

TOWNSHIP OF LOWER MAKEFIELD  
BOARD OF SUPERVISORS  
MINUTES – JANUARY 21, 2015

The regular meeting of the Board of Supervisors of the Township of Lower Makefield was held in the Municipal Building on January 21, 2015. Ms. Tyler called the meeting to order at 7:35 p.m.

Those present:

Board of Supervisors: Kristin Tyler, Chair  
Dan McLaughlin, Vice Chair  
Jeff Benedetto, Secretary  
Dobby Dobson, Treasurer  
Ronald Smith, Supervisor

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

SWEARING IN OF RONALD A. SMITH, SUPERVISOR/REMARKS BY MR. SMITH

Mr. Ronald A. Smith was sworn in as Supervisor. Ms. Tyler welcomed Mr. Smith back to the Board.

Mr. Smith thanked the Township Board for his appointment . He stated while he cannot replace Pete Stainthorpe, he will consider Mr. Stainthorpe who he served with for six years as Supervisor, when he votes. He stated he will do his utmost to be fiscally responsible and to provide transparency. He stated he will also do his best to improve congeniality on the Board. He stated he previously served for six years as a Supervisor, and one of the best votes he ever made was when he made the Motion to appoint Kristin Tyler as a member of the Board of Supervisors. He stated he has watched her grow as a Supervisor, and he is proud that he was part of bringing her onto the Board.

Mr. Smith stated he is succeeding Pete Stainthorpe and he hopes the Board at some appropriate time will consider naming something after Mr. Stainthorpe to remember him possibly the Township Pool as Mr. Stainthorpe and his family were very involved with the Township Pool although someone may come up with another idea.

Mr. Smith stated he wants to insure public safety and will do his utmost during this year to do this in a fiscally-responsible way.

Mr. Smith stated he will do his best during the year to treat people with respect. He stated in 2015 and for however long he is on the Board, he pledges to insure transparency in Government. He stated nine years ago when he was on the Board they instituted televising the Supervisors' meeting, and he feels this was a big step toward open Government. Mr. Smith stated when the Board approved his appointment, he asked Ms. Tyler where he could help, and she indicated that they need someone to work on enhancing communication in the Township. He stated the Township has a good Electronic Media Board, and he wants to work with them to improve communication with the public, and would suggest that there be a communications forum in the community. He stated he would like to bring in the "Millennials" to help with this. He stated he would like to hold this meeting on February 2 at the Township Building to discuss communication issues and how to enhance communication.

Mr. Smith stated he wants to see things done as quickly as possible, and he hopes that they will get the Community Center completed as soon as possible.

Mr. Smith asked that everyone try to keep politics away from the Township as much as possible and try to make Lower Makefield Township a better place than when we found it.

#### PROCLAMATION HONORING VETERANS COMMITTEE/VETERANS SQUARE FOUNDATION

Ms. Tyler stated over six years ago this group devoted time, effort, and expertise to placing a Monument in the Township to honor those who have served our Country. She stated the Dedication was held over a month ago, and they want to thank the Committee for what they have done. Ms. Tyler read the Proclamation into the Record.

Ms. Kathy Kraeck stated this has been a very meaningful project which she is thrilled to have seen brought to completion. A replica of the bronze eagle was shown, and these will be available for purchase with a portion of the proceeds going to the Monument.

#### PROCLAMATIONS HONORING EAGLE SCOUT CANDIDATE JOE IWASYK AND EAGLE SCOUT CANDIDATE NATE SMITH

Ms. Tyler stated two Eagle Scout Candidates contributed their time and resources to enhance the Memorial, and she read into the Record the Proclamations honoring Joe Iwasyk and Nate Smith.

PUBLIC COMMENT

Mr. Harold Kupersmit, 612 B. Wren Song Road, read a tribute in memory of Pete Stainthorpe. He also noted he will have an announcement in early March about his plan for supplemental education funding.

Mr. Greg Papazian, 580 Kings Road, stated several weeks ago his recently-adopted dog got loose and was missing for many days. He acknowledged the work of Ms. Fazzalore, the Animal Control Officer, the Police Department, and many people who helped find his dog. Ms. Tyler stated they acknowledge Ms. Fazzalore's extraordinary efforts in bringing "Hank" home, and many members of the community were brought together trying to find the dog. Ms. Tyler invited Mr. Papazian to have "Hank" join them in their Veteran's Day Parade.

APPROVAL OF MINUTES

Mr. McLaughlin moved and Mr. Dobson seconded to approve the Minutes of December 3, 2014 as written. Motion carried with Mr. Smith abstained.

Mr. McLaughlin moved and Mr. Benedetto seconded to approve the Minutes of January 5, 2015, January 7, 2015, and January 12, 2015 as written. Motion carried with Mr. Smith abstained.

APPROVAL OF DECEMBER 1, 2014 AND DECEMBER 15, 2014 WARRANT LISTS AND NOVEMBER, 2014 PAYROLL AND JANUARY 5, 2015 AND JANUARY 19, 2015 WARRANT LISTS AND DECEMBER, 2014 PAYROLL

Mr. Dobson moved, Mr. McLaughlin seconded and it was unanimously carried to approve the December 1, 2014 and December 15, 2014 Warrant Lists and November, 2014 Payroll as attached to the Minutes.

Mr. Dobson moved, Mr. McLaughlin seconded and it was unanimously carried to approve the January 5, 2015 and January 19, 2015 Warrant Lists and December, 2014 Payroll as attached to the Minutes.

## DISCUSSION OF NEWTOWN TOWNSHIP'S ECONOMIC DEVELOPMENT AGENCY GRANT APPLICATION FOR A RE-USE STUDY FOR THE LOCKHEED MARTIN SITE

Mr. Ryan Gallagher, Chairman of the Newtown Township Board of Supervisors was present and stated he would like to discuss the Lockheed Martin site and the surrounding area. He stated Lockheed Martin made the decision to close their Newtown facility due to Federal defense cuts and corporate restructuring. He stated they are in the process of trying to sell the property; and while there has been interest, they have not come to an agreement. Mr. Gallagher stated Newtown formed an Economic Development Committee, and they are addressing the Lockheed Martin site which they feel is part of a corridor which includes Lockheed Martin, Holy Family College, the Aria property, and some other properties further down the Newtown By-Pass. He stated this corridor effects Newtown and Lower Makefield, and they wanted to look into this further. He stated the Economic Development Committee and the Board of Supervisors decided to apply for a Federal Grant for a land re-use study which would address the entire area. He stated they felt since some of this area is in Lower Makefield, they should reach out to the Lower Makefield Board of Supervisors to see if they would want to be a participant going forward.

Mr. Kurt Ferguson, Manager of Newtown Township, stated because of its socio-economic status Newtown Township would not typically qualify for this Federal assistance but because of the magnitude of the closing of Lockheed Martin it opened up this opportunity. Mr. Ferguson stated they went to the Economic Development Agency (EDA) in Philadelphia, and they were very positive about participating in the study. He stated he was advised by the EDA that there is a \$500,000 threshold, and this is within their administrative capacity to approve. He stated the EDA recognizes that this is one of the prime pieces of available property on the East Coast, and they have a lot of interest in it. Mr. Ferguson stated while he cannot give a specific amount for the cost of the study, he estimated that a study of this scope would be between \$200,000 and \$250,000. He stated the EDA's commitment would be 50%, and there is a 50% local match. He also noted the Bucks County Industrial Development Authority (IDA) has indicated a willingness to financially participate, so he feels the truly local match will be between \$85,000 to \$95,000.

Mr. Ferguson stated their goal is to make Application to the EDA as soon as possible or by March at the latest. The RFP would then go out, firms interviewed and a selection made, and the study would take up to one year to get done. Mr. Ferguson stated Lockheed Martin's representatives have expressed a willingness to participate in the process. Mr. Ferguson stated the EDA wanted to get a sense of whether there were any other Municipalities which may have contiguous parcels that could benefit from being part of the study. Mr. Ferguson stated if Lower

Makefield is interested in participating, there would have to be discussions between the Boards as to what level of participation would be appropriate.

Mr. Benedetto asked if there is a plan to go to Bucks County to see if Bucks County will contribute to the cost, and Mr. Peter Krauss, Bucks County Industrial Development Authority, stated they do have funds to support projects such as this. He stated this is a remarkable parcel, and there are not many locations along I-95 which have large parcels of land available. He stated the closing of Lockheed is considered a substantial economic dislocation which is why this would qualify for substantial infrastructure or other related improvements.

Mr. McLaughlin asked what a re-use study would hope to accomplish, and Mr. Krauss stated they would want to make sure that the parcel gets the highest and best use that would create the best-quality jobs. He stated their vision is that it would lend itself to advance manufacturing, pharmaceuticals, or life sciences related industries and not commercial development. Mr. McLaughlin asked if this re-use study is a very elaborate way to find a new tenant/owner, and Mr. Krauss agreed. Mr. McLaughlin asked if this could lead to a change in Zoning, and Mr. Krauss stated they would look for very clean industries that could replace the high quality jobs lost with Lockheed Martin leaving. Mr. McLaughlin asked about Lockheed Martin's participation, and Mr. Krauss stated he feels they would participate as to their knowledge base and possibly financially as well although he cannot speak for them.

Mr. Benedetto asked who would conduct the study, and Mr. Krauss stated there would be a bidding process. He stated they would look for a world-class company. He stated currently Lockheed Martin has a broker representing them with the sale, and the study being discussed would present what the communities feel the site should look like. Mr. Benedetto asked if there have been comparable studies done in the area, and Mr. Krauss noted some studies he has been involved with and one that was done in Hatboro-Horsham for the re-use of the former Air Station site. He stated there are National firms that undertake this type of enterprise. Mr. Benedetto stated the cost quoted of up to \$250,000 seems to be very high for the fifty acre site; however, Mr. Krauss stated the entire corridor would be looked at. Mr. Benedetto asked about the timeframe, and Mr. Krauss stated if they get the Application in by next month, he feels the EDA would turn this around in approximately thirty days, and it could take sixty days to find the consulting firm.

Mr. McLaughlin stated they are asking Lower Makefield taxpayers to help Newtown Township. Mr. Krauss stated the County feels that this is not just helping Newtown, but is helping the whole County. He stated Lower Makefield would be investing money, but they would get a better sense of what they want that parcel to be.

Mr. McLaughlin stated the parcel could sell which would help Newtown Township, but he questions what Lower Makefield taxpayers would get from this vacancy being eliminated. Mr. Krauss stated it would depend on how the parcel that is in Lower Makefield gets re-developed. Mr. Krauss noted it is unlikely that the vacant parcel in Lower Makefield is going to be left vacant over the next ten to twenty years given its location near the most important north/south roads east of the Mississippi. He stated this would be an opportunity for Lower Makefield to think through how they would like it be developed.

Mr. Gallagher stated they could look at the Lockheed Martin site in a vacuum, but what they realize is that most residents do not know where the Municipal boundary is between Lockheed Martin and I-95. He stated they wanted to look at it from a wider view to see what would be best for the area. Mr. Gallagher stated as it relates to the financial contribution, they can determine what the ratio would be based on how much of the property is in Lower Makefield and how much is in Newtown Township. Mr. Gallagher stated Commissioner Loughery knows a lot about economic development, and he indicated that this might be one of the greatest opportunities between Maine and Florida on the I-95 corridor given the population density, the number of businesses, and the accessibility to I-95. Mr. Gallagher stated if someone were to assemble the lots in the area, it could be up to 200 acres of prime real estate. He stated this is why they felt they should include Lower Makefield and do the study not just looking at this in a vacuum. Mr. McLaughlin asked if they are including the Aria site when they discuss 200 acres, and Mr. Gallagher agreed.

Mr. Dobson asked if the Aria site were to be developed what would this do to the study. Mr. Gallagher stated they expect the entire process to take twelve months, and they could stop it at any time recognizing that properties could be bought and sold at any time.

Mr. Ferguson stated coming to the Board was not out of a desire to have Lower Makefield subsidize their Plan. He stated this is a unique opportunity in that they will have access to Grant money due to the magnitude of the loss of Lockheed. He stated the first thing the EDA asked was if there was anyone else they wanted to make this available to, and they felt it would be an opportunity for Lower Makefield to participate in the planning process. He stated while it would be productive for Lower Makefield to participate, it will not hold up the plan if Lower Makefield decides that it is not in their interest. He stated their motivation in coming to Lower Makefield was to look at the contiguous parcels and do the outreach to see if Lower Makefield felt there was value in participating. He stated Lower Makefield may decide to make adjustments to their Zoning if they felt they wanted to be consistent with the Plan.

Mr. Benedetto asked if Newtown is definitely going to file the Application, and Mr. Ferguson stated the only part of the Application not done is scope. Mr. Benedetto asked if Newtown's Economic Development Committee will have representation as part of the analysis; and Mr. Ferguson stated they will, and he envisions a working committee that would be the group that the consultant would work with. He stated if Lower Makefield were to participate, he would imagine there would be a discussion between the Boards as far as what sort of representation they would have as part of the process. Mr. Benedetto stated Lower Makefield also has an Economic Development Committee which should have input.

Ms. Tyler asked Mr. Krauss what commitment the County is prepared to make to this endeavor; and Mr. Krauss stated he feels it would be between 25% to 30% of the cost.

Mr. Smith asked what they are looking for specifically from Lower Makefield as to the cost; and Mr. Krauss stated they do not have that figure at this point, and they only wanted to see if Lower Makefield was interested in participating. H stated they will put a rough draft together, and as they get closer they will determine what the study will cost and what the contributions will be. Mr. Gallagher stated he feels they could do this based on the amount of acreage in each Township, but there is no fixed formula at this time.

Ms. Tyler asked if they have approached any other stakeholders to participate other than Lower Makefield, and Mr. Gallagher stated privately Lockheed Martin has expressed that they are willing to cooperate although their stake has not been defined. He stated other than that they have only looked at it at the Municipal level, and they have not had discussions with Aria or Holy Family. Mr. Smith asked if they have had discussions with RAFR, and Mr. Gallagher stated they have not. Mr. Benedetto stated he feels Holy Family would have a vested interest in seeing what will go in and Lockheed Martin would have the most interest. He stated he hopes they will have not just have an interest but a significant financial interest as well.

Mr. Gallagher stated Lockheed Martin has just expressed their cooperation in the Grant, and they have not made any financial commitment. Mr. Gallagher stated they are not here to use Lower Makefield taxpayers' money to fund their project, rather they are here because they are looking at this more holistically. He added that if Lower Makefield does not wish to participate, Newtown will still go forward; and it will just stop at the line across Dave Fleming's field.

Mr. Benedetto asked if they have had any discussions with Lockheed specific to the property as to what use they are looking for; and Mr. Gallagher stated Lockheed Martin has been a great corporate partner with Newtown, and they would like to go out on a good note. He stated they are in constant communication with them and their brokers. He stated they do want to divest themselves of the real estate.

Mr. Benedetto asked when they would want a response from Lower Makefield, and Mr. Gallagher stated he would hope by the next meeting they could let Newtown know of their interest. He stated during that timeframe there could be discussions as to how the finances would work. Ms. Tyler asked if Lower Makefield's name has to be on the Application; and Mr. Ferguson stated the Application as submitted now does not have to specify Lower Makefield Township per se, but they will be putting the study area in and they would not put in an Application that includes Lower Makefield property without the Lower Makefield Supervisors being in favor of it. Mr. Garton stated the Board would have to vote to participate with respect to the Township properties and to expend funds. He stated it is possible that they may be able to do this incrementally in that if they agree to participate early on, if they find that the cost is excessive, they could get out. Mr. Krauss stated they would like to be able to tell the EDA that Lower Makefield has an interest.

Mr. McLaughlin stated before they move forward he would like to have an idea as to the cost, and he feels it would be disingenuous to commit to something and then back out. Mr. Ferguson stated his estimate is that the County would conservatively commit to \$35,000; and he feels that they could do an acreage calculation as to what portion of the study area is in Lower Makefield and if there is \$80,000 to \$90,000 remaining for the local match, they could estimate what Lower Makefield's cost would be; and he could provide this to the Township Manager in a few days. Mr. Dobson stated this would not take into consideration possible contributions by Lockheed or Holy Family, and Mr. Ferguson agreed. Mr. Dobson stated he feels it would be good to reach out to them as soon as possible to see if they are willing to participate financially. Mr. Ferguson estimated that one third of the property would be in Lower Makefield and Lower Makefield's contribution could be \$30,000 and Newtown's \$60,000, and both of those amounts would be reduced proportionately by any other monies that would be contributed by Lockheed Martin.

Ms. Tyler asked what the end product will be, and she asked if it will be a planning tool. Mr. Ferguson stated they will not know until the study is done, and he feels this is why they are doing it. He stated they felt this was a great opportunity, and the County also feels that this is a major opportunity not only for Newtown and Lower Makefield but for the County and the area as well. Ms. Tyler stated whatever the end result is, it would still just be a suggestion; and Mr. Ferguson agreed and neither Newtown nor Lower Makefield are bound to the results of the study. Ms. Tyler stated the landowners would not be bound by it either, and Mr. Ferguson agreed.

Mr. Ferguson stated the worst case scenario would be that funds were extended for a study, and the best case scenario is that there are ideas and suggestions that come out of the study that can help develop the area properly in a way that looks at the future. He stated he sees this section as a corridor and does not see the Municipal boundaries. He stated it is the gateway to both communities, and he feels it is their responsibility to get it right which he feels they can do with proper planning. He stated often dealing with land development is reactive, and he feels this is a way to have a vision for the future of what they would like to see. He stated possibly there could be a joint Municipal overlay for the area.

Ms. Tyler asked Mr. Fedorchak if Lower Makefield has ever participated in a study of this type; and Mr. Fedorchak stated while it was not exactly not like this, the Township did participate with Newtown and Middletown with respect to a signal inter-connect project on the By-Pass. Mr. Smith several years ago the Township also participated in a Regional Traffic Study with numerous Township, but the funding came from PennDOT as he recalls.

Mr. Benedetto asked how they became aware of the Grant, and Mr. Krauss stated the County contacted the EDA. Mr. Krauss stated a reason to participate in the study is because it then makes you eligible for substantial infrastructure improvements along the corridor subsequent to the study's completion and this would be good support for whoever develops the parcel with regard to traffic flow, etc.

Ms. Tyler stated they understand the urgency of this matter, and she feels the Lower Makefield Economic Development Committee should be involved so that they can come to a decision. Ms. Tyler stated she would be reluctant to make a commitment without an understanding of the financial implications.

Mr. Gallagher stated if there is anything the Board would like to ask, they should have Mr. Fedorchak reach out to the Newtown Township Manager. He stated he feels this proposal is a great idea for both Townships, and the only reason they were eligible for the Grant money is because of the economic impact of Lockheed Martin as normally this type of Federal money would not be available to them. He stated the County has also agreed to contribute financially.

Mr. Kupersmit stated they indicated that there are two hundred acres available, and he asked who they have reached out to purchase this property. Ms. Tyler stated Lockheed Martin has a real estate broker who is actively marketing the property. Mr. Kupersmit asked how much they are asking for the property. Mr. McLaughlin stated based on the tax assessment the property is worth \$39 million. Mr. Kupersmit stated if they are indicating that this is a choice property between Florida and Maine, there should be "millions of takers" and they should not have to spend any money on a study.

Ms. Sue Herman, President of Residents for Regional Traffic Solutions, Inc., asked that the Board be an active participant in the visioning for this corridor. She stated if the Township does not participate, they will be “victims” of the outcome of the vision for the corridor. She stated they have heard rumors that “big box” stores have looked at the Lockheed Martin site recognizing that would probably require a Zoning change, and she feels “big box” stores would cause concerns about traffic, safety, and quality of life. Ms. Herman stated by participating she assumes that Lower Makefield would have the opportunity to weigh in on what is happening, and Mr. Gallagher agreed Lower Makefield would have the opportunity to provide insight if they were to participate.

Mr. McLaughlin stated while Lower Makefield could participate and weigh in, legally there is nothing the Township can do to a private landowner to force them to craft what they envision. He stated the property can be developed and approved by Newtown through their Supervisors and Zoning Hearing Board without Lower Makefield having much say. Ms. Tyler stated it was indicated earlier that possibly there could be a joint overlay District.

Mr. Benedetto stated he feels Mr. Krauss’ remarks were extremely persuasive when he indicated that the Federal Government will help with infrastructure improvements if the study is conducted. He stated the study is going to be done and the property developed, and he feels the Township should participate.

Mr. McLaughlin stated he would like to know the benefits of the Township participating before he spends any money.

Mr. Ferguson stated there are no guarantees. He stated the re-use study will help provide a vision, and there will be a level of specificity to identify the “temperature” for companies looking for a property and identify the opportunities. He stated the site does have fairly restrictive Zoning, and it could not be a retail center. He stated he feels Lockheed recognizes that some of those who have been approaching them are things that are currently not viable from a Zoning perspective, and he feels this is one of the reasons Lockheed is willing to participate. He stated part of the study will have an economic component as far as employees and taxes. He stated he hopes the results of the study will be that the Board will have a clear direction on what are the reasonable expectations for how these properties will be developed. He stated the study could come back and indicate that there is no one in the Country from the pharmaceutical industry looking for a site this size, but they may identify a number of other companies that would be willing to take a smaller sized piece of the property; and then the Board could look to keep the use the same but have it portioned into smaller pieces to make that a more viable alternative. He feels the study will help guide the Board as far as decision making in terms of Zoning, flexibility, and who the Township would look to, to come into that site.

Mr. Ferguson stated with regard to Lower Makefield, he feels part of that discussion as well would be in the identification of those uses. He stated there may be someone who is looking into that corridor in general and not just the Lockheed site.

Mr. Dobson stated if Lockheed finds a buyer in the next few weeks that fits into the Zoning, the study will not take place; and Mr. Ferguson stated this could be the case if the timeframe were that quick. He stated if something happens with that site in six months and the study is underway, he feels that they would still proceed with the completion of the plan.

Mr. Smith asked what the current Zoning permits for the area, and Mr. Ferguson stated it is a limited Industrial use and would include different office uses and uses in the general nature of what is happening there now. He stated it could not transfer over to retail, general commercial use, or mixed residential use as currently Zoned. Mr. McLaughlin stated they could change the Zoning, and Mr. Ferguson agreed.

Mr. McLaughlin asked what would happen if Lower Makefield's vision and Newtown's vision are not the same. Mr. Ferguson stated this is a difficult aspect of multi-Municipal planning. He stated Mr. Krauss has indicated that they want to have something that creates high-ended jobs to replace the Lockheed jobs that were lost. He stated in the creation of the plan, Lower Makefield would have to decide if they feel participating in the plan would help the plan be consistent with Lower Makefield's vision for the site in Lower Makefield. Mr. Ferguson stated there is the opportunity that something could happen as a result of the plan which would make monies available to assist with infrastructure issues such as traffic flow.

Mr. Dobson stated Newtown Township will still make the ultimate decision as to what happens in Newtown Township, and Mr. Ferguson agreed.

Mr. Benedetto stated he feels Mr. Ferguson has indicated that the study will provide valuable information so that Lower Makefield can make an informed decision.

Mr. Dobson stated his biggest concern is traffic in that area.

Mr. McLaughlin stated it is possible that the plan may come back and recommend that a hospital be located in this area, and Lower Makefield does not want a hospital there. Mr. Ferguson stated the Lower Makefield Board may decide to re-Zone the Aria property for a use that causes massive traffic, and Newtown residents would have to "fight" that traffic to get to I-95. Mr. Dobson stated Lower Makefield residents have to do that as well. Mr. Ferguson stated Newtown is as concerned about what Lower Makefield will do with the Aria tract as much as Lower Makefield is concerned about what Newtown does with the Lockheed Tract, and this is why he feels they should work together.

Mr. Ferguson stated while both Townships should have input in the study, he does not want to “steer” what is supposed to be an independent analysis. He stated if they do not like the results, no one is obligated to do anything.

Mr. Joe Menard, 917 Putnam, stated over the new few weeks they should decide what additional information they need to make a decision. He stated he feels they should find out what kind of studies have been done by the National companies that do these studies and what has been the result.

Mr. Smith stated he feels he needs more information on this. Mr. McLaughlin asked Mr. Fedorchak to get an example of a re-use study. Mr. Garton stated they will try to get the re-use study for the Naval Air Development Center in Warminster and the one for the Willow Grove Naval Air Station.

#### UPDATE ON QUIET ZONES

Mr. Eisold stated since December there was a diagnostic meeting with the stakeholders. He stated they went to each of the three sites looking at the configuration of the road. He stated they are in the process now of putting together the preliminary report which includes putting together preliminary construction drawings as well as the PennDOT drawings for Heacock and Stony Hill Roads which are State roads. Mr. Eisold stated once the preliminary report is put together, the Notice of Intent will be submitted to the stakeholders, and at that point the public will be involved once there is a plan for them to look at. He stated the phase they are in now should take four to six weeks to complete.

With regard to the Grant, Mr. Eisold stated on December 1 the Township received a letter that the Grant was awarded. He stated they hope to have the Agreements in place by March/April. He stated in the letter received there was a section indicating that they should not proceed with any work until the Grant Agreement is in place, and he advised them that the Township had already started with the planning process because there is a lengthy process involved with the Federal Railroad Association, and Mr. Eisold stated they indicated that work could continue. Mr. Eisold noted that this is a matching Grant.

Ms. Tyler asked when the Notice of Intent is anticipated to be sent out, and Mr. Eisold stated he feels it will take approximately six weeks.

Mr. Eisold stated there are some residential issues that will have to be dealt with particularly with regard to the Stony Hill Road property, and they need to get those details on the Plan. Mr. Eisold noted the length of the island can change based on the impacts in that area.

Mr. McLaughlin asked if the Railroads have any say going forward as to the Quiet Zones, and Mr. Eisold stated the consultant from Gannet Fleming has indicated that as long as we meet the rules for the Quiet Zones, the Railroads have to accept it.

Mr. Benedetto asked about the work that was done this past week, and Mr. Eisold stated the rails were delivered which relate to the third rail project. Mr. Eisold stated the SEPTA Project Manager did contact the Township about this, and they had discussions with the Chief and the Township Manager. SEPTA agreed to pay any Police costs.

Mr. David White stated he is concerned about the comment that they not proceed too far until the Grant Agreements are approved. He stated he hopes concerns about the Grant will not stop the project. Mr. McLaughlin stated the Board is committed to quality of life, and this is a quality of life issue. Mr. White stated he did watch some of the rails being delivered, and the Police Department did an excellent job handling the situation.

Mr. Garton noted that the Board was in Executive Session for approximately one hour before the meeting for the purpose of discussing a personnel issue, the on-going labor relations discussion with the Public Works employees, to review the matters of litigation involving the Zoning Hearing Board, and to meet with representatives of RAFR with respect to the on-going litigation with Aria about possible use of that property.

#### APPROVAL OF REGENCY AT YARDLEY, PHASES VI AND VII DEVELOPMENT AGREEMENT AND FINANCIAL SECURITY AGREEMENT

Mr. Garton stated these Agreements are consistent with the Approvals granted by the Board, and Approval is recommended.

Mr. McLaughlin moved and Mr. Dobson seconded to Approve the Development and Financial Security Agreements.

Mr. Zachary Rubin, 1661 Covington Road, stated on May 18, 2006 RAM signed a Court-brokered Settlement Agreement with Matrix, the former owner of this property. Mr. Rubin stated when Toll Bros. bought the property, they agreed to the Settlement Agreement. Mr. Rubin stated the Agreement called for Matrix to convey to the Township five acres of open space along Old Oxford Valley Road, the construction of a pavilion of approximately 2,500 square feet, and picnic benches. Mr. Rubin stated approximately one and a half years ago he came before the Board of Supervisors and asked when they were going to convey over the open space, and

Mr. Garton had researched and communicated to RAM that they are not committed until the second part of the development which is the part where they are going to build carriage homes on the other side of Big Oak Road. Mr. Rubin stated while there is a Sketch Plan, Mr. Garton had indicated that it had not been engineered yet. Mr. Rubin stated on the Sketch Plan it does show where the open space to be conveyed is located. Mr. Rubin stated it has been nine years since the developer has agreed to this, and he feels they should be held to the Agreement and the Township should get it now.

Ms. Tyler asked Mr. Rubin if he is proposing that they should have an open space/ picnic area in the middle of a construction zone, and Mr. Rubin stated he is. He stated there are currently construction entrances to the residences, and he feels the safety issues could be mitigated.

Mr. Garton stated in order to proceed with this, they would have to subdivide that portion of the property away from the balance; and once they do a Subdivision, there would be no way of guaranteeing the improvements since one of the ways you guarantee the public improvements is through Financial Security Agreements that are Recorded, funded, and executed before you do the Subdivision. Mr. Garton stated while he agrees that this has been a long time, they would be running a risk which he does not feel is a risk worth taking.

Mr. Rubin stated they have already designated the five acres, and all he is asking is that they convey the property over to the Township with the improvements. He stated he does not feel this requires a Subdivision for the second part of their development. Mr. Garton stated he will ask them what the status is of that effort and report back to the Board and Mr. Rubin.

Motion carried unanimously.

#### DISCUSSION AND APPROVAL OF PRELIMINARY SUBDIVISION/LOT CONSOLIDATION PLAN FOR ST. IGNATIUS

Mr. Garton stated they propose to subdivide Tax Parcel #20-34-20-5 into two lots, one to be 6.2 acres and the other 2.63 acres. He stated the 6.2 acres will be consolidated with Tax Parcel #20-35-6, and the 2.63 acre parcel will be consolidated with Tax Parcels #20-35-1-1 and #20-35-2-2.

Mr. Garton stated the subsequent parcel consolidated will be subdivided into ten lots, eight new single-family dwellings, an open space lot, and a stormwater management lot. Mr. Garton stated the Plans for this development are dated 6/14/14 and last revised 8/29/14. He stated the Lower Makefield Township Planning Commission at their meeting of 11/10/14 recommended Approval of the Preliminary Plans subject to a number of Conditions.

Mr. Edward Murphy, attorney, was present with Mr. Doug Rosina, engineer. Mr. Murphy stated St. Ignatius is the owner of the property, and Mr. Rosina showed on the Plan the existing Church, the Rectory, School, etc. Mr. Rosina noted on the Plan the other parcels St. Ignatius owns. Mr. Murphy stated the total acreage is thirty-four acres with the property bounded on the south by the Railroad tracks.

Mr. Murphy stated in 2002, the Church obtained Zoning relief to increase the amount of site wide impervious surface. With the proposed Plan they want to make certain that when the Subdivision is approved that the limitation established by the Zoning Hearing Board is still honored. He stated approximately ten acres would be carved off of the Church property and conveyed to the Applicant, and this was shown on the Plan. Mr. Murphy noted the dark green triangle on the Plan, and he stated this will be merged back with the existing Church property so that the combined acreage that the Church will have after the Subdivision will be slightly less than twenty-four acres. He stated this will make the Church compliant with the Zoning Hearing Board decision of 2002.

Mr. Murphy noted the areas in dark and light green are proposed to be the subject of a Conservation Easement granted in favor of the Township. In addition there is another three and a half acres in the upper right hand corner which is part of the wooded area behind the Church/School, and they would create a Conservation Easement there as well. He stated none of these Conservation Easements exist today, and they will end up with a corridor along the Railroad that would be preserved.

Mr. Murphy stated they have had multiple meetings with various Boards in the Township over the years. He stated they proposed a single cul-de-sac around which there are seven residential lots as well as a stormwater lot, and the eighth lot is by itself separated by the areas of open space. Mr. Murphy stated it was most recently recommended for Preliminary approval by the Planning Commission.

Mr. McLaughlin moved and Mr. Dobson seconded to recommend Preliminary Plan Approval Plans dated 6/14/14, last revised 8/29/14 subject to the following Conditions:

- 1) Compliance with the Boucher & James report dated 10/15/14 with the Grant of the following Waivers:
  - a) SALDO Section 178-20.C.(9) so as to not be required to show on the Plans the existing buildings within 200 feet
  - b) SALDO Section 178-20.C.(10)(b) so as to not be required to perform a tree inventory of mature trees over the entire site
  - c) SALDO Section 178-20.E.(29) so as not to have a core sample with respect to the roadway at the edge of Sandy Run Road
  - d) SALDO Section 178-40.B. to permit the reduction of the required cartway width for the access drive from 26' to 24'
  - e) SALDO Section 178-40.C. to not be required to widen the cartway width of Sandy Run Road to 26'
  - f) SALDO Section 178-46.B. to not be required to provide a shoulder when curbing is not proposed along Sandy Run Road
  - g) SALDO Section 178-47.B. with respect to not being required to have sidewalks along the proposed driveway A and Sandy Run Road
  - h) SALDO Section 178-85. to not be required to provide tree protection standards throughout the entire site
  - i) SALDO Section 178-85.H.(4) as far as tree replacement in the areas depicted
  - j) SALDO Section 178-93.D.7 not to be required that the top or toe of any slope be located no closer than 5' from any property line

- k) SALDO Section 178-93.F.(2)(f)(1) with respect to the five-minute storm duration for the stormwater design for driveway A culvert
  - l) SALDO Section 178-93.F.(3)(c) to not require a minimum diameter of all stormwater pipes of 18"
  - m) SALDO Section 178-93.F.(3)(f) to not require minimum velocity of 2.5 feet per second
  - n) SALDO Section 178-93.F.(3)(h) to permit the installation of storm drainage pipes beneath cartways with less than 6" between the top of the pipe and the sub-grade elevation
  - o) SALDO Section 178-93.F.(3)(h) to permit the installation of storm drainage pipes outside of cartways with less than 2' of distance between top of the pipe and the finished elevation
  - p) SALDO Section 178-93.F.(5)(b) to permit the installation of inlets without a 2" drop between the lowest inlet pipe invert elevation
  - q) SALDO Section 178-93.D.(6) to permit a slope different than required for the basin
  - r) SALDO Section 178-95.C.(8) to not require a minimum slope of 2% for swales
- 2) Compliance with the Tri-State Engineers review letter dated 9/15/14
  - 3) Compliance with the EAC report dated 10/9/14
  - 4) Applicant to locate trees to block headlights onto adjacent properties
  - 5) Applicant to pay a Fee-In-Lieu of Recreation in accordance with the standard Township Fee Schedule
  - 6) Applicant to pay a Traffic Impact Fee in accordance with Township Fee Schedule

- 7) Receipt of all Permits and Approvals from any agencies having jurisdiction
- 8) Township shall have the right to review and Approve the Homeowners Association documents
- 9) Applicant shall comply with the Township engineer's recommendation as to stormwater management and Best Management Practices and shall execute a Stormwater Management Agreement in a form acceptable to the Township
- 10) Applicant shall pay all review and professional fees incurred in connection with the Application
- 11) Any signs to be placed shall be in accordance with the Township's Sign Ordinance and only after securing any and all Permits
- 12) All lighting shall comply with Township Ordinances and no glare shall extend onto adjoining properties and a Note to that effect shall be added to the Plan
- 13) Applicant shall execute a Declaration of Restrictions and Covenants related to the Notes on the Plan which will be filed with the Plans
- 14) Plans shall be ADA compliant
- 15) Applicant to pay a Fee-In-Lieu of the required road widening to Sandy Run Road as well as a Fee-In-Lieu of the full widening of the access road and also a Fee-In-Lieu of required sidewalks shall be paid at the time of the execution of the Development and Financial Security Agreements with the final amount to be determined between now and Final Plan Approval
- 16) The issue of the number of trees to be replaced on site and the monies to be contributed to the Lower Makefield Township Tree Bank shall be deferred until Final Plan

- 17) Funding and Execution of Development and Financial Security Agreements
- 18) Grant of the appropriate Conservation Easements as noted in Mr. Murphy's comments and noted on the Plan

Mr. Murphy noted he does agree to the Conditions. He stated with regard to the EAC, they did answer the EAC letter of 10/9/14 by virtue of a letter of 11/6/14; however, the developer has not yet received from the EAC a formal response from the revised submission.

Mr. Murphy stated the property is one of the few that is caught in the situation with the needed upgrade of the section of the Yardley Borough Sewer system that is the subject of on-going discussions between Lower Makefield and Yardley Borough. He stated until there is a more formal Agreement with regard to that system, this development cannot proceed. He stated they will continue with their planning; but until that issue is resolved, they will not be able to move forward.

Mr. Murphy stated with regard to the trees and the potential Fee-In-Lieu those are discussions they have had before, and they will continue them; and they hope to be able to present something that can be agreed upon when they get to Final Plan.

Mr. Murphy stated the Board has adopted a Low Impact Development Ordinance, and the Applicant's Plan follows the direction contained in that Ordinance; however the Township's Ordinances also require the developer to pay a Fee-In-Lieu of doing all the things they are being encouraged to do by virtue of the Low Impact Ordinance such as reducing the cartway width, eliminating unnecessary impervious, etc. so they feel it is somewhat unfair for the developer to be asked to contribute to something that they are trying to comply with under the Township's new directive. He stated this is also true with some of the SALDO Waivers since there are things they are doing that are consistent with the Low Impact Development Ordinance that other Sections of the Ordinance have not "caught up with."

Mr. Murphy stated this also relates to the trees. He stated the site is heavily wooded, and unlike a lot of sites there are mature trees along the Railroad; and it is their goal to try to preserve as many of those as they can. He stated they hope when they get to Final Plan that the Board will appreciate their efforts and work with the developer to determine something that makes sense for everyone. He stated this is why they are asking for these issues to be deferred so that they can consider them further and come back to the Board with a more formal recommendation at the Final Plan stage.

Mr. Arthur Cohn, 7906 Spruce Mill Drive, noted the upper left hand corner and asked why that area is open, and it was noted that this is the proposed stormwater basin.

Ms. Mary Hermann, 837 Sandy Run Road, stated she has lived there for four years. She asked if they have considered changing the speed limit on Edgewood Road up to Reading Avenue. She stated currently it is forty miles per hour, and she asked that they change it to twenty-five miles per hour as it is in the Borough. She stated many people are driving over the hill very quickly. She also asked that they consider putting in a stop sign at Reading and Sandy Run Roads especially with the development of these new homes. Mr. Smith asked Ms. Hermann if she has discussed this with the Citizens Traffic Commission. Ms. Tyler noted Mr. Cohn who just spoke is a member of that Commission. Mr. Cohn stated they are meeting tomorrow. Ms. Tyler stated on the Township Website there are also guidelines on traffic-calming which includes stop signs.

Mr. Benedetto stated he is concerned with the trees. He stated the Board just passed a Tree Bank Ordinance, and the developer is requesting three different Waivers to that Ordinance. Mr. Benedetto also asked about the status of the one tree that is on Sandy Run Road. Mr. Murphy stated that tree has been the subject of an inordinate amount of discussion and inspection, and the Township's arborist and the developer's consultant agree that the tree is diseased and not worthy of preservation. Mr. Murphy stated the reason they are requesting a Waiver for a full tree study is because of the large number of trees on the site. He stated they have met repeatedly with Mr. Eisold's arborist, Mike Lewis, on the site; and the methodology they used to do the calculations is based on the in the field study by Mr. Eisold's office as to how to do it.

Mr. Benedetto stated when they discussed the Tree Ordinance he was fearful that they were going to have these requests for Waivers. He feels the developer wants to do the right thing, but he is concerned about other areas in the Township such as Scammel's Corner and the Edgewood Village area where trees were clear cut although they were not subject at the time to the Tree Bank Ordinance. Mr. Murphy stated they are not requesting the Waiver to avoid preserving trees. Mr. Garton stated they have done a count of the trees coming down, and the trees in the two green areas on the Plan are going to remain; and this is what they are requesting a Waiver from counting. Mr. Benedetto stated he is in support of what the developer is doing, but this is why he did not want the Tree Bank Ordinance because of the burden it placed on the developer.

Mr. Benedetto stated the Low Impact Development issues also come with another burden, and then they request Waivers as to narrowness of the streets. Mr. Murphy stated they are incorporating the low-impact development standards in this Plan.

Mr. Benedetto stated this results in narrower streets, and Mr. Murphy agreed. Mr. Murphy stated in general the cost of doing low-impact development is greater than if they were going to follow the old standards. He stated the problem for the developer is that they are adopting the low-impact standards and bearing the additional cost of doing so, but then the Board looks for additional Fees-In-Lieu of the additional impervious which would be what the old Ordinances would have required. He stated the developer is asking not to have to pay twice, and this is why they are requesting certain Waivers.

Mr. Benedetto stated he is concerned about the quality of the development in terms of the narrowness of the streets, and he noted he feels Regency is an issue because the streets are narrow. Mr. Benedetto stated he is concerned about the traffic and the fact that they are not widening the cartway, and Mr. Murphy stated this would be in the cul-de-sac with only seven lots. Mr. Benedetto asked about the traffic impact to Sandy Run, and Mr. Murphy stated none of the reviews have suggested there is anything inappropriate or unsafe.

Mr. Benedetto stated there was a discussion with the neighbor who owns a business in the area, and Mr. Murphy stated she wanted everyone to know that she runs a kennel. Mr. Rosina noted on the Plan where the kennel is located.

Mr. Benedetto again asked about the tree inventory and the fee; and Mr. Murphy stated their belief is that they should not be required to have any financial contribution toward that given what they are trying to do on the site, and this is what they will develop and present more fully to the Board for their consideration in the future.

Mr. Alan Dresser, Chair of the Environmental Advisory Council, asked Mr. Eisold if he received a copy of the 12/12/14 comments the EAC sent out; and Mr. Eisold stated he would have to check on this. Mr. Dresser stated he understands they are not going to pay for any replacement trees; however, Mr. Garton stated what was indicated was that this is being deferred until Final Plan. Mr. Dresser stated he understands that they agree that there are 444 replacement trees based on the number of trees they are taking down, and Mr. Benedetto stated he does not feel they have come to a conclusion on this. Mr. Dresser stated the Township engineer made the count on the disturbed area; and Mr. Murphy stated they have agreed that if the Ordinance were applied to this particular site, that would be correct number of trees. Mr. Benedetto asked what the fee would be for that number of trees, and Mr. Murphy stated it would be approximately \$150,000. Mr. Dresser stated this is the concern of the EAC since they believe all requirements of the Tree Replacement Ordinance including the \$350 fee per tree should be complied with, and there should be no Waiver granted. Mr. Garton stated at this point they are not granting any Waiver for that.

Mr. Dresser stated for future consideration he feels they should pay for this since there are a lot of trees coming down and 2.42 acres of woodlands are going to be removed which are high quality woods. He particularly noted the large tree on Sandy Run Road which is the largest red oak in the Township. He stated while it has problems, it is not dead; and he can provide photographs. He stated while the arborists have indicated it is a problem, he feels there should be another opinion although he does not want to pay the \$100 to do this. Ms. Tyler expressed concern with a diseased tree hanging over the street. Mr. Eisold stated the arborist from his firm inspected the tree and performed a risk analysis related to cars, passersby, etc.; and it was clear that it was extremely high in the risk category. Mr. Dresser asked the Board to look at it as it is a magnificent tree and possibly two hundred years old. Ms. Tyler stated she is concerned about the safety of children etc. today. Mr. Garton stated he feels given the report from Mr. Eisold, it is appropriate that the tree not remain; but this would be a decision for the Board of Supervisors.

Mr. Dresser stated he is also concerned about the infiltration trench along the southern boundary between the disturbed area and the woods. He stated he does not understand the need for the trench because the flow coming into it is from the undeveloped woods. He showed the location of the 500' long trench which will be 5' wide and 5' deep and filled with gravel. He stated the undisturbed woodlands has soils that can infiltrate water very well. He stated he feels this is the opposite of low-impact development as it will impact a lot of tree roots which could result in the loss of trees after a number of years. He asked Mr. Eisold to look into this and instead put in a shallow swale with gravel at the bottom and a ridge on the other side to take the water down to the road. He stated according to Ms. Saylor from Boucher & James that is what this trench is trying to do. He asked that they consider a lower impact way to do this adding it could save the developer money as well.

Mr. Eisold stated they could look at this but he added this Plan has been reviewed a number of times already, and there are a number of requirements from the Stormwater Management Ordinance, the Bucks County Conservation District, and the DEP; and all of those standards were taken into account when they reviewed the Plan.

It was agreed to add an additional Condition of Approval as follows:

- 19) Look at the trench issue between now and Final.

Mr. Murphy agreed to this additional Condition.

Mr. Benedetto stated he understands that Mr. Murphy will not seek Final Approval until the Yardley Sewer situation is settled; and Mr. Murphy stated they would not be able to start construction, but they will probably still pursue the Final Plan Approval.

Mr. Benedetto asked if any trees will remain where the eight lots are proposed, and Mr. Rosina noted on the Plan an area where existing trees will be saved. Mr. Murphy stated there are efforts being made, for which they do not get credit, where there are certain other pockets of trees that they expect to be able to preserve.

Mr. Dresser stated the developer knew about the Tree Replacement Ordinance when they chose the site, and he feels they should look at this as a cost of doing business with Lower Makefield Township. He stated if they do give a Waiver that they do not have to pay for all 444 trees, they will be giving them a "cash gift" and he does not feel the residents should do them this favor. He stated there is not a housing shortage in the Township as there are hundreds of existing homes for sale, and there are other new homes being built so they do not really need these homes. Mr. Dresser stated there are many areas in the Township where they could put the replacement trees.

Ms. Tyler asked Mr. Dresser if the fact that they are going to give a Conservation Easement for the green areas impacts his evaluation, and Mr. Dresser stated he is in favor of that. Mr. Dresser asked to be able to see the Easement language when it is developed, and Mr. Garton agreed to provide that.

Mr. Benedetto stated this discussion relates to why he does not like the Tree Ordinance because there is an expectation of the developer to pay \$150,000 which he does not feel is fair for this developer; and this is why he did not vote in favor of the Ordinance. Mr. Dresser stated the Board passed the Ordinance in order to maintain the tree canopy in the Township and to discourage developers from building in heavily wooded lots, and it did not work here.

Motion carried unanimously.

#### SKETCH PLAN PRESENTATION FOR DOBRY ROAD SUBDIVISION

Mr. Garton stated Mr. Murphy, attorney, is present with a Sketch Plan for a proposed development on Dobry Road. Mr. Garton stated a Sketch Plan does not require any Board action other than comments regarding the proposal.

Mr. Murphy stated they are present to discuss one specific issue, and they have been to the Planning Commission on two separate occasions to discuss this issue. He stated the Ordinance has a provision such that when you have a Subdivision like this, you are required to have two unit types – quad, single, townhouse etc. and there has to be a minimum of two unit types. Mr. Murphy stated this particular parcel is located at the back end of Dobry Road against the Railroad behind Makefield Quarters. He stated the Plan proposes all quad units. He stated these are popular in Middletown and Newtown in the age-qualified communities.

Mr. Murphy stated all they are asking of the Township is that they be permitted to develop it with one unit type as opposed to two. He stated the Planning Commission was concerned whether the developer was seeking to get some kind of advantage or increased density by not doing a second housing type so the developer presented at a subsequent meeting with the Planning Commission three other Sketches with different housing types that would technically be compliant with the Ordinance, and the unit count was identical with what they are proposing with one unit type. Mr. Murphy stated the Planning Commission did not have a consensus on this, but they did encourage the developer if they were going to present it to the Board of Supervisors to vary the elevations of the units to provide some more architectural interest rather than having them all the same, and the developer agreed to this. Mr. Murphy stated the sole question for the Board at the Sketch Plan stage is whether the Board would have an objection if ultimately when the Plan is engineered, it could be one housing type as opposed to two.

Mr. Havers, the engineer, presented the Sketches showing the alternate housing types.

Mr. Benedetto asked the number of units, and Mr. Murphy stated there are approximately seventy.

Mr. Smith asked if it is cost prohibitive to have different housing types, and Mr. Murphy stated there would be so few of the other unit type it would take a lot more of a marketing effort to handle the townhomes as opposed to the quads. He stated if it were a larger development, it would make more sense to have two unit types.

Mr. Benedetto asked the total acreage, and Mr. Havers stated it is approximately sixteen and a half acres. Mr. Benedetto stated he is concerned about this density of housing in this area. Mr. Murphy stated they are not looking to increase the density permitted, and Mr. Benedetto stated he understands this. He stated he agrees that they should be able to have a single unit type.

Ms. Tyler stated she recalls that the Planning Commission felt much better about having just one unit type when the developer agreed that they could aesthetically differentiate the units so it would not have a “cookie cutter feel” that the Ordinance seeks to prevent.

Mr. McLaughlin stated he does not have a problem with what is proposed provided it does not look like track housing.

Mr. Benedetto asked the developer, and Mr. Murphy stated it would be the same developer as Makefield Quarters.

Mr. Dobson stated he was in favor of the one unit type.

Mr. Rubin stated he understands that at the other end of Dobry there are two parcels Zoned C-3 which are currently for sale, and Mr. Murphy agreed. Mr. Rubin stated if they are going to put seventy homes there, they will need a traffic light at Dobry and Oxford Valley Roads. He stated there will also be a traffic light at the entrance of Regency which is only a couple hundred yards away. He also stated that coming from this new development if you want to go north toward McCaffrey, you have to make a left against two lanes of traffic that is going toward Kohl’s and two lanes going toward McCaffrey’s. He stated he feels there are going to be a lot of traffic problems with these seventy homes and C-3 development on both sides of the road.

Mr. Shennard, 1667 Dobry Road, stated his property is across the street; and he asked where the entrance will be to get into the new development. Mr. Havens noted the two proposed driveways. Mr. Shennard stated he is concerned that lights from the cars will shine into his home. Mr. Garton as a Condition of approval there can be no glare on adjoining properties. Mr. Garton encouraged Mr. Shennard to continue to come to the meetings when this development is discussed. Mr. Shennard stated he agrees with Mr. Rubin that it is very difficult to make a left-hand turn.

A gentleman residing at 1735 Dobry Road stated he already has an issue with his well water from the Regency development behind him, and now there will be a development in front of him. He stated currently he does have lights shining in his bedroom window from Regency at Yardley. He stated they did put some trees up, but they are not enough. The gentleman also noted an issue regarding the Railroads and stated when he was making a left hand turn today onto Dobry Road, there were construction trucks there. He stated it is already a very hard turn, and because of the location of those trucks, he was left out in the middle of the intersection. He stated these trucks were connected with the Railroad project. Ms. Tyler asked that Mr. Eisold advise the Railroad workers that there are residences in the area.

Mr. Smith asked how the gentleman was advised that the Dobry Road Sketch Plan was on the Agenda, and the gentleman stated he received a letter in the mail from the Township yesterday. Mr. Smith stated he is pleased that the Township provided notice and hopes that they can notice out earlier than twenty-four hours in advance.

Mr. Mike Quinn, 1654 Dobry Road, stated he lives directly to the east of the proposed development; and he showed the location of his property on the Plan. Mr. Quinn noted an area where there is a hedgerow with one hundred year old trees which is not shown on the Plan. Mr. Murphy stated this is only a Sketch at this point. Mr. Quinn stated he is very close to the proposed development, and he does not feel they want to see each other. He stated he also has a well and septic, and he would be interested in public water and public sewers because of the health issues. Ms. Tyler stated this would be addressed at Preliminary Plan. Mr. Quinn noted with regard to the road, there is no way to pass on the road; and they will have to address this to get the new residents in and out. Mr. Quinn stated currently there are above-ground telephone poles, and he asked if they will be buried or moved back. He also noted a location where they are going to have to put a traffic light. He also asked about sidewalks and stated he does not want to have to shovel sidewalks. Mr. Quinn noted on the Plan where the water flows; and he stated the prior developer, Beazer, had a problem because they could not build a retention pond large enough to control the run off. He stated the Railroads are also an issue in this area.

Mr. David Kelliher, 591 Aspen Woods Drive, stated the intersection is very dangerous and there have been accidents at this location.

Mr. Shennard stated the CSX trucks are using Dobry Road and are speeding, and Chief Coluzzi agreed to look into this.

Mr. Arthur Cohn stated the entrance/exit on Dobry Road is impossible. He asked if there was way to connect it to Regency, but it was noted they would have to condemn private property to do that. Ms. Tyler stated they will look into this further through the planning process.

Ms. Tyler stated the sense of the Board is that they are not offended by the single unit type proposal provided it is distinguished aesthetically.

#### PRESENTATION OF SKETCH PLAN FOR DELORENZO'S/EDGEWOOD VILLAGE

Mr. Garton stated Delorenzos had a proposal for a restaurant in Newtown, but were unable to make it work, and now Mr. Murphy is present to discuss the Sketch Plan for a Delorenzos in Edgewood Village.

Mr. Murphy stated last year Delorenzo's made an effort to add a location in Newtown Township, but this did not proceed; and they have since met with Mr. Troilo to discuss the site in Edgewood Village which backs up to the Giant Food Market parking lot and is adjacent to the First Customers Bank. Mr. Murphy stated the Sketch Plan was presented to the Planning Commission who encouraged them to move forward.

Mr. Scott Mill, the Project engineer, showed the Plan. Mr. Murphy stated they are proposing an approximately 6,500 square foot building of which Delorenzo's would propose to lease 4,000 square feet. He stated the Historic District Ordinance encourages buildings to be along the street, and the building would be up against Edgewood Road with the principal parking behind the building, He stated in addition to those spaces being shown, Mr. Triolo has spoken with First Customers Bank; and they have had an exchange of letters confirming that there will be an Agreement to permit employees of this location to park in the at First Customers Bank where there are fifteen spaces available.

Mr. Murphy stated they did discuss with the Planning Commission a number of Variances that have been identified at this early stage. He stated they feel there may be a 2% increase beyond the allowable impervious, but they may be able to eliminate or get closer to what is permitted. He stated the Ordinance encourages other off-site parking arrangements especially in the Village. He stated they are very close to meeting the Ordinance parking requirements with seventy-eight spaces on site which includes six spaces along the frontage and the fifteen additional at the bank which equals ninety-three space, and the Ordinance requires ninety-six. He stated there may be other opportunities to park in other locations as well, and they will look into this further. He stated they are requesting a reduction in the parking stall size which is fairly typical relief that they have gotten over the years. He stated the Township Ordinance still calls for 10' by 20', and they are proposing 9' by 18'. He stated another Variance they are requesting is from the requirement for a private yard of 200 square feet for each dwelling, and they are proposing three apartments on the second floor of the building.

Mr. Murphy stated he feels Delorenzo's would be a huge draw to the Village now that the Village is proceeding with Mr. Troilo's other projects. He stated there have been discussions about the desire to have places where people could walk; and as the new homes are built in the Village, this will be a great magnet for people to walk to.

Ms. Tyler stated with regard to parking, the Veterans Monument is in the area and the parking lot there is in need of re-paving, and they should keep that in mind.

Mr. Murphy stated Mr. Troilo did indicate that he would like to have the opportunity to talk to the Township about working something out, and he feels this would be doable.

Mr. Murphy stated Mr. Troilo has met twice with HARB. Presented this evening was a drawing which represents the collective judgment of the developer and HARB as to how the buildings would look. Mr. Murphy stated one elevation shown is what would be seen from Edgewood Road and another shows what would be seen from the Giant Shopping Center. He stated this is a four-sided building so all four sides will be finished. He stated while there will be an entrance to Delorenzo's in the front, the principal entrance would be in the back. He stated the building will be the same construction/finishes on all four sides, and HARB has been pleased with the level of cooperation they have been getting.

Mr. Smith stated he is pleased to hear that there is good corroboration between HARB and the developer. He stated the Township needs tax ratables, and this would be a draw.

Mr. Benedetto stated the area they are discussing is a traffic "nightmare."

Mr. Murphy stated they recognize that they will have to do a Traffic Study.

Mr. McLaughlin stated there are two houses in the area that are eyesores, and he asked what the plan is for those houses. Mr. Murphy stated he has discussed this with Mr. Troilo, and they would like to discuss with the Board of Supervisors what they can do with that property. Ms. Tyler stated there had been previous discussion about these homes, and the Board indicated that they did not have enough information on these structures to make an informed decision and whether it was too cost-prohibitive to require that they be rebuilt. Mr. Troilo stated the one house at the point is very close to the intersection. Mr. Murphy stated they would like to include those properties as part of a global discussion.

Mr. McLaughlin stated he is in favor of the Sketch Plan presented.

Mr. Rubin stated he is the Vice President of the Makefield Glen Homeowners Association, and the name on the Plan is Makefield Glenn which he feels will be confusing. Mr. Murphy stated this could be changed.

Mr. Cohn stated this intersection was one of the first items the Citizens Traffic Commission tried to address, and it is a terrible intersection because you cannot see because of the house that is existing in this area.

Mr. Smith stated he feels those two buildings are diminishing the whole area.

#### APPROVAL OF NAME CHANGE FOR FREEMAN'S FARM TO RESERVE AT YARDLEY

Mr. Murphy, attorney, was present with Mr. Greg LaGreca, Senior Vice President of Toll Bros. Mr. LaGreca stated Toll Bros. is under agreement to purchase Freeman's Farm, and they would like to change the name to Reserve At Yardley. He stated this is a small reserve of homes, and this relates to how they want to market their communities in terms of scale.

Mr. Garton stated the Board would have to approve the name change.

Mr. Dobson moved and Mr. Smith seconded to approve the name change for Freeman's Farm to Reserve at Yardley.

Mr. Benedetto stated while he understands the request, he feels they should preserve the heritage; and he does not feel the name proposed is appropriate. He asked if they could incorporate the name Freeman into it somehow. Mr. LaGreca stated possibly they could change a street name to Freeman, and Mr. Benedetto stated he feels this would be a reasonable compromise.

Mr. Benedetto moved to amend the Motion to incorporate the name Freeman into one of the street. Mr. Dobson agreed to the amendment, and the Motion as amended carried unanimously.

#### APPROVAL OF EXTENSION REQUEST OF ARIA HEALTH

Mr. Dobson moved, Mr. Benedetto seconded and it was unanimously carried to approve the Extension request of Aria Health to June 30, 2015.

#### ZONING HEARING BOARD MATTERS

With regard to the Jeffrey Scharf and Nancy Russell Variance request for the property located at 1481 Brookfield Road to permit removal of portions of existing paver patio and deck and construction of paver patio/pool decking resulting in greater than permitted impervious surface, it was agreed to leave the matter to the Zoning Hearing Board.

With regard to the Charles R. Palaia Variance request for the property located at 1021 Hamilton Drive to permit construction of a shed resulting in greater than permitted impervious surface, it was agreed to leave the matter to the Zoning Hearing Board.

Mr. Smith moved, Mr. McLaughlin seconded and it was unanimously carried that the Township solicitor and engineer attend the meeting with regard to the George Rose and Carrie Ann Rose Variance request for the property located at 521 River Road to permit construction of a garage, enclosed side entry, and covered porch within the flood plain.

Mr. Smith moved, Mr. McLaughlin seconded and it was unanimously carried that the Township solicitor and engineer attend the meeting with regard to the Victor Van Dyke Variance request for the property owned by Robert Mullen and Shelia Lefler located on Elm Avenue in order to create two residential lots and construct a single family dwelling on each resulting in greater than permitted woodlands disturbance.

#### SUPERVISORS REPORTS

Ms. Tyler stated the Budget Committee met on Monday and laid out their scope of work for the year. She stated the Electrical Reliability Committee met with Ted Durand of PECO and set out some expectations, and there is a letter in writing to him outlining their requested information. He has agreed to meet with them periodically to address the Township's concerns and to better inform the residents as to the progress of the infrastructure improvements. Ms. Tyler stated Ms. Ada Derr a member of the Senior Board has resigned and relocated to Florida, and they are seeking a new President at this time.

Mr. Dobson stated the Park & Recreation Board will be coming before the Board of Supervisors to discuss some security concerns as there has been damage at Macclesfield, and he feels they may have to consider installing cameras. Mr. Dobson security is a very important issue.

Mr. Benedetto stated HARB and the Farmland Preservation Corporation each have two vacancies, and he would encourage those interested to apply to vacancies on Boards in the Township. Ms. Tyler stated they are working with Mr. Fedorchak to fill the vacancies as quickly as they can so that all the Boards are fully staffed.

Mr. Fedorchak stated they will start interviewing Applicants at the February 4 meeting. Ms. Tyler asked those interested to review the Website with regard to Board vacancies and to provide a letter of interest to Mr. Fedorchak.

Mr. Smith stated he met with the Golf Committee, and they are very professional and a great asset to the Township. He stated there are some vacancies on the Electronic Media Commission, and he would encourage the "millennials" in the Township or Pennsbury students who are good with technology to come to the February 2 meeting to discuss improving communication in the Township.

Ms. Tyler stated immediately after Mr. Smith was appointed to the Board on January 12 he attended his first meeting with the Golf Committee. She stated she appreciates his experience, and she looks forward to what he will be able to accomplish.

#### APPROVAL OF RESOLUTION NO. 2292 AUTHORIZING DESTRUCTION OF RECORDS

Mr. Fedorchak stated this is part of the Township staff's annual "housekeeping" initiative, and they are asking the Board to allow them to destroy a variety of Township documents in accordance with the State Records Retention Act.

Mr. McLaughlin moved and Mr. Dobson seconded to approve Resolution No. 2292.

Mr. Smith asked what percentage of the Township records are paper as opposed to electronic, and Mr. Fedorchak stated they do need hard copies of a lot of these records. He stated this year he plans on getting a company involved to help digitize a number of Township records such as Ordinances, Resolutions, financial documents, and the Zoning and Planning Permits as there are approximately 48,000 documents stored in the Township.

Motion carried unanimously.

#### AUTHORIZE ADVERTISING AMENDMENT TO ORDINANCE NO. 132 ALLOWING BUILDING INSPECTOR/CODE ENFORCEMENT OFFICER POSITION ON HARB TO BE A NON-RESIDENT

Mr. Garton stated in February, 2014 there was discussion about how HARB should be structured, and he had prepared an Ordinance at the request of the Board that would revise the Ordinance which would replace the words "Lower Makefield Township Code Enforcement Officer" with "Lower Makefield Township Building Inspector" and provide that the Lower Makefield Township Building Inspector would not need to be a resident of the Township. Mr. Garton stated Mr. Fedorchak has put this back on the Agenda for the Board to determine if they wish to advertise this Ordinance.

Mr. McLaughlin moved and Mr. Dobson seconded to authorize Advertisement of an Amendment to Ordinance No. 132.

Mr. Benedetto stated currently the registered architect and the licensed real estate broker serving on HARB need not be residents of Lower Makefield so this would add a third individual that would not have to be a Township resident. He stated

currently on this seven member Board, there are five people serving, so potentially there could be three individuals on the Board that are non residents. Ms. Tyler stated if there are seven members, it would be at least a majority of four Lower Makefield Township residents; and they could discuss this further when this is considered for approval.

Mr. Benedetto stated Mr. Habgood who had been the Code Enforcement Officer has resigned, and he asked Mr. Fedorchak to speak to the current status of that position. Mr. Fedorchak stated over the past several years Keystone Municipal Services has provided the Township with building inspection, electrical inspection, and plumbing inspection services. He stated they are a full service company, and he was able to get one of their employees to fill in the position of Code Enforcement Officer.

Motion carried unanimously.

#### APPOINTMENTS

Mr. McLaughlin moved, Mr. Benedetto seconded and it was unanimously carried to appoint Jim Richardson to the Golf Committee.

Mr. Dobson moved, Mr. Smith seconded and it was unanimously carried to appoint Judi Reiss to the Environmental Advisory Council.

Mr. McLaughlin moved, Mr. Dobson seconded and it was unanimously carried to appoint Tom Conoscenti to the Economic Development Committee.

#### DISCONNECT SECRETARY/TREASURER POSITION AND APPOINT JEFF BENEDETTO AS SECRETARY

Mr. Dobson stated he would ask that the Secretary/Treasurer position be disconnected from a single position. Mr. McLaughlin moved, Mr. Dobson seconded and it was unanimously carried to disconnect Secretary/Treasurer as a single position.

Mr. Smith moved, Mr. Dobson seconded and it was unanimously carried to appoint Jeff Benedetto as Secretary.

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There being no further business, the meeting was adjourned at 11:00 p.m.

Respectfully Submitted,

Jeff Benedetto, Secretary