

TOWNSHIP OF LOWER MAKEFIELD  
PLANNING COMMISSION  
MINUTES – MARCH 28, 2011

The regular meeting of the Planning Commission of the Township of Lower Makefield was held in the Municipal Building on March 28, 2011. Chairman Fried called the meeting to order at 7:35 p.m.

Those present:

Planning Commission:           Mark Fried, Chairman  
  Dean Dickson, Vice Chairman  
  Tony Bush, Secretary  
  Karen Friedman, Member  
  John Pazdera, Member

Others:                               Nancy Frick, Director Zoning, Inspection & Planning  
  David Truelove, Township Solicitor  
  James Majewski, Township Engineer  
  Ron Smith, Supervisor Liaison

#607 – PATTERSON FARM – PRELIMINARY/FINAL MINOR SUBDIVISION/  
LOT CONSOLIDATION PLAN – DISCUSSION AND MOTION

Mr. Majewski stated the Patterson Farm is bounded by Mirror Lake Road, Route 332, and I-95. He stated it contains two separate farmsteads – the Patterson/Brown farmstead which contains a house, a barn, and a number of other accessory buildings, and the Satterthwaite farmstead which also contains a house, a barn, and a number of other accessory buildings. He stated the Township would like to take the Satterthwaite parcel and subdivide out five acres for a potential sale.

Mr. Fried stated it is only a possible sale at this time; and Mr. Smith stated they must go through a bid process if it is put up for sale, adding at this time they only know of one person who has expressed interest in the property. He stated there would be restrictions on the property. Mr. Fried stated he understands the genesis of this was that the burden to the Township was fairly significant for maintenance adding that the property is in significant disrepair. He stated he understands that in order to bring it up to any usable level, it could cost at least \$500,000, and Mr. Majewski agreed.

Mr. Fried noted the e-mail sent by Mr. Fedorchak to the Planning Commission which included a breakdown of the costs as well as a statement from an engineering firm which he asked be attached to the Minutes. Mr. Majewski stated this was an architectural firm which gave an estimate of the cost to restore the house. He stated two architects provided estimates, and he feels what they estimated was reasonable. Mr. Majewski stated about

eight years ago he heard that it would cost approximately \$500,000 to restore the house; and while he felt it was high at the time, when he actually saw the house and checked with architects on his own, he agreed that it could be \$500,000 just to bring it up to Code to be habitable. He stated to restore it to historic standards or for an office-type use, \$750,000 would not be unreasonable.

Mr. Fried stated he did have an opportunity to tour the property, and he would agree with what has been indicated in the letters that have been provided to the Planning Commission.

Mr. Bush stated he also looked at the house recently and had looked at it three to four years ago as a member of the Patterson Farm Stakeholders Committee. He stated he does not feel the condition has changed much in the last four years, but his recent visit reminded him of how bad a condition the building is in. He agrees that the numbers that have been provided are not overstated given the condition of the building.

Mr. Fried stated this matter was discussed at the last Planning Commission meeting; and he asked those who have new information or did not have an opportunity to speak at the last meeting, to comment at this time. He asked that they keep their comments on point as to the subdivision.

Ms. Donna Doan, 2814 Langhorne-Yardley Road, Middletown Township stated she has lived in the area her whole life and knew the Pattersons her whole life. Mr. Fried stated Ms. Doan did provide testimony at the last meeting. Ms. Doan asked why this was not brought before the public before the Township went to the expense of surveying and parceling out the parcel. She stated if the Township has no money to repair the property even though they are spending \$15,000 a month on interest to the Dalgewicz family, she asks why money was spent on surveyors before this was presented to the public. Mr. Majewski stated this matter was discussed at several Board of Supervisors' meetings, and the Board of Supervisors authorized the preparation of a Plan for the Subdivision. Mr. Smith stated there was also a full PowerPoint presentation made on this property at the Board of Supervisors meeting. He also stated this property has nothing to do with the Dalgewicz matter. Mr. Smith stated this property has been discussed by the Board of Supervisors on several occasions and numerous people present this evening were also present at those meetings of the Board of Supervisors.

Mr. Fried stated the Board of Supervisors came to the conclusion that they wanted to present this to the Planning Commission, and the Planning Commission can only look at what is put in front of them and make recommendations.

Ms. Doan asked the breakdown of the cost to subdivide the property including all the legal fees involved. She asked if it is true that the property will be sold at a loss.

Mr. Truelove stated he does not know how they could speculate that it is going to be sold at a loss. He stated the original Deed dated 6/30/98 did anticipate during the life of the Pattersons, subdivisions of up to five acres. He reviewed the uses that would be permitted including agricultural and horticultural uses, active and passive recreation, and open space. He stated with regard to the costs, this would depend on the appraisal and the bids. He stated any bid that is accepted would be subject to the Applicants, if they were looking to do something in terms of Zoning that is not allowed by right, to go to the Zoning Hearing Board for a Variance or Special Exception or before the Board of Supervisors for Conditional Use depending on the Application. He stated those costs would be borne by the Applicant and not the Township.

Ms. Doan stated she feels the Planning Commission should consider that there are over 325 years of agriculture on this property; and once the decision is made, it opens the door for further development. She stated they already have a commercial use on the property. She stated the property is in an Agricultural Security District.

Mr. Truelove stated there are several options available to the Township in terms of preservation. He stated out of the over 200 acres that the Farm comprises, 71 acres are part of a County easement. He stated the Board of Supervisors has expressed their desire to maintain some type of open space, agriculture, or some use consistent with what has been done in the past on the property. He stated the Planning Commission can investigate what is the best way to do this and make a recommendation on this to the Board of Supervisors. He stated they could recommend an easement although this would restrict the use of the property. He stated they could also recommend a Deed Restriction which offers more flexibility as well as other options for the entire property. He stated currently they are focusing on the subdivision of five acres. He stated their focus is to maintain the integrity of the property as it was originally contemplated when it was purchased in 1998.

Mr. Smith stated earlier in the year there was an Editorial in the Bucks County Courier Times indicating that the Board of Supervisors was missing an opportunity to commercialize this area and suggested restaurants, strip centers, etc. He stated he responded a week later indicating that the Board of Supervisors as constituted would not want to put anything on the Patterson Farm of a commercial nature that would be inconsistent with what is on the property now. He stated he feels the individual who is interested in purchasing the property would be very consistent with that.

Ms. Friedman asked Mr. Smith about the nature of the PowerPoint, and Mr. Smith stated it showed what the potential buyer wanted to do with the property. He stated Dr. Benz is present this evening, and her PowerPoint showed that her vision was to have an equine hospital. Ms. Friedman stated this would only be for this five acre parcel, and Mr. Smith agreed.

Ms. Virginia Torbert stated she lives on the Torbert Farm which is across the street from the Patterson Farm. Ms. Torbert asked to what extent the Planning Commission will consider Zoning implications as a part of what they are doing. Ms. Torbert agreed with Mr. Smith that this matter has been considered many times by the Supervisors and stated Supervisor Stainthorpe noted the importance of looking into the Zoning issues. She stated she understood that this was going to be part of the review process. She stated Mr. Truelove has indicated that it would be an open bid; however, since there is one use that has been discussed a number of times at the Township meetings, and the veterinary hospital is not a use permitted by R-1 or listed as a Special Exception, she asked if the Planning Commission could consider the implications of a Zoning change.

Mr. Truelove stated the Planning Commission makes recommendations, and they could recommend conditions for a subdivision. He stated any Applicant who would request a use that is not allowed by right, would have to seek relief. He stated he would recommend that the Applicants would have to agree to make their bid subject to obtaining the necessary Zoning relief.

Ms. Torbert asked if the relief would have to come from the Board of Supervisors since a veterinary hospital is not a listed Special Exception. Mr. Truelove stated the Zoning Hearing Board would consider Variances and Special Exceptions. He stated a Conditional Use would go to the Board of Supervisors. He stated in any matter before the Zoning Hearing Board, the Township can decide to take a certain position if they wish. Mr. Truelove added that there is no guarantee that Dr. Benz will get the property, since it is an open bid process.

Ms. Torbert asked about the resident/curatorship program. She stated Mr. Magyar from Mr. Truelove's office stated that it was not necessary to subdivide the property if they were going to do a lease or resident/curatorship. She asked if the Planning Commission will consider the possibility of a resident/curatorship whereby the Township could retain ownership. She asked if they have studied this or asked for information about it since she is aware that Mr. Truelove's office has looked into the legal issues of this. She stated she would request that a resident/curatorship program be given full consideration. She stated while she understands there is no State program in Pennsylvania, there are a number of well-established programs in other States. She stated there are also many resident/curatorships in the State of Pennsylvania including Fairmount Park which includes many homes. She stated the type of person who actually gets involved in a resident/curatorship

is usually someone who has skills, and they put a lot of “sweat equity” into the property including several hundred thousand dollars of their own money. Ms. Torbert stated she has done a lot of research on this and could provide it to the Township.

Mr. Truelove stated a number of States have statutory resident/curator programs, but Pennsylvania does not. He stated his office has contacted the Pennsylvania Museum Historic Commission on this, and they indicated there is not much guidance on these kinds of programs within the Commonwealth. He stated a resident/curator would reside on the property often as a life tenant; and in this case, they would have to agree to pay hundreds of thousands of dollars to restore the property within a certain period of time, obtain insurance, and agree to pay property taxes. He stated he feels that what is being proposed by Dr. Benz is in many ways, other than the ownership part, consistent with a resident/curator program. He stated her proposed use was also discussed by the Stakeholders Committee. Mr. Truelove stated he also believes that in the past there were horses boarded on the Patterson property so there is some equine history on the Patterson Farm.

Ms. Helen Heinz, 1355 Edgewood Road, stated she takes umbrage with what was stated about the resident/curator program since she did an extensive PowerPoint presentation on this for the Board of Supervisors which has apparently escaped notice of most people. She stated Tyler Park is an effective resident/curatorship program. She stated the homes on that property are beautiful. She also noted Ridley Park which are the most highly sought after rental properties in Delaware County, and rents are between \$500 to \$2,000 a month with one month off that the resident tenants put into maintenance of the house. She stated there is no reason for the Township to sell this property.

Ms. Heinz stated the Satterthwaite House is effectively “mothballed” at this time. She stated it would be possible for someone to restore water and put in a kitchen and bathroom and move into the home, although it may not be up to local standards. She stated the Township could also put money into the house taking it from other sources.

Ms. Heinz stated five acres is a critical number and it means that they can trigger Special Exceptions. She stated they hope that the Planning Commission will look at the entire Patterson Farm. She stated if this property is sold or given away, the Township loses control of the property.

Ms. Edna Patterson-Dilliplane, 1870 Yardley-Newtown Road stated the tenant of the Satterthwaite house wanted to purchase it, and the Pattersons did not entertain selling it because they had to have a Plan for the whole Farm rather than just the part that they wanted to subdivide. She stated at the last Planning Commission meeting, the Planning Commission asked for a Plan for the whole Farm before they would make a decision;

and she asked if they have received this. Mr. Fried stated he does not recall the Planning Commission asking for a Plan for the whole Farm; but over the last month the Planning Commission members have been exploring different options and reviewing the information that has been presented in the past. He stated he recognizes her point that she feels this should not be considered in a vacuum. Ms. Patterson-Dilliplane stated if an individual person would have to submit a Plan for the whole property, she feels the Township should do it as well.

Mr. Smith stated he feels Ms. Friedman did ask about plans for the whole Farm; and he stated there is a plan which is in effect. He stated they have already leased the Janney-Brown house to the Artists of Yardley; and it is now being used, after not being used for many years. He stated they have done wonders with the property. He stated the rest of the lands other than the Satterthwaite parcel will remain as they are now which is tillable farmland. He stated if Dr. Benz is successful, it will be a beautiful equine facility where currently it is a disgrace. He stated the Township does not have the money to spend \$500,000 for this property. He stated several years ago they paid \$200,000 for a roof on the barn. He feels the Board of Supervisors is looking to the future, and they have looked extensively into this matter at numerous public meetings including discussions on the resident/curatorship programs. He stated if Dr. Benz is successful, she will be turning a property that is a disgrace into something that every Township resident can be proud of and will not take away from the tillable lands.

Ms. Patterson-Dilliplane stated the first thing the Supervisors took out of the original Budget for this year was the maintenance that was put aside for the Patterson Farm so that they would not have to raise taxes. She also stated she feels that the remaining part of the Farm should go to Farmland Preservation. Mr. Smith stated he has recommended that the tillable land go to Farmland Preservation, but this recommendation was not passed. He stated they do want to get the other property onto the tax rolls.

Ms. Doan stated with regard to getting the property on the tax rolls, this was not an issue when the Pattersons were paying \$90,000 a year in real estate taxes and the Township opted to take their farm and pay one third of the value. Mr. Smith stated this is not correct, and he added Ms. Doan should also discuss the \$1 million that her uncle received.

Ms. Friedman asked if the Comprehensive Plan for the Patterson Farm is in writing so that they will continue to lease certain parts of the property. Mr. Smith stated they are coming to the end of a five year contract on the farming of the tillable land. Mr. Truelove stated it is up in the fall. Mr. Smith stated this will be open to bid once that contract on the farmland is up. Ms. Friedman asked if there is also a part of the Comprehensive Plan that indicates the part of the land other than the farmland that is leasable will continue to be leased. She stated she feels that it is being done piecemeal. Mr. Smith stated the Farm is broken up into individual areas; and the houses which are being leased to the Artists of

Yardley are one part, the tillable lands are another part of the property, and the Satterthwaite parcel is another part of the property. He stated there are different entities with different interests in the Patterson Farm. Ms. Friedman stated she is concerned that the property is broken up with different things going on, and she does not feel she has any assurance of anything going on in a continuum with any thought to it. She stated she is concerned that the leased part will be sold at some point in the future as well if the future Supervisors decide to make a change since there is nothing in writing to assure the public that they will keep leasing the land. She asked if there is anything that could be done.

Mr. Truelove stated the Planning Commission could recommend approval of the Subdivision and make it a part of the recommendation that there be preservation methods for the remaining property that is not protected by the County Conservation Easement. He stated there have been statements made by all the Supervisors since he has been the Township solicitor that they have every intention of preserving the balance of the land. He stated there was discussion about Farmland Preservation taking this on, but Farmland Preservation may not have the income stream to be able to pay for this currently.

Ms. Friedman stated she is hearing that there is nothing concrete and written down, and the Planning Commission could make a recommendation to pursue this.

Mr. Smith stated there is the Stakeholders Report which was commissioned by the Board of Supervisors three years ago, and they have tried to put some of their recommendations into play. He noted particularly the Artists of Yardley leasing part of the property. He stated there were also recommendations made regarding the tillable lands, and the Township has kept that in play. He stated there were also recommendations made for the Satterthwaite parcel. He stated one of the Supervisors wanted to make part of the property into something similar to the Howell Living Farm, but others did not want to because of economic concerns. Mr. Smith stated at the current time all of the Supervisors are maintaining the status quo for the farmlands and making use of the balance of the property as they have done with the Artists of Yardley.

Ms. Friedman stated she has reviewed the Stakeholders Report and does not feel that anything has been done from the recommendations to concreteness in writing. Mr. Smith stated he disagrees. He stated they have enacted some of the recommendations made by the Stakeholders Committee. He stated they do have a Lease with the Artists of Yardley, and this is in writing. Ms. Friedman stated she feels this is still piecemeal, and there is not a comprehensive piece of paper that the Township residents can look at.

Ms. Friedman asked if the Satterthwaite House was taken out of the picture, would the Board still consider selling the property versus leasing or renting it. Mr. Smith stated if it were only tillable lands, and there were no structures on it, he would be in favor of keeping them as tillable lands.

Ms. Friedman stated she understands that \$265,000 was the preliminary asking price, and she asked what the Township will do with this “windfall” of money. Mr. Smith stated he does not know, and he suggested she bring this up before the Board of Supervisors. He stated he feels it could be put back into the General Fund or into Open Space Preservation.

Ms. Torbert stated the Township is using the Patterson Farm not only for the leaves but also using some of the buildings. She stated there are nineteen buildings on the property, and she does not know how many the Artists of Yardley are using, but does know that the Township has been using some of them. She stated they must also consider what the Township would use when they make plans for the property.

Ms. Friedman stated Makefield Highlands was purchased for \$3.3 million for 168 acres which would be approximately \$20,000 per acre. Mr. Truelove stated this was the initial take, but there is a balance which is in dispute. Ms. Friedman stated she also understands that Aria paid \$200 million for 50 acres; however, Mr. Truelove stated this was incorrect and he feels it was \$20 million for approximately 40 acres so this would be approximately \$400,000 per acre. Ms. Friedman stated the Township is selling their five acres for approximately \$53,000 per acre. Mr. Truelove stated nothing has been sold. Ms. Friedman stated she feels this is a very short-sighted view for selling such premium real estate for the sake of a house that is “broken.” Mr. Smith stated he feels Aria overpaid for the property, but this was up to them. He stated the seller was an absentee owner of the parcel who lived in Florida. Mr. Smith stated there are historical buildings on the Satterthwaite property, and it will cost a lot of money to put them back into proper condition.

Mr. Bush stated he feels there are a lot of competing public interests. He stated one of the primary objectives of the Patterson Farm Stakeholders Committee was that the farmland should be kept intact. He stated there is a huge expense to the public with regard to these buildings, and the Township needs to “stop the bleeding.” He stated the Planning Commission was provided numbers today that show that in five years the Township has put \$600,000 into this property which is a lot of money for a building that has never had any public utility at all in twelve to thirteen years, and will probably never have any public use. He stated at one point, it probably did have some historical significance; but it is probably beyond that at this point. He stated there are a number of other buildings on the property, and they seem to be in better shape; and the Township resources probably could be better directed to preserving those buildings. He stated there are also other historical properties that the Township owns including a house on Makefield Highlands Golf Course that is empty and is in far better condition than the Satterthwaite House. He stated at some point the Township needs to make a public policy decision of where it is going to direct resources. He stated the Township recently sold Elm Lowne, and this was another property that essentially had no public usage

although it did have historical value and was in much better condition than the Satterthwaite House. Mr. Bush stated the original Deed did recognize that during the Pattersons' lifetime, even they contemplated subdividing up to five acres of the property. He stated the Satterthwaite House is in "horrendous" condition, and he feels in most communities it would have been condemned and bulldozed already.

Mr. Bush stated he feels the Township has three options, one of which is what is being considered which is to sell the property and let someone else invest money in the property and make it habitable. He stated another option is to keep the farmlands in tact, "stop the bleeding," and bulldoze the building which he feels would upset the historical preservationists. He feels the parts of the building which have historical value could be resold or removed and put to use in other historical properties. He stated the third option is for the Township to put a lot of money into the buildings which the Township does not seem to have at this time to restore the building to historic condition and use it for some unknown purpose. Mr. Bush stated he does not feel any Township could afford this third option. He feels they should either sell it or tear it down and keep the property intact.

Mr. Dickson stated they are looking for someone to come in and restore the house at a cost of a minimum of \$750,000 given its condition. He stated this building being discussed has historical significance, but it is a "money pit." He stated the Planning Commission is being asked by some people to not sell it but continue to use tax dollars to maintain it. He stated the Township has already spent significant amounts of money just to put a roof on a barn. He stated he believes that if this building did not exist and it were tillable land, they would not be discussing this. He stated those interested in doing so could suggest to the Supervisors that they float a bond issue to specifically pay for this property. He stated he feels they should either find a purchaser or bulldoze the property.

Mr. Pazdera stated over the years the Supervisors have tried to preserve all of these properties and now they are losing them one by one; and he does not feel the commitment is there to maintain them. He stated he does not want to lose this house, and he would prefer to see it restored and maintained in perpetuity. He stated the Township is not in a position to do this, so they must look at alternatives methods; and he would be in favor of having someone else take on that responsibility. He stated while he would prefer not to give up the property, if this is the means to save this part of the property, he is in favor of the proposal.

Mr. Fried stated the Board of Supervisors has a responsibility to everyone in the community. He stated the lands were purchased as open space, but the Board also has a responsibility to the residents who pay taxes; and the Board needs to be responsible as to how they spend tax dollars. He stated these are also difficult times. Mr. Fried stated he had the opportunity to tour and house, and it is in very bad shape. He stated there are aspects of the house that have historical significance. He stated his feeling is he would

prefer to maintain the integrity of the entire property by not seeing it sold, but he recognizes that there is a balance to that; and he wishes there was some middle ground. He stated whatever is decided, he agrees with Ms. Friedman that there should be a plan for the entire property.

Mr. Fried asked Mr. Bush if he had discussions with anyone about the demolition of the Satterthwaite property so they could keep the property as tillable acres. Mr. Bush stated he did discuss this with Mr. Majewski but just for the purpose of getting a cost estimate.

Mr. Smith stated he would not be in favor of bulldozing the buildings. He stated the Board of Supervisors does have to have a balance. He stated he has seen what Dr. Benz wants to do with the property; and if her vision is realized on this part of the property, when you look at the property as a whole, you will see the same property but much nicer. He stated it would be something that the Township could be proud of even though this five acres would not be owned by the Township.

Mr. Fried asked if the Planning Commission could make a recommendation that within the subdivided parcel certain requirements are placed on it such that whoever would bid on it would be required to restore the buildings; and Mr. Smith stated this is what they intend to do. Mr. Fried stated he is also concerned that it could be rehabbed, and they would then put a Wendy's inside. Mr. Smith stated he understands that they do not want it to be commercialized; and Mr. Smith stated this will never happen under his watch or the watch of future Supervisors. He stated they need to consider if they should do this by Ordinance, Resolution, or an Overlay Restriction which would restrict Dr. Benz or some future owner from commercializing the building into a strip center.

Mr. Fried stated with regard to the rest of the property, he understands that there are issues with giving the property over to the Conservancy because the Township would like to continue to generate revenue; and he asked the options as far as assuring the Township residents that the tillable acreage will remain tillable acreage.

Mr. Truelove stated the Planning Commission could make a recommendation that the 120 acres that are not subject to the Conservation Easement remain somehow restricted. He stated what form that restriction would take would be something they would have to look at. He stated every Supervisor has expressed their desire to keep the land in farmland, and this may be the impetus to do that. He stated the conditions of the sale could restrict the use; and if the successful buyer or their heirs and assigns would want to sell the property, the Township could be given the first option to re-purchase the property.

Mr. Smith stated he would not have any objection to the Planning Commission recommending to the Board of Supervisors that they consider having a master plan for the Farm apart from the Stakeholders Report.

Mr. Dickson stated he does not feel the resident/curatorship is feasible and someone would have to spend close to \$1 million on a property that they do not own. He stated he would like the Planning Commission to recommend to the Board of Supervisors that if the property is sold, that the money generated not go to the General Fund, but go to open space preservation. He stated he would also like to recommend that the Township consider enacting an Overlay Ordinance in the future to protect these properties.

Mr. Bush moved and Mr. Dickson seconded that since the Township has met its burden under the Township Ordinance as to the Minor Subdivision/Lot Consolidation of the property, and that the Planning Commission has been advised that it does not contradict any of the Agreements as part of the purchase of the property, the Planning Commission recommends to the Board of Supervisors approval with the following Conditions:

- 1) Any funds the Township receives as a result of the sale of the property be directed to maintenance of the other buildings on the site and/or the property itself;
- 2) Appropriate Deed Restrictions be placed on the property being sold as outlined in the Bucks County Planning Commission letter of 2/17/11;
- 3) Remaining tillable acres on the farm be preserved;
- 4) The Township should have the right of first refusal if the purchaser of the home were to try to re-sell the property in the future;
- 5) Whatever is the intended use of the property, it should be consistent with the current use;
- 6) Approval of the Waivers outlined in the Remington Vernick review letter of 2/23/11;
- 7) Next year the Planning Commission will review the Comprehensive Master Plan (if not before that time); and the specific use(s) of the Patterson Farm should be incorporated into the Plan as to how it is going to be used, and not just piecemeal.

Motion carried with Ms. Friedman opposed.

#### #569-B – SCAMMELL’S CORNER – CONSIDERATION OF PROPOSED STIPULATION AND AGREEMENT

Mr. Truelove stated although not legally required, the Supervisors and the professionals felt it would be best to have this matter discussed publicly. He reviewed the history of the property when a number of trees were taken down, Court actions was taken, and over time the property changed hands. He stated the Quaker Group obtained a legal interest in the property; and in the last several months, representatives of the Quaker Group have been working with Mr. Majewski and the Township solicitor’s office regarding development of the property. Mr. Truelove stated the property is zoned for Residential use. He stated as a result of the discussions, they are attempting to bring the outstanding litigation to a close as well as bring the project forward for possible approval.

Mr. Truelove stated they are proposing a seventeen lot Subdivision with sixteen new homes and one existing home to be preserved. He stated there have been discussions about restoring many of the trees as well as discussion about ingress and egress for the development which has as little impact as possible to the neighboring developments. He stated they will also be consistent for the most part with the Low Impact Development Ordinance which was enacted in 2006.

Mr. Majewski stated they also felt it was important that a buffer be maintained to the existing residential properties that surround this property. He stated they came up with a 25’ buffer along the western edge of the property, a 50’ buffer along the northern property line, and a 30’ buffer to the properties that back up to Princeton Drive. He stated they walked the property with the developer and saw that a number of the existing trees were dead, dying, diseased, and not desirable species of trees.

Mr. Majewski stated he feels it is appropriate to provide a buffer to supplement the existing trees which would remain; and they will walk the site with the developer to ascertain the health of the trees and their desirability to remain and to the extent that any trees need to be removed, that they provide a Type II Buffer along the property. He stated this calls for a certain number of evergreen trees which would be 50 trees for every 1000 feet of buffer, shade trees at a spacing of 55 per thousand linear feet, and 10 ornamental trees per 1000 feet of buffer. He stated this buffer would work with the existing trees to remain and provide the abutting residents with a buffer to soften the effect of the new homes.

Mr. Majewski stated they also felt that a setback from the buffer to a house should be maintained. He stated according to the Ordinance for a property such as this, a 45’ rear yard buffer would be required from the limit of the resource-protected land to the closest point that a house could be. He stated he felt this was important since they do not want those moving in to cut down all the trees to get more of a usable rear yard. He stated the 45’ rear yard from the house to the preserved buffer would allow prospective homeowners to put in patios, decks, a swing set, possibly a pool, etc. without encroaching upon the woodlands to be preserved.

Mr. Truelove stated tonight they are only looking for input from the Planning Commission and the public. He stated this matter has come to this point since while they could litigate this matter for a number more years, in terms of savings to the Township and its residents for legal fees and also for the end result, they feel this looks as close to a favorable plan under the circumstances that the Township will be able to obtain. He stated Mr. Majewski has worked very hard with the Quaker Group in getting a lot of the features which he has already discussed.

Mr. Majewski stated the Type II Buffer does call for a berm; but in this instance, they are only looking for the number, size, and type of trees and not to create a berm.

Mr. Fried stated he understands that the Stipulation and Agreement before the Planning Commission has been negotiated by the Township and the other parties and is essentially in final form; and Mr. Truelove stated it will have to be considered by the Board of Supervisors, and they wanted others to have input. Mr. Truelove stated it has been reviewed by the Board and Township professionals, and there has been substantial discussion by counsel for the developer and the Township solicitor's office. Mr. Fried stated it seems that there will be development on the property, and the Township has worked to represent the residents the best they can in order to avoid extended litigation. Mr. Truelove stated property owners do have the right to develop their properties subject to the Ordinances and regulations.

Ms. Friedman noted Page 11, #8 which states, "The Township expressly waives the requirement of Section 178-93B of the SALDO which would require that Quaker conduct a preliminary sub-surface investigation for determination of recharge characteristics of the entire property." She asked why the Township is waiving this, adding if so many trees have been removed possibly the integrity of recharge will be different.

Mr. Majewski stated Quaker would like to proceed with a lay out somewhat similar to what is being presented; and to that extent, they do not want to do recharge over the entire site, and they would like to put the stormwater management facilities in the general location of where they have been shown on the Plan rather than follow the Ordinance which indicates you should blanket the property with testing to determine where the best recharge is. Ms. Friedman asked if they feel they are doing the most effective stormwater management; and Mr. Majewski stated he believes the developer has done some infiltration on the site, and there were areas where they did have infiltration.

Mr. Majewski added this property had been farmland up until the 1970s, and sometime in the 1980s, they let the property go and over time trees took over and it became wooded.

Ms. Friedman asked if there have been any water issues in the neighboring development since the trees were removed several years ago. Mr. Majewski stated the neighbors have expressed concerns about water problems since the trees were taken down. Ms. Friedman asked if they will get a report on some recharge areas; and Mr. Majewski stated they will, and they will work with the residents to make sure all of their concerns are addressed during the Plan review stage.

Mr. Bush noted Page 6, Paragraph 4 which refers to the fact that Quaker Group will make provisions for the preservation of the existing house or portions of it which are considered to be historically significant by competent historical or architectural authorities; and he asked if any assessment has been made at this time.

Mr. Nick Casey was present from the Quaker Group with Mr. John VanLuvanee, attorney. Mr. Casey stated there were some preliminary historic assessments taken on the structures on the property. He stated the building that is most worthy of being preserved is referred to as the Scammell House. He stated there were four or five additions that were put on the house, and this is why the language is shown as it is so that as they make provisions for the preservation of the house all the different facets of the additions are taken into consideration when they put the standards for the preservation together. He stated they have been able to date the various additions on the House; and when they get to an Agreement whereby they can proceed with further planning and engineering, evaluations will be done and a determination will be made before anything is done with the house. He stated they have provided on the Plan a lot that can accommodate the entire structure if it is deemed to be appropriate that the entire structure be preserved.

Mr. Dickson asked if they have consulted with the Historical Commission, and Mr. Casey stated they have not at this point.

Mr. Casey stated with regard to stormwater management, the design will be closely scrutinized by Mr. Majewski. He stated they will go through the proper testing and design for the structures, and they have incorporated into the Plan the primary stormwater management basin which provides for a certain amount of infiltration as well as rain gardens incorporated into the Site Plan in other areas. He stated they will basically follow the natural drainage pattern of the site and also divert the discharge away from the homes where it is currently flowing.

Mr. Truelove stated since the time that the trees were removed, stormwater management techniques have progressed substantially so what they now have available is much more sophisticated than what was available ten to fifteen years ago. Mr. Casey agreed and stated the basins will be designed in accordance with Best Management Practices which are much more advanced than what they were previously.

Mr. VanLuvanee stated Mr. Casey did meet with the EAC a number of times for over a year. Mr. Casey stated through that process, the primary issue was the lot yield calculations; and they are confident that they are entitled to sixteen new residential lots. He stated they are also aware that the Township is very much interested in having the Scammell House preserved, and this Plan incorporates the interest of the Township and the developer's rights. Mr. VanLuvanee stated the sixteen lots was determined based on the woodlands that existed on the property prior to the clearing, and this was a big issue in the litigation whether they were entitled to use a different number because the tree clearing had been done before there was a pending Plan. He stated the Township had taken the position that they should use the woodland cover that existed prior to the clearing activities, and this was the discussion before the EAC. He stated the sixteen lots was the result of that calculation, and Mr. Majewski was involved in making that determination presumably based on the aerial photographs that existed.

Mr. Casey stated after they met with the EAC, they also spent a lot of time with Mr. Majewski and walked the entire site; and Mr. Majewski is fully aware of the nature and condition of the vegetation on the site. Mr. Casey stated Mr. Majewski was able to provide good recommendations on changes to the Plan to help provide some further setback from the residential properties.

Mr. Smith stated while this has not formally come before the Board of Supervisors, he feels they have Mr. Casey's personal assurances working with Mr. Majewski that the water problems will be much improved. Mr. VanLuvanee stated the Stipulation requires compliance with current stormwater management standards, and those standards do require a reduction in rate of run off post development. He added those requirements have not been waived by this Stipulation. He stated he assumes that if the developer does what they are required to do, if there are stormwater issues now, they will be addressed during the course of the development; and they should improve the situation. Mr. Smith stated they want to make sure that the existing residents will not have the difficulties that they have now with regard to water run off.

Mr. Casey stated the natural drainage directs everything to the northeast corner of the site, and they have the stormwater management basin located there; and the discharge will be redirected so that there will be an improvement in stormwater management.

Mr. Truelove stated the developer will be coming before the Board of Supervisors at a meeting in April to review the Concept Plan, and they will then do the detailed engineering and go through the entire review process. It will then come back to the Planning Commission and then to the Board of Supervisors for final approval.

Ms. Helen Heinz and Ms. Roseanne Friehs of the Historical Commission were present. Ms. Heinz stated they feel this Plan is much more in line with the neighboring Developments, and they are happy with the Plan. She stated the Plan shows that the existing house is to remain, and also notes a second dwelling to remain which she presumes is the out kitchen. She stated she assumes the little log cabin will be coming down, and Mr. Casey agreed. Ms. Heinz reviewed some of the history of the house. She stated there were ceramics on the property which are worthy of preservation, and they hope the developers will look into this. She also noted there were Mercer tiles in the kitchen, but she feels Mr. Erlich, the prior owner, took these. Ms. Heinz stated the out kitchen was expanded; and while it may not be historically significant, she is pleased to see that it will be preserved. She stated there are also substantial ruins in the front of the property along West Afton Avenue, and she asked that the developer consider incorporating these stone walls into the development plan in some way.

Mr. Fried suggested that the Historic Commission put something together and communicate either directly with the developer or pass it through the Township; and Ms. Heinz stated she would be happy to do this.

Ms. Justine Seman, 1259 Yale Drive, stated she is thankful for what the Township has done fighting for the residents for the trees. She asked if the developer has considered the street view on Afton Avenue and 332. She stated there is no way to walk in this section. Mr. Majewski stated a sidewalk is required. He stated it will go down 332, down Afton Avenue, and back to University Drive. Mr. Truelove stated this would be part of the Land Development and would not be shown on the Plan at this stage.

Ms. Janet Wassum, 1079 Princeton Drive, stated within the last month she spent \$1,000 to put in drains. She stated when she moved into her home in 1969 the woods were there. She stated over the past few years, the trees have been falling down, and some of them have fallen into her yard, and she has spent close to \$1,000 removing the trees. She stated she had called Quaker Group about this, and they indicated they would send someone out to take care of it; but she had to take care of it. She stated she hopes they can trust Quaker Group to do what they say they are going to do. She stated they also need to clean up the garbage on the property. Mr. Fried stated he feels it is evident from the effort on the Stipulation Agreement that the Township has worked very hard to bring this to a conclusion and to protect the interests of the residents as best they can.

Mr. Joe Sundeen, 1108 Pratt Drive, stated he serves on the EAC, and they did have two meetings with the developer; and they have been very responsive to the EAC's issues. He stated through the efforts of Mr. Majewski and the EAC, they have been able to reduce the number of lots in the development. He stated there is one entrance off of the lower access road into Sandy Run II off of Afton. He stated this will cut through a very steep bank; and while it is an artificial bank, it has been vegetated for many years.

Mr. Sundeen stated there will be a deep cut into this bank going up into the development, and they have discussed this steep slope issue with Mr. Majewski. Mr. Sundeen stated this will be the single entrance into the development, and all vehicles will come through here; and this will add to the traffic coming in and out of the lower entrance. He stated he feels this will be hazardous because people travel quickly down Afton going into Yardley. He stated he feels the Citizens Traffic Commission should consider this. Mr. Sundeen stated there is also a very large, thriving deer population on this property.

Ms. Regina Gebka, 1115 University Drive, thanked the Planning Commission since this is something they have been looking forward to for a very long time. She asked if the Zoning would be Residential for the entire site since previously they had discussed rehabbing the existing structure and turning it into a condo. Mr. Truelove stated it will be a single-family home.

Mr. Dan Swantko, 213 W. Afton, asked if there is a fact sheet he could take from the meeting this evening so that he could review it and be better prepared by the next meeting. Mr. Truelove stated the Concept Plan and proposed Stipulation Agreement could be obtained from the Township. Mr. Smith stated he would have to file a Right-To-Know Request. Mr. Swantko agreed to come to the Township to request this. Mr. Swantko asked what buffering is proposed along Afton Avenue, and Mr. Majewski stated most of the existing trees along the top of the hill along W. Afton Avenue are to remain. He showed on the Plan the proposed tree line. Mr. Swantko asked if the new homes along W. Afton will face toward Afton or toward the development, and Mr. Casey stated two to three homes will face W. Afton, but their access will be off the interior road. Mr. Casey stated the trees in the area which are healthy will remain, and they will remove any dead or diseased trees.

Mr. Swantko stated if they are going to put in a walking path along Afton Avenue, it will have to be constructed in a very special manner because of the speed of the traffic on Afton Avenue and because it will be steep. Mr. Smith stated he feels the Citizens Traffic Commission will consider this.

Mr. Truelove stated this is only the first stage, and the Plan will go through the normal development process and will include review by various reviewing agencies.

Ms. Virginia Torbert, Chair of the EAC, asked if there are any specific traffic issues included in the Settlement Agreement other than the sidewalk which was already discussed. Mr. Truelove reviewed the document and stated he does not feel there are. Mr. Casey stated they will have to address the traffic issues as part of the development process. Mr. Majewski noted Page 9 #3 that states, “Quaker shall not be required to install off-site road improvements ... and no road improvements to existing roads bordering the property shall be required unless such improvements are required by the

Pennsylvania Department of Transportation.” Mr. Majewski stated they are not required to do road widening on W. Afton Avenue or Route 332. Mr. VanLuvanee stated the Township did not want access out to either of those roads.

Ms. Torbert stated from looking at the drawing it appears that the current driveway is not going to be used, and Mr. Casey stated this would only be for emergency access.

Mr. Majewski stated they will not be putting in any new roads and are only utilizing the existing Lehigh Drive.

Ms. Barbara Beede, 1028 Lafayette Drive, stated she has a half acre property and two years ago she needed to do a kitchen addition, but she was already over her permitted impervious surface. She asked if this property would be under the same regulations in terms of the percentage for impervious surface. She stated she did get a Variance for her kitchen addition, but she is concerned that four or five of the new houses will put in swimming pools or in some way exceed the impervious surface ratio which would further impact the existing properties. She stated before she did her kitchen, she removed two trees and re-graded and re-seeded the property in order to get more grass to hold onto more soil.

Mr. Majewski stated the new development would be allowed to have more impervious coverage than the existing development. He stated years ago when they came up with impervious surface requirements, the older developments did not provide for detention basins and stormwater management; and therefore, any additional impervious surface added on to an older, existing development exacerbates downstream problems and the storm sewer system, and they are restricted to a lower number and many have to go to the Zoning Hearing Board to get relief. He stated the new subdivisions are designed to handle a much larger amount of impervious surface.

Mr. Fried stated he assumes that any new development would operate under these new rules, and this developer is not getting anything special, and they will be under the Township rules as they apply today; and Mr. Majewski agreed.

Mr. Truelove stated if someone wanted to put in a swimming pool, and this would add impervious surface that would exceed the new allowable impervious surface, they would still have to go before the Zoning Hearing Board for a Variance. He stated the Township looks at this very closely with every Application.

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There being no further business, Ms. Friedman moved, Mr. Dickson seconded and it was unanimously carried to adjourn the meeting at 10:05 p.m.

Respectfully Submitted,

Tony Bush, Secretary