

DOYLESTOWN TOWNSHIP BOARD OF SUPERVISORS

REGULAR MEETING

August 19, 2008

The Regular Meeting of the Doylestown Township Board of Supervisors was held at 7:00 P.M. on Tuesday, August 19, 2008 at the Doylestown Township Municipal Building, 425 Wells Road, Doylestown, PA., Members of the Board of Supervisors in attendance included Barbara N. Lyons, Chairman, E. Thomas Scarborough, Jr., Vice Chairman; Barbara Eisenhardt, Cynthia Philo, and Jeffrey Bennett. Others in attendance included Jeffrey Garton, Township Solicitor; Stephen White, Chief of Police; Mario Canales, Township Engineer; and Stephanie Mason, Township Manager.

PLEDGE OF ALLEGIANCE

Ms. Lyons announced that this meeting is being recorded for purposes of future television and for preparation of the minutes.

PRESENTATION:

Sunrise Living Assisted Living:

Solicitor Garton explained that prior to February 19, 2008 representatives of Sunrise requested a change to the zoning ordinance to permit a C-17 use, which is an assisted living facility within a C-2 zoning district. At a public hearing held on February 19th the Board voted not to adopt that ordinance.

Edward Murphy, Attorney representing the applicant, noted that we designed the stormwater management system and, at the end of our presentation, he asked the Board to consider authorizing staff to re-advertise the ordinance that was denied in February so we will have a future opportunity to ask the Board to consider the adoption of the zoning ordinance amendment. He asked Mr. Joseph Zadlow, Architect for the project to explain the details.

Mr. Zadlow explained that there is a drainage area of 32 acres above our site contributing stormwater that runs through our site, which we have the ability to control before running down stream to our neighbors. We are able to modify an existing basin that is on the Held property to retain stormwater. The amount of water we are able to retain varies with the intensity of the storm. In a one-year storm, there is 10.39 cubic feet per second of water flowing downstream. After modification of the basin, the flow will be 3.82 cubic feet per second. That is a flow reduction of 63%. In a two-year storm, we reduced the flow by 66%; in a five-year storm, by 20%; in a 25 year storm, by 36%; in a 50-year storm, by 24%; and a 100-year storm, by 13%.

There is a bank stabilization program that we will participate in, if and when, we proceed with this project.

Mr. Canales commented that he reviewed the reports submitted by the applicant. They are managing the water onsite per the ordinance, and the existing basin has a 33 acre watershed going through it. He asked for that basin to be modified for the benefit of the downstream communities and it has been. The applicant has done everything they can do and it is up to the Board to decide to move forward with this project.

Mr. Scarborough asked will the applicant be improving or worsening the situation?

Mr. Canales replied the applicant is not making it worse. It would be improved, but we will not see any visible difference. If you take the 33 acres and design a basin to today's standards, it might hold all of the stormwater from the Sunrise site.

Ms. Philo asked is there some Held property that is not part of this site.

Mr. Murphy replied that is correct.

Mr. Bennett said the proposal is a change in use. Would a permitted use be more suitable with regards to stormwater than what this applicant can do?

Mr. Canales replied possibly, but not to a significant degree.

Ms. Lyons asked Mr. Narducci if he knows what Mr. Held is planning for the remainder for that parcel.

Mr. Narducci replied that Mr. Held has no immediate plans, but anything that would be done would be in the confines of the ordinance and stormwater management.

Ms. Lyons asked for any public comments.

John Everett, 2111 Turk Road, asked does the 700 acre watershed drain through that property?

Mr. Murphy replied only 33 acres drains through that property.

Bill Long, Bunker Hollow Road, commented a number of issues have not been addressed such as what is the impact of the total development of the property and this use is a violation of the stipulation agreement.

Solicitor Garton replied the stipulation agreement related to the plan is not for the current plan of the Sunrise application. So if this project were to proceed; that stipulation agreement would be null and void and the rights granted to the parties in that stipulation would disappear.

Dan Rackers asked Solicitor Garton if he is satisfied with the answer he received on the discrepancy.

Solicitor Garton replied during the review process of the application, the Township Engineer and residents will have any issues associated with stormwater fully vetted.

William Lahr, Bunker Hollow Road, commented that the ideal situation for that property is to remain as is. Since Sunrise has a low density plan and is willing to work with the Township and residents to solve the water runoff problem, the Board should consider it.

Mr. Long commented that Mr. Held's proposal was in violation of the stipulation agreement. What has changed?

Solicitor Garton replied Mr. Held is not trying to construct a plan which he thought was consistent with the stipulation. At this point, Mr. Held could not build that plan under existing ordinances.

Ms. Eisenhardt made a MOTION, seconded by Mr. Scarborough to authorize staff to re-advertise the ordinance for the Sunrise Assisted Living Plan.

MOTION was ADOPTED 5-0.

Ms. Lyons announced that Mr. Grasso called her to say that he has withdrawn his application to amend the zoning amendment for the intersection of Rt. 313 and Rt. 263. He will proceed in developing that corner with what is permitted to be developed there now. According to Mr. Grasso, there might be a Phase II for the LI section with an application for a use change.

Ms. Philo made a MOTION, seconded by Ms. Eisenhardt to rescind the Board's prior MOTION to advertise that change of zoning for a public hearing.

MOTION was ADOPTED 5-0.

Ms. Lyons noted that the Board has received the petition signed by hundreds of residents regarding the zoning change for Routes 313 and 263 and asked for any comments regarding this matter.

April Bohmler, 881 Spring Valley Road, asked what is Mr. Grasso planning to develop there?

Ms. Lyons replied he suggested a CVS and a bank.

Ms. Bohmler asked is a CVS and bank permissible?

Solicitor Garton replied it will be required to go through the entire subdivision and land development process and notices will be sent to the adjacent property owners.

Dominick Speara, Rogers Road, asked when will the CVS be built and will it be built on Rogers Road or Rt. 313?

Ms. Lyons replied she does not have a timeline and the development would be towards the corner of Rt. 313 and 263.

Pierre Menard, 1 Old Nursery Way, commented there are a lot of people in the neighborhood that have a vested interest on what is going on at that corner and a lot of people were not notified.

Dave Gould, 79 Valley Drive, noted that a petition was submitted with over 324 signatures and he will continue to get more signatures as the neighbors are concerned about an increase in traffic.

Susan Nardi, 13 Old Nursery Way, commented that we all saw the “real” Mr. Grasso last week who sent the neighbors a message that the “rules do not apply to him.”

James Bingler, 29 Turkey Lane, thanked Ms. Mason for her quick response. He provided photos to the Board of trees taken down under the direction of Mr. Grasso.

Joe O’Malley, 138 Rogers Road, asked for the penalties that Mr. Grasso will be forced to pay for what he has done to that beautiful parcel.

Ms. Lyons replied he received a violation letter on August 15th and he has 30 days to respond.

Solicitor Garton added there will be a financial consequence and what he has done will impact his development.

Mr. Speara provided before/after pictures to the Board.

A resident of Brook Drive commented that when we have the next rainstorm, it will be a mess on Rogers Road. What is the Township going to do about it?

Ms. Mason replied as part of the violation notices, the soil and erosion control ordinance was referenced and we called the Conservation District.

Mr. Canales added that he asked the developer to restore the area out front that was destroyed by the equipment coming in/out. He will follow up on it.

Rick Baldwin, 109 Rogers Road, commented that the CVS and bank are commercial and cannot be built in the LI District.

A resident commented that Doylestown Township has numerous CVS's and banks and do we need more? Should the Board consider alternative uses for those lands or will this be another corner with a strip mall? Will the Board consider that the community wants land preservation, more places for our children to play and bike paths and not more CVS's and banks?

Jack Cassidy, 67 Valley Drive, commented that this property is being developed for Buckingham and who's to say that Mr. Grasso will not take the little parcel of where the CVS and bank will be and expand it.

David Gould, 79 Valley Road, asked will Mr. Grasso need to go through the same process and meet with the neighbors again?

Solicitor Garton replied Mr. Grasso is not required to meet with the neighbors regarding his application. He is required to meet with the Planning Commission and the neighbors will be notified of that.

Mr. Bingler commented the Mr. Grasso addressed the neighbors and said he was going to withdraw asking for the C-2 zoning change and that there would no sewer and water infrastructure.

Ms. Lyons replied Mr. Grasso indicated that without the intended application, he would not have the resources to do the infrastructure improvements.

Doris Clegg commented that all of the residents are so well organized and should stay that way.

Laura Buegler, 31 Kuhn Drive, asked if rain comes within 30 days and there is more damage on that lot, is there a way for the Township to impose that it be repaired now?

Solicitor Garton replied the Conservation District may have that authority.

Cecile Balizet, 59 Foxcroft Drive, commented, that property is a gateway to Doylestown and now the ground looks horrible. It would be in the best interest of the Township to make it more welcoming.

The Board recessed the meeting at 7:46 p.m. and the meeting resumed at 7:48 p.m.

VISITOR/PUBLIC COMMENTS:

Doris Clegg asked isn't too early for political signs to be posted.

Solicitor Garton replied political signs are First Amendment.

John Everett, 2111 Turk Road, asked about enforcement on illegal posted commercial signs.

Solicitor Garton replied the company can be fined per day and per sign.

Joe Paternostro commented he previously asked for a definition of an emergency response and has not received an answer. West Nile Virus has been found in the tri-state area and is the Township and Borough going to spray the local ponds.

Ms. Mason replied West Nile Virus is handled by the Bucks County Health Department and property owners can give them permission to spray for it. She will contact Doylestown Borough Manager, John Davis about the pond.

ANNOUNCEMENTS:

Ms. Lyons announced that Doylestown Township Administrative offices will be closed on Monday, September 1, 2008, in observance of Labor Day. The next meeting of the Board of Supervisors is scheduled for Tuesday, September 2, 2008.

MINUTES APPROVAL:

Mr. Scarborough made a MOTION, seconded by Mr. Bennett to approve the minutes of the Board of Supervisors meeting of August 5, 2008.

MOTION was ADOPTED 4-0-1. Ms. Eisenhardt abstained.

CORRESPONDENCE: None.

Ms. Mason noted there are no agenda items for the meeting of September 2, 2008 unless there are items from this meeting.

Mr. Scarborough made a MOTION to cancel the meeting of September 2, 2008.

Mr. Bennett asked for that motion to be withdrawn until the end of this meeting.

Mr. Scarborough withdrew his motion.

REPORTS:

Solicitor: None.

Police Chief: None.

Township Engineer: None.

Manager: None.

Supervisors:

Mr. Bennett commented that regarding televising the meetings, at the last meeting, he posed the question about any potential liability for televising live. He understood, based on prior presentations by the TAB Board that we would not be televising live; that they would be taped. It would be prudent for the Board to be proactive in having a policy in place on televising these meetings. His concern is that there is a possibility of inappropriate language and confidential information could be somehow disclosed and it would be broadcasted repeatedly over two weeks with no editing.

Mr. Scarborough replied the TAB Board is working on a policy and operations manual at the present time. We already have a policy and operations manual for our TV station and this will be added to it.

Ms. Eisenhardt noted that other municipalities have been televising their meetings. Do we have copies of their manuals as a guide?

Mr. Scarborough replied yes.

Ms. Philo announced that she attended a federal funding workshop held by Congressman Pat Murphy in regards to funding opportunities for local government. She encouraged residents to come to all of our committee meetings. The Grange Fair was a wonderful event.

Mr. Scarborough commented he toured the parks in the Township and it was an eye opener to see what the Park & Recreation Dept. and the EAC has been done with our parks.

Ms. Eisenhardt noted that the Board was going to have a public meeting to establish guidelines for public policy regulations for employees of the Township regarding vehicle use.

Ms. Lyons replied a meeting with the department heads will be held to set policy alternatives and then it will be presented to the Board for consideration.

Ms. Eisenhardt commented that the Board approved putting a referendum on the ballot for the Central Bucks Ambulance asking for a tax for the ambulance. She would like to see a synopsis of what the tax money would pay for and the purpose for it so the voters have an understanding before going to the polls in November. Will the Board reconsider allowing them to submit something in the Township's newsletter and place an ad that would be paid for by the Board?

Solicitor Garton replied the Board can provide a means for a written report in a newsletter, but they cannot spend Township money advocating a referendum question.

Doris Clegg, resident, commented that the information should be neutral and the Board should not try to influence the voters.

Ms. Eisenhardt explained that she has not taken a position on what the article should say, she just asked for an article to be put in the newsletter explaining what the referendum is.

NEW BUSINESS:

Eastburn Tract – Preliminary Minor Subdivision:

Solicitor Garton noted that this is a plan prepared by Gilmore & Associates dated, December 26, 2007, last revised, April 7, 2008. The applicant has a subdivision plan for 15 lots with 14 new homes and one existing home. The matter has gone before the Planning Commission several times and there are outstanding issues.

Richard Zaveta, Zaveta Construction Co. introduced Travis Hutchinson and Eric Clase, Project Engineer with Gilmore & Assoc. We received preliminary approval by the Planning Commission, but there were concerns about public utilities. We will maintain our onsite well status and our individual lot septic permits. The Bucks County Department of Health has certified that we have a traditional means of septic affluent disposal for each lot.

The project consists of 50 acres with frontage on Windover Lane and Short Road with two cul-de-sacs. Any changes that have taken place are related to stormwater management. He asked the Board to consider preliminary approval of the plan.

Solicitor Garton reviewed the following conditions and waivers of the plan that are listed in the Pickering, Corts & Summerson review letter dated, 4/21/08. Waiver request from Section 153-20.C. (10) - The Township Engineer is not in favor of granting this waiver due to existing wells and septic systems that may be within 100 feet of the property that should be shown.

Mr. Clase replied that is a will comply to show wells and septic systems within 100 feet of the property so we are still asking for the waiver, but modifying it to show the Township Engineer's request.

Mr. Canales noted that is acceptable and the Board agreed.

Waiver request from Section 153-24.B (1) – The applicant is proposing 24 foot wide streets. The Board agreed.

Waiver request from Section 153-24 B (2) (a) – The applicant is proposing no improvements along Short Road. The Board agreed.

Waiver request 153-24 E. (6) – The cul-de-sac is steeper than required by the ordinance.

Mr. Clase replied we are proposing 4% with retaining walls. The Board agreed.

Waiver request from Section 153-25 C – The EAC recommends no waiver.

Mr. Clase replied we will pay a fee in-lieu-of rather than a path through the development. The Board agreed.

Waiver from Section 153-26 – The applicant wants the character of an old country road. The Board agreed.

Waiver from Section 153-27 (A) (5) – The applicant proposes 10% grade of construction of driveway. The EAC has an issue with this waiver.

Mr. Clase replied there are a few driveways we are proposing at 10% to protect the natural resources onsite. The site is wooded and to protect the larger caliber trees we went to 10%. To go down to 8%, it will be harder to tie the homes into the site and we would have to remove some of the larger trees.

Ms. Philo asked for the EAC's comments on this matter.

Doris Clegg replied their comments related to the amount of runoff water.

Mr. Clase added that all of the runoff is captured within the swale along the road and then goes into our pond, which discharges into the existing pond onsite and then to the existing stream and into the culvert through Short Road.

Rob Conover, 72 Short Road, asked about the retention of water coming off of the street into Short Road.

Mr. Clase replied as the road approaches Short Road, we are capturing it in an inlet system and directing it along Short Road and discharging it through the existing swale.

Solicitor Garton noted that the applicant has not proposed to provide recreation land and instead will provide a fee in-lieu-of to be paid to the Township consistent with the ordinance. Mr. Clase agreed.

Solicitor Garton said the Board needs to decide whether it is satisfactory for the homeowners' association to own and maintain the streets internally as well as the stormwater management facilities. The Board agreed.

Solicitor Garton asked does the Board approve using the ultimate right-of-way along Short Road on the property subject to be developed. The Board agreed.

Solicitor Garton asked does the Board agree to the shape and size of the lots. The Board agreed.

Solicitor Garton asked is the Board satisfied that the lots will not be "cookie cutters." The Board agreed.

Solicitor Garton noted that the Board has agreed to make certain waiver requests conditioned upon the applicant paying a fee in-lieu-of those waivers. The amount will be determined between now and final approval. As an offsite contribution, the applicant will pay \$1,000 for each new lot and will be paid at time the building permit is drawn. Also, the Board must be in receipt of all permits and approvals from any agencies having jurisdiction over this project including the Bucks County Conservation District. He asked for a copy of the hydro-geological report as required by our ordinance.

Mr. Zaveta replied he will provide that report between now and final.

Solicitor Garton referred to Section 153-23 D – Lot 12 has the installation of an extensive retaining wall. The Board should review the configuration of that lot.

Mr. Clase replied we will show the Board what it looks like and then we will work with the Township Engineer to show that it will work structurally.

Mr. Zaveta provided pictures to the Board and, after further discussion the consensus of the Board was that they will explore the slope issue with the developer.

Solicitor Garton asked what is the plan with respect to lighting?

Mr. Zaveta replied it is our preference not to provide traditional street lighting.

Mr. Conover, resident, commented that he would not like street lighting.

Mr. Everett, resident, asked do all intersections have to be lit?

Chief White replied only areas that have difficult site distances at nighttime would be asked to have street lighting by PECO.

The Board agreed to no street lighting.

Solicitor Garton continued that the applicant is compliant with the zoning report dated, April 23, 2008 and incompliance with the Bucks County Planning Commission report dated, January 24, 2008.

Mr. Conover and Lucy Brennen, residents, asked about a public well.

Solicitor Garton replied there will be no public well.

Roger Joseph, 108 Spring Meadow Road, asked about wells on new development.

Solicitor Garton replied our subdivision and land development ordinance requires that an applicant show the locations of wells and septic systems on properties within 100 feet of the edge of their property, and the applicant agreed to comply.

Mr. Conover asked will this development affect the wells in this area?

Solicitor Garton replied there will be a well ordinance that deals with that issue.

Michelle Shame, resident, asked is the idea of a planned-community a trend Doylestown Township is heading in?

Ms. Lyons replied no.

Doris Clegg asked for clarification on the property management group and homeowners' association.

Mr. Zaveta replied during the construction process and up to which time we dedicate the community, his company maintains the roads and right-of-ways. After completion of the project and after Board's approval, we would then enact a homeowners' association.

Ms Philo asked will this be a gated community?

Mr. Zaveta replied no, but we will have a small discreet sign to the community.

Mr. Scarborough made a MOTION, seconded by Ms. Eisenhardt to approve the preliminary major subdivision plan of the Eastburn Tract subject to the following conditions:

1. Compliance with the Pickering, Corts & Summerson review letter dated April 21, 2008, with the understanding that, as part of the approval process, the Board of Supervisors granted the following waivers from the provisions of the Doylestown Township Subdivision Land Development Ordinance:
 - (a) From the provisions of Section 1530-20.C(10) which requires the showing of the water courses as well as on-site septic system, storm water management and other features within 400 feet of the property, it being understood that the Applicant will show all of the features within 100 feet of the Applicant's property;
 - (b) From the provisions of Section 153-24.B(1) which requires the minimum width of cartway for residential streets to be 26 feet. Both of the roads proposed in this project are 20 feet wide;
 - (c) From the provisions of Section 153-24.B(2)(a) which states that all subdivisions along existing streets shall effectuate a widening of the cartway and right-of-way to provide a width from centerline to sideline of the cartway right-of-way equal to one-half the total width shown in Section 153-24.B(1). Applicant proposed no improvements along Short Road;
 - (d) From the provisions of Section 153-24.E(6) which requires that all approaches from streets of lower order to an intersection are not to exceed three (3%) percent of the distance of 100 feet measured from the nearest right-of-way line of the intersecting street. The approach to Short Road from Road B is in excess of the required three (3%) percent;

- (e) From the provisions of Section 153-25.C which requires all land developments to establish a bike/hike path in accordance with the Township Pedestrian/Bicycle Transportation Plan;
 - (f) From the provisions of Section 153-26 which requires curbs to be installed in every residential street, private street and existing roads which the Applicant proposed none; and
 - (g) From the provisions of Section 153-27.A(5) which states that a driveway shall be constructed to a maximum grade of eight (8%) percent. Applicant proposed ten (10%) percent.
2. Applicant to pay a fee in lieu of recreation land in accordance with the provisions of the Doylestown Township Ordinance;
 3. All private streets and storm water management facilities shall be owned and managed by a homeowner's association established by the applicant with the understanding that the appropriate protection shall be afforded to the Township such that it may enter upon the premises and effectuate the maintenance of storm water management facilities in the event the homeowner's association shall fail to do so, which said right shall be memorialized by an easement or other document recorded of record, which said easement shall be subject to the approval of the Township Solicitor;
 4. The Township will accept dedication of the ultimate right-of-way along Short Road;
 5. The Board of Supervisors approved the configuration of the lots;
 6. Applicant to pay a fee in lieu of the waivers granted pursuant to this approval, which said waivers include the payment of a fee in lieu of improvements to Short Road including curbs, a fee in lieu of the width of the internal streets, a fee in lieu of the construction of the pedestrian/bicycle path, a fee in lieu of the installation of street lights and sidewalks. The exact amount shall be determined between now and the consideration of any final plan;
 7. Applicant shall pay a fee of \$1,000 for each new lot as an off-site contribution, which said fee shall be paid at the time each building permit for each new lot is requested;

8. Receipt of all permits and approvals from any agencies having jurisdiction over such matters including, but not limited to, the Bucks County Board of Health and the Bucks County Conservation District;
9. Applicant shall provide a hydrogeological report as required by the provisions of Section 153-41.C9(3) for review by the Township prior to the Township considering for approval any final plans;
10. The design and propriety of the installation of a retaining wall 950 linear feet in length reaching a height of 24 feet in one location shall be deferred to final plan with the understanding that the Township Engineer shall review the propriety of any proposed retaining wall or other means by which the applicant determines to grade proposed Lot 12;
11. Compliance with the Boucher & James Report dated April 24, 2008;
12. The Board of Supervisors agreed to waive the installation of any street lighting but, as noted previously, the Applicant shall pay a fee in lieu of same;
13. Compliance with the Pennoni Report dated April 23, 2008;
14. Compliance with the Bucks County Planning Commission Report dated January 24, 2008 to the extent relevant; and
15. No public well will be installed and/or developed on the Applicant's property.

MOTION was ADOPTED 5-0.

John Butterworth, Windover Lane, asked about signage introducing the area.

Mr. Zaveta replied we will have a marketing sign that is approved by the Township.

2009 Financial Requirements & MMO for Pension:

The Board acknowledged receipt of the 2009 Financial Requirements & MMO for Pension.

Stormwater Funding Request:

Mr. John requested additional funding to move the stormwater program forward. The scope of work proposed by Conestoga Rovers & Associates in order to comply with the NPDES permit for clean stream includes identifying the sources of contaminants by televising certain storm piping and dye testing individual sanitary systems. The cost for this work is \$46,030; however, he is requesting \$50,000 because there may be additional work needed.

Mr. Bennett asked it is expected that we will have to increase the amount of money budgeted for this project.

Mr. John replied the cost may stay at about \$50,000.

Ms. Philo noted that \$30,000 was budgeted and the request is for \$46,000 additional so the total for this year is \$80,000.

Mr. John replied that is correct. The amount of \$50,000 will carry the project through until next spring.

Mr. Scarborough made a MOTION, seconded by Ms. Eisenhardt to approve the request of \$50,000 for the stormwater project as noted by Mr. John.

Ms. Philo asked was this additional work planned for.

Mr. John replied he did not plan for this last year.

MOTION was ADOPTED 5-0.

TREASURER'S REPORT:

Mr. Scarborough made a MOTION, seconded by Mr. Bennett to approve the Treasurer's Report of August 19, 2008.

MOTION was ADOPTED 5-0.

BILLS LIST:

Mr. Scarborough made a MOTION, seconded by Mr. Bennett to approve the Bills List for August 19, 2008 in the amount of \$940,163.34.

MOTION was ADOPTED 3-2. Ms. Philo and Ms. Eisenhardt opposed.

ANNOUNCEMENTS:

Ms. Lyons announced that Doylestown Township Administrative offices will be closed on Monday, September 1, 2008, in observance of Labor Day.

Mr. Scarborough made a MOTION, seconded by Mr. Bennett to cancel the Board of Supervisors meeting scheduled for Tuesday, September 2, 2008.

MOTION was ADOPTED 3-2. Ms. Philo and Ms. Eisenhardt opposed.

Ms. Eisenhardt renewed her request that if the Board continues to cancel their meetings that it be declared at the reorganization meeting.

ADJOURNMENT: 8:55 P.M.

Respectfully submitted,

Stephanie Mason, Township Manager

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