms. Friedman stated her problem is that they already knew they were developing Edgewood Village ten years ago so from that point on no demolition should have been allowed, and they should have been making sure that everything was being preserved from then on since there was a plan in place. She stated anything coming up now because of ten more years of neglect she feels is inexcusable.

Mr. Dickson stated he agrees with Mr. Dobson that the HARB should develop a letter of concern to Mr. Fedorchak about the demolition by neglect and ask that some action be taken. Mr. Dobson stated the Board of Supervisors would probably instruct Mr. Fedorchak to check what is on the books. Mr. Dobson stated he does not feel that the developers should be able to do whatever they want; and if there is a plan in place, they need to enforce the plan and make this work. Ms. Friedman stated they worked very hard on that plan, and she does not understand where the "loophole" came in. Mr. Dobson stated the Board of Supervisors has changed since 2005; however, Ms. Friedman stated the law does not change. Mr. Dobson stated everyone needs to stay on top of this – not just the Board of Supervisors. Ms. Friedman stated they need to find out what might have happened if something did happen and find out where the "hole" is and understand what is going on or they are going to lose Edgewood Village.

Mr. Dickson asked if HARB was asked to review the Sketch Plan for DeLorenzos, and Ms. Stark stated they were. Mr. Dickson asked what was their response, and Ms. Stark stated they tried to be constructive and complimentary where they could and sent them back to the “drawing board;” and they came back the following month with an improved version, but it was the same mass of structure and size. Ms. Stark stated she thought because they were at the HARB meeting it meant that they had already been through the process, and were up for a Building Permit. Mr. Dickson stated that was not the case. Ms. Friedman stated this is a loophole, and they need to have communication between Boards as to where they are in the process in case they try to skip a meeting and go straight to HARB for that purpose. Mr. Dobson stated the Board of Supervisors does not sign off on anything until HARB signs off on it. Ms. Stark stated it was HARB’s recommendation for Certificate, and you do not get that unless you are going for a Permit. Mr. Dobson stated the Board of Supervisors got the same thing the Planning Commission did which was a Sketch Plan. Ms. Stark stated they never saw a Site Plan. Ms. Friedman stated they therefore still have time, and Mr. Dobson agreed that they cannot do anything until they have Final Approval.

Ms. Stark asked how they bring other structures to the attention of the Board of Supervisors; and Mr. Tracey stated he feels it should be the same way Mr. Fox and Mr. Dobson recommended, and HARB needs to write a letter that is detailed enough but succinct enough so that it gets the point across. He stated Ms. Heinz provided a nice “thumbnail” presentation as to why she thinks the Village is important, and that needs to be in the front of the memo to demonstrate the historical importance of the Village and also to highlight why they think things have been passing them by that should not have.

Ms. Heinz stated she feels the average person driving by would also think they should just rip them out, but she stated there are few crossroads villages left in Bucks County. She stated the crossroads villages served the local farms that surrounded the villages, and this was one of them. She stated the original vision as expressed by Ms. Godshalk and Mr. Hackman back in 1984 was that it would be a smaller version of Peddler’s Village with smaller infill houses and perhaps a housing development behind them, but the little houses would always be small and not a “huge, connected Mall.” She stated there were to be little stores and cafes and possibly a Pub for people to congregate in; but it would be something small that would reflect our heritage and not Newtown or Wrightstown or any other area of Bucks County.

Mr. Heinz stated at that time the Historic District, including the HARB that came with it, was enacted by the State it was an established way to maintain the historicity of the place. Mr. Heinz stated there were also funding issues and the State and Fed had funds that the owners could have tapped into, but now the funds from the State and Federal Government have dried up. Mr. Heinz stated a few months ago he presented an idea to the Planning Commission, which was in order to establish communication to have an actual process to go through that would include not only the Planning Commission but for the Sketch Plan to be reviewed by HARB. He stated in this way that they would not just be shown some elevations at the last minute. He feels this should be put down in a formal process, and he had actually started on this before he finished his term. He stated he wants there to be a structured process for going through this. He stated they might even have a liaison from the Historic Commission or HARB be part of the Planning Commission.

Ms. Kaaren Steil stated she is a member of HARB and is Chair of the Historic Commission of which they now have just two members. She noted she has a copy of the Resolution that was done August 22, 1977 which created the Historic Commission, and it states as to the purpose: "Under the general powers granted in the Second Class Township Code and the Pennsylvania Municipalities Planning Code that the Township should have the power to designate certain buildings and structures as historically significant." She further read, "Requesting to create this Commission was the purpose of surveying buildings and structures within the geographic limits of the Township to determine their historical significance. Whereas under the forth set powers of the Township Board of Supervisors should have the right and power to erect Zoning regulations for the preservation of a historically-significant structure and building." She stated it is signed by the Supervisors at the time. She stated the Historic Commission was formed before HARB.

Ms. Steil stated they were all concerned about Edgewood Village. She stated within the confines of the historical information, there is an oral history book with original pictures. Ms. Steil stated about five years ago she spoken to many people who had lived in the Township for fifty years, and they were talking about the different buildings. She stated at that time, they still had the tenant houses that were on Stony Hill Road. Ms. Steil stated there are two people on the Historic Commission, and they are concerned. She stated they have started to digitize what they have so it is not lost. She stated she was told this evening that there are some people who had applied to be on the Historic Commission, but they were not accepted. Ms. Steil stated they are watching Edgewood Village slowly disappear.

Ms. Stark stated when the Township was in the active build-out stage, the Historical Commission was doing a lot of reviews, and the Village was pulled out and they created HARB, the design guidelines, and they got on the Register. She stated now that the Township is nearly built out the Historic Commission's work has really slowed down. She stated it is very unusual for a Township to have both entities, a HARB and a Historic Commission, and usually there is just one. She stated it was her understanding that they were working toward combining the two entities. Ms. Heinz stated this is a problem because the way the Township is now, there could conceivably be three Historic Districts in the Township since the Edgehill Gardens area is now at the level where it could be designated a Historic District, and there is another area to the north of that – the Arborlea area so HARB would actually get more Districts to administer, and the Historic Commission would be in charge of an overlay of buildings built in the Township.

Ms. Stark asked if there is an appropriate vehicle for the Planning Commission to issue a letter now that they are aware of their concerns, and Ms. Friedman stated she feels the weight of this would come from the HARB more than the Planning Commission.

Mr. Fox stated under the MPC and the Second Class Township Code both the Planning Commission and HARB are advisory boards/committees, and they both have separate functions. He stated he feels any recommendation should come from HARB as to their concerns. He stated the Planning Commission has a liaison present this evening from the Board of Supervisors, and he has indicated the Board of Supervisors would like to hear directly from HARB what the concerns are. Mr. Fox stated when Applications come in, he feels the Planning Commission should be mindful of where geographically they are in the Township and ask if this is something that HARB should look at and make a recommendation that the Applicant seek out any comments from HARB. Ms. Friedman asked if they would need a Motion or a letter in order to include HARB or the Historical Commission when Plans come before the Planning Commission so that they would know they could come to the Planning Commission meeting. Ms. Stark stated this would be helpful.

Ms. Heinz stated in this instance the Historical Commission was not operating, and the reading on how it fits into the TND should have come to the Historic Commission and they would have made comment which would have gone to the Planning Commission and Ms. Stark so that HARB would be aware of the issues. She stated Ms. Frick left, and she used to do this.

Ms. Friedman stated she feels there should be a protocol of the way it advances through the system, and it should be at the beginning phase; and she does not know where it has been. Ms. Heinz stated the Historic Commission always got it immediately at the Sketch Plan stage. Mr. Dobson stated they also instruct the developer to go to HARB first if it is in the area over which they have jurisdiction. Ms. Heinz stated the problem is that Ms. Stark would not know what the Zoning is, because she did not get a Plan – only an elevation. Ms. Friedman asked if they normally go to HARB with any review letters from the other Boards, and Ms. Stark stated they do not. Mr. Fox stated if they are first in line, they would not have anything. Mr. Fox stated there would be two components of any submission, and typically Zoning would come first to see if they require any dimensional or Variance relief, and then there will be a separate Land Development Submission. He stated sometimes architecture overlaps in the Zoning, but more often this would be the second phase of the process – Land Development. Mr. Fox stated typically the Planning Commission does ask if they have a rendering, and that may be something they may want to consider in their preliminary review.

Ms. Heinz stated now the Township has a private contractor for the Zoning, the issue was Ms. Frick always used to give the Plans to the Planning Commission so that they could make comments. Mr. Dobson stated that should not have changed, and Mr. Ware stated he does this now. Mr. Dobson stated he wants to get this reviewed by the Township as to what the process is; and he feels they should get the Plans to HARB, the Historical Commission, and the Planning Commission and let them all know what the process is when a development comes in before the Township. Ms. Heinz stated Ms. Frick would tell the Historic Commission when the Zoning meeting would be so that they could be there to make comments. Ms. Friedman stated they should have that for the Planning Commission too.

Mr. Dickson stated they have had instances at the Planning Commission before when people have come before them asking the Planning Commission to take a position, but the Planning Commission is an Advisory Board specific to Plans that are presented to them through the BOS. He stated they are not permitted to make any comment or recommendation about Zoning or anything else as that is not their purview. He stated in this case in looking at DeLorenzo's there is something before them that changes the way they would look at that. He stated if they come back before the Planning Commission, their reference would be the Minutes from 2005 that indicate the Plan violates the Stipulation by the Supervisors for the Demolition Permit. Mr. Dickson stated he feels based on this that Plan is "dead in the water." Mr. Fox stated it has not come to the Planning Commission to be acted upon.

Ms. Grace Godshalk joined the meeting at this time, and she stated when the Village went on the National Register they had to qualify with the number of buildings they had and one objective of staying on the Register was that they not lose those buildings because you could get disqualified from the National Register, and she feels they have lost a lot. She stated they had many studies over the years of the buildings, and they felt they should have a mix of Commercial and Residential with the Residential bringing people into the Village who could walk to the small shops. She stated there could also be small apartments over shops and keeping all the buildings that could be turned into Commercial. She stated the Flowers tract was one of the larger tracts, and they had the opportunity to sell their property to Mr. Troilo and they would have a smaller Residential Village within the Commercial Village. She stated she feels this seems to look all right although some people do not like it. She stated she hopes that the Historic/Commercial will come forward. She reviewed the history of the Tomlinson Store which was going to be taken down but was made available to the Township, and then sold to Mr. Sill. She stated she feels the Edgewood Café looks nice.

Ms. Heinz stated there is now a plan for a big pizza parlor as you turn onto Edgewood at the point. Ms. Godshalk was shown a copy of that proposed Plan, and she stated the foundation was there and it was supposed to be a single home. Ms. Godshalk stated previously Mr. Messick was trying to get access through Giant in the back which is completely illegal because that is dedicated Township open space, and Ms. Heinz stated that is what they want to do now with the new Plan. It was noted this is just at the Sketch Plan stage. Mr. Heinz showed a picture of the building that was previously on that site. Ms. Friedman stated she feels that they should be made to restore the entire house as this would set a precedent as how the development needs to be saved. Ms. Friedman stated there are plans for the foundation, and Ms. Heinz stated Mr. VanDyke was paid for this by Mr. Troilo. Mr. Dickson stated the building envelope for the old gas station was to be restored as well.

Ms. Friedman asked if they are in trouble now at Edgewood Village having lost so many houses that they no longer qualify for Registry. Ms. Heinz stated they asked a person from the PHMC who indicated if the Township did not ask, they would not do anything so if they are not reported, they should be okay. Ms. Heinz stated if they go for Grant money for improvements to the area and if one of the houses were given to the Historical Commission or HARB, they would need the Certification in order to qualify for Grant money so they should keep it if they can.

Ms. Stark stated she does not feel the Township is interested in acquiring any more historic sites. She stated what they were looking for was a way to develop the area at a fair market value for the owners. Ms. Stark stated if there are structures that are turned over to a non-profit in a Historic District, they qualify for Grants, and Ms. Friedman stated this might be a good idea to include in a list of concerns to make sure it is written somewhere and could be used as a reference. Ms. Heinz stated a non-profit can get tax rebates.

Ms. Godshalk stated if the Township does buy something, they could be eligible for Grants and then spin it off. She stated the real house in jeopardy is the one on the corner, and it was noted that this is owned by Mr. Troilo. Ms. Godshalk stated that should not be taken out because it would ruin the whole Village. She again stated that they cannot lose the open space that is already dedicated through the Giant Shopping Center.

Ms. Stark stated HARB will be preparing two letters on these issues to the Township Manager. Ms. Stark advised Mr. Ware that they will be looking for direction from him when he sees something coming in, and Mr. Ware stated he will when something comes in. Ms. Friedman asked Ms. Stark to copy the Planning Commission when she gets the letters written so that the Planning Commission can review them in case they have some other pieces of information they may want to see in there, and it could be done through e-mail. Ms. Friedman stated they would then give their comments back if there are any, and Ms. Stark agreed. Mr. Ware stated there are also the Minutes of the meeting.

Mr. Fox asked that they spell out in the letter to Mr. Fedorchak that he distribute it to the applicable Township staff and professionals to make sure everyone sees this. Mr. Dobson stated he and Mr. Ware will discuss this with Mr. Fedorchak.

Ms. Friedman stated during the Master Plan her favorite chapter was the Historic portion which brought the Township's story to life in a beautiful way.

There being no further business, Mr. Pazdera moved, Ms. Friedman seconded and it was unanimously carried to adjourn the meeting at 9:00 p.m.

Respectfully Submitted,

John Tracey, Secretary