

DOYLESTOWN TOWNSHIP BOARD OF SUPERVISORS

REGULAR MEETING

April 15, 2008

The Regular Meeting of the Doylestown Township Board of Supervisors was held at 7:00 p.m. on Tuesday, April 15, 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 J. White, Chief of Police; Mario Canales, Township Engineer and Stephanie Mason, Township Manager.

PLEDGE OF ALLEGIANCE:

Ms. Lyons announced that Ms. Eisenhardt and Dana Eckman, Bucks County Herald, are taping tonight's meeting.

VISITOR/PUBLIC COMMENTS:

Mike McCreery thanked the Board for appointing him chairman of the 2008 Oktoberfest Committee. He indicated that he is working on the fundraising for the event and that he is utilizing his business contacts to help him. He asked the Board to share their contacts with him to aid in fundraising efforts. He thanked Mrs. Lyons for her support and contributions to Oktoberfest and said any small donation is appreciated. Mr. McCreery can be reached via email @ ActionKarate.net

Joe Paternostro, Houk Road, commented that the waiver that the Board granted to Doylestown Hospital, for approximately \$400,000, should not have been waived. He commented that the residents of Doylestown Township could have benefited from not having a tax increase over a 2-year period and that this could have aided fire, ambulance, roads and salaries of needed employees.

Lisa Burn, Sugar Bottom Road, indicated that she has been working with Chief White regarding speeding vehicles on Sugar Bottom Road. She indicated that because Doylestown, Buckingham and Warwick Townships all converge at the crest of the hill it makes it difficult to determine whose jurisdiction comes into play.

Chief White commented that he has scheduled speed enforcement details, will have the speed timer out and has written to the Chiefs of Police of both Warwick and Buckingham Township to advise them of the situation. Once the results are available they will be shared with the state, as Sugar Bottom is a state road.

A resident, a resident from Buckingham Township, accompanying Ms. Burns thanked the township for its attention.

Steve Robner, Northampton Township, thanked Ms. Eisenhardt for speaking at a recent public meeting at Northampton Township regarding septic/sewer issue. He said her knowledge and comments were helpful.

ANNOUNCEMENT:

Ms. Lyons announced that the next meeting of the Board of Supervisors is scheduled for Tuesday, May 6, 2008.

The Doylestown Township Administration Offices will be closed on Tuesday, April 22, 2008 due to Primary Elections.

The Shred Event will be held on Saturday, April 26, 2008 at the Doylestown Township Municipal Building parking lot from 10 AM – 2 PM

APPROVAL OF MINUTES:

Mr. Scarborough made a MOTION, seconded by Ms. Eisenhardt to approve the minutes of the April 1, 2008 Board of Supervisors meeting.

Ms. Philo commented that she thought the minutes were lacking stated information.

MOTION was ADOPTED 4-1. Ms. Philo opposed.

REPORTS:

Solicitor – There was no report.

Township Engineer – There was no report.

Police Chief – There was no report

Township Manager –

Ms. Mason asked the Board to set the date for the Road Inspection. After discussion the consensus of the Board was hold it on Tuesday, May 20, 2008 at 4:00 PM

Supervisors –

Ms. Eisenhardt commented on the change in Voting District 5 and the location within the Senior Center. She indicated that she hopes that the newspaper will aid in making people aware of the new entrance and that signs will be available.

Mr. Scarborough commented that as liaison of the Environmental Advisory Council, they have gone completely paperless and that all materials are being sent out via email. He thinks that it is a good idea for other Boards and Committees to go paperless if it is

possible. He feels that it reduces paper, clerical time, delivery time, postage, etc.

Ms. Philo congratulated the EAC for doing that and indicated that it's a great idea for the Township and that the Traffic Advisory Committee has been doing it as well.

PUBLIC HEARING:

Proposed Zoning Ordinance Amendment – LI to C2 and C1 to C2 for TMP# 9-22-139, 9-28-3, 9-28-2, 9-28-4-1 and 9-28-4

Mr. Garton indicated that the proposed amendment was duly advertised in the *Intelligencer* according to the Municipalities Planning Code, also posted at the law library and the property itself was properly posted. The proposed ordinance is specific to the property located at Rt. 263 & Rt. 313. It was reviewed by the Bucks County Planning Commission and the Doylestown Township Planning Commission. The required reports were received.

Mr. Michael Carr, attorney for the applicant, indicated that these five (5) parcels that the applicant is proposing to amend the zoning on these parcels from LI and C1 to C2. The applicant has had numerous meetings with the Planning Commission and the neighbors.

Mr. Grasso, Mr. Meekum, Mr. Kuhn, Mr. Ebert, Mr. Van Reeker, Mr. Claus were present to review the application with the Board of Supervisors.

The applicant is willing to provide sizable infrastructure to make available to adjacent residents to tie into water and sewer. They have met with Bucks County Water & Sewer Authority and have discussed it. They are also confident in offering a Declaration of Covenants to be recorded to outline the proposed development details and plans to show their commitment which would be able to be addressed in the land development when they fully engineer a plan.

Mr. E. Van Reeker, professional planner, member of the AICP, reviewed the BC Planning Commission letter. He indicated that the BC Planning Commission gave no specific recommendation but that things should be looked at by the applicant. He indicated that there are three (3) Limited Industrial zoning districts throughout the township. This site has approximately 12 acres. The only access to the site is through Rodgers Road. However this application proposes no access to Rodgers Road. Other LI districts include W. Broad Street, Rt. 313, Pine Run area. In total approximately 103 acres. He indicated that the county letter says that the site would benefit from a master plan to better control traffic access and unify stormwater, pedestrian access, and architectural integrity. He also indicated some of these as proposed are permitted in the LI district are also permitted in the institutional district.

Mrs. Eisenhardt commented that the institutional use largely includes Delaware Valley College.

Mr. Van Riker agreed and indicated that however it doesn't stop the college from selling off its land in the future. He also indicated that the county's letter addresses which district is less intrusive to the residents and with the master plan combining the parcels you can see in concept that we have control verses when they develop individually. He also indicated that the BC Planning Commission indicated that many of the industrial uses permitted are not compatible with residential uses.

Mr. Van Riker spoke about potential employment and under the C2 scenario can anticipate approximately 175 employment equivalent versus 70 – 207 with LI. Revenue for \$28 M project would generate about \$22,000 tax revenue to the township, \$190,000 to the school district. Also, traffic master plan, pays off for adequate access and frontage improvements.

Mr. Van Riker indicated that he looked at the recent Joint Park & Recreation Open Space Plan adopted by the Township and indicated that the subject site was not identified for open space. In addition, the 1990 Park Plan did not identify this area either and the 1999 County Natural Land Assessment by Rhoades and Blok identified various natural areas of importance to the county, this subject site was not identified. Dimensional analysis, minimum buffers and things can all be address during land development. Some of the other uses like telecommunications are not being proposed.

Mr. Van Riker also addressed the issue of spot zoning, and this application is not spot zoning, based on the surrounding zoning and the fact that it is already LI and C1, close proximity to residential.

Ron Claus, Bohler Engineering, reviewed the concept plan indicating the square footage proposed for this site, 12,900 sq. ft. pharmacy with a drive-in, 3,700 sq. ft. bank with a drive-in, 8,000 sq. ft. of retail another supermarket with 76,000 sq. ft. as well as an additional 8,000 sq. ft for retail for 108,000 total. He indicated that there would be no additional access to Rodgers Road. There is a fully signalized intersection light with York Road and the site with full movement. There would be a right in only off of Swamp Road and that this is all similar to the plan approved 5 or 6 years ago with the Munchnicks. PennDOT approved those previously and the permits have remained open. Circulation through the site, parking access to the rear, loading area, storm water is also addressed with the subdivision land development ordinance with subsurface basins. They would need to acquire a NPES permit from DEP regulations. Also previously the Munchnicks had worked with the area residents to develop existing storm drainage problems through the stormwater management and improvements and those are still proposed as part of this plan. 30,000 ft. buffer landscaping with light with the shoe box type lighting would be focused downward and be recessed and shielded.

Mr. Roth did the traffic evaluation and potential trip generation for the site. Proposed land uses load generate focused on more intense. He concluded that the changes in zoning in and of itself are not having an adverse impact on the site.

Ms. Philo questioned if the change in the use creates a change in the trip for what is permitted with a concern for day verses night.

Ms. Eisenhardt commented that big box grocery stores sometimes are 24 hours a day operation.

Mr. Roth indicated that the study did not get into the specifics of that.

Fred Ebert, Ebert Engineering, specializing in water and waste water, addressed the Board. He indicated that the applicant is proposing public water and sewer for the site and also willing to offer water and sewer to area residents along the route via an on-site pump station. The line would go up from Rodgers Road to Juniper for any available residential property along the way. He indicated that the Township Engineer, he and BCW&SA representatives met with the best way to do that based on the topography. He indicated that there would be a low pressure main to service the residents as well as a force main. It would pump from their site to Juniper. They would provide a phase pickup of residential to Juniper drive, access along the route. BCW&SA done in two service areas. Any lot that abuts on the low pressure main, to pump 48 lots, could be accommodated to a point and then an additional 31 lots for a total of 79 lots. North of Rodgers Rd. and additional 54 lots. He'd extend the laterals; put them in at the same time. The developer does expect to recapture on the cost of the lateral only.. Connect to the laterals estimating about \$1,100. He based this on previous in recent bidding information from projects. He indicated that the entire project was approximately \$546,000 worth of public improvements. Cost of the lateral approximately \$1,100. He indicated that there have been questions about how many EDUs. The first one is a minimum of approximately 11 houses would be the minimum to allow the low pressure main to work so that it could clean itself three times per day, then it is 2-3" diameter line based on BCW&SA gallons per day requirement. On the other side need approximately 9 or 10. However, a dry line could be put there and could be tapped into in the future. If it is not tapped in a certain amount of time then the developer would not receive the recapture either. He indicated that water is approximately \$1,000 for the lateral. That is recommended not required. The developer would get back in total approximately \$2,100 on the recapture of the lateral.

Ms. Eisenhardt asked some questions regarding the letter from BCW&SA and the low pressure sewer line and the route to Green Street from the existing plan.

Mr. Ebert indicated that the line that would tied in at Juniper would be an 8 inch line if additional residents sought to tie in, they would need to move it to Creek Road where there is a 10 inch line. That is was BCW&SA was addressing.

Ms. Eisenhardt also questioned the letter and the estimated flow and the meter line.

Mr. Ebert indicated that a meter line is unavailable because they don't have any flows and treatments in this particular are but that they certainly would be able to accommodate this area.

Ms. Philo asked where the pump station would be located, which would be behind the market.

Mr. Carr then indicated that the proposal for the site is clear and consistent and does not jeopardize township zoning, the infrastructure is being provided. It is consistent with the neighborhood and they are willing to do a commitment to concretely have declaration of easement, see fit for the Board to adopt the ordinance.

Mrs. Lyons commented that, if the number of residents within a certain period of time don't connect, the line will be there and there would be no recapture.

Judy Goldstein, Township Planner, made two minor points of clarification. One regarding the land developed currently as LI is approximately 90 acres within the township based on GIS mapping and that the 30 ft. buffer requirement in the C2 district is actually a 50 ft. set back and the set back adjacent is used for the buffer as well.

The Planning Commissions review did make the recommendation for the property to be rezoned.

PUBLIC COMMENT:

Mr. McCloskey, asked about spot zoning. Mr. Garton indicated that the property is currently zoned C1 and LI and that it is made up as five individual parcels that they are proposing to change to C2 and it is not spot zoning.

Mark Fetter, 5 Old Nursery Way, representing his parents, indicated that his parents have lived adjacent to the property for 23 years and has concerns (see attached) regarding parking, noise, views, trees in the buffer and 24 hour businesses.

Mr. Carr indicated that if development on the site would occur, they would endeavor to limit the impact. He said the tax basis is not something that they have considered. It's not the reason they are doing that and any thing that would occur there would increase traffic as a result and most of this is addressed through subdivision land development. Concerns of crime he believes will be far and few between. Buffering is something that would be addressed and they will work with neighbors through land development as they have through the zoning process. Although haven't discussed they types of business doesn't believe the 24 hour business will be there, or at least open to the public. There may be some night crew doing work, but they are not planning for it.

Ms. Eisenhardt commented on the recent redevelopment of Blueberry Hill and that most of it is empty. She indicated that with the economy not being good she is concerned about additional retail space.

Ms. Philo indicated that she has a greater concern regarding the traffic increase. She also commented that industrial uses would not normally have weekend hours that change in C2. She'd like to see greater traffic analysis for the site to make the change acceptable,

although they've done a nice job on the presentation. How is the idea that Doylestown Township is lacking these businesses and we have a need?

Ms. Lyons commented that the need is really in Buckingham.

Mr. Grasso indicated that national companies have contacted him indicating that they have an interest and feel that they would do well in this area.

Ms. Philo indicated that she would like to see additional information on fiscal impact with the LI C1 vs. C2. She indicated that this could be very successful in the township if the change is made, it could also not be. That's the question.

Mr. Krohl indicated that this seems like it would be a nice facility verses the Rita's Water Ice on the corner that is always jammed with people.

Mrs. Fetter commented that it would be a detriment.

Mr. Scarborough indicated that there would still be the need to go through the land development and realizes that C1 is much more invasive than C2 and that the property does abut two major commercial roadways. If the five properties were to be developed individually it could be a hodge podge of LI and C1. It makes sense to consolidate them into an overall C2 zoning for over all development.

Ms. Eisenhardt commented that the C1 district also includes single family and museum uses as well. The Township shouldn't jump the gun just because water and sewer from the site is being offered to the residents is attractive.

Mr. Bennett raised concerns regarding junk yards, gas stations and convenience centers on the site. Mr. Bennentt commented how would we protect the Township from that?

Mr. Carr indicated that he would provide declaration of covenants which is being offered and would address all the proposed improvements that regulations buffer or increase buffering would be met. There would be no access to Rodgers Road and that could be provided for the Township to consider and if it didn't meet the Township's understanding they could resend it, if it was not developed before the property was sold.

Mr. Garton commented that the change in zoning and the developers promises could go down the tubes if the property was sold and make sure based on reality the declaration of covenants should be considered but the Township is not prepared to review that at this time and probably not inclined to take action on the ordinance until they have the opportunity those declaration of covenants.

Ms. Eisenhardt commented that she would like to review the entire comp plan and she made a motion that the Township not approve the ordinance amendment at this time.

Ms. Philo seconded the motion.

After discussion the motion failed by a vote of 2 to 3 with Scarborough, Lyons, and Bennett voting against.

Mr. Garton suggested that the Board may want to consider tabling the matter so that Mr. Carr would have the opportunity to get a declaration and the additional information discussed tonight for the Board to review before the Board makes such a decision.

Mr. Scarborough made a motion to table, Mr. Bennett seconded. The motion was unanimously approved to table to May 6, 2008.

NEW BUSINESS:

BUCKS COUNTY CONSORTIUM BIDS:

2008 Pipe and Inlet Bid

On motion of Ms. Philo, seconded by Mr. Scarborough, the 2008 Pipe and Inlet Bid was unanimously approved pursuant to Richard John's memo dated 4/7/08

Fuel Bid 5/1/08 – 4/30/09

On motion of Ms. Eisenhardt, seconded by Ms. Philo the 2008 – 2009 Consortium Fuel Bid was approved pursuant to Richard John's memo was unanimously carried.

ZONING HEAR BOARD APPLICATIONS:

Susan Proud, 33 Philena Ave. – Request for Variance

James & Kerry Udinski, 39 Warden Road – Request for Variance

Richard & Barbara Lyons, 120 East Road- Requests a Special Exception:

The consensus of the Board was to leave these three matters to Zoning Hearing Board.

Mrs. Lyons recused herself on the application of Richard & Barbara Lyons at 120 East Road.

DESTINATION PEACE VALLEY- BIKE & HIKE GRANT RESOLUTION:

On motion by Ms. Philo, seconded by Ms. Eisenhardt the Board unanimously approved Resolution No. 1405 for the Destination Peace Valley Bike & Hike for a feasibility study. Motion carried unanimously.

SCHAEFER PYROTECHNICS, INC. CONTRACT – FIREWORKS 7/2/08

On motion by Ms. Eisenhardt, seconded by Mr. Scarborough the Schaefer Pyrotechnics, Inc. contract to provide fireworks on July 2, 2008 at the Performing Arts concert was unanimously approved.

Also, the Board agreed to collect donations to off-set the cost of the fireworks. This was done on a motion by Ms. Philo, seconded by Ms. Eisenhardt and unanimously approved.

PINE CREST GOLF CLUB, INC. CONTRACT – 2008 TWP. GOLF OUTING

On motion by Ms. Eisenhardt, seconded by Mr. Bennett the contract was unanimously approved.

TREASURER’S REPORT

On motion by Mr. Scarborough, seconded by Ms. Eisenhardt the March 18, 2008 and April 15, 2008 Treasurer’s Reports were unanimously approved.

BILLS LIST

On motion by Mr. Scarborough, seconded by Mr. Bennett the Bills List in the amount of \$692,537.58 was unanimously approved.

ANNOUNCEMENT:

Ms. Lyons announced that the next meeting of the Board of Supervisors is scheduled for Tuesday, May 6, 2008.

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The Shred Event will be held on Saturday, April 26, 2008 at the Doylestown Township Municipal Building parking lot from 10 AM – 2 PM

ADJOURNMENT: 8:55 p.m.

Respectfully submitted,

Stephanie Mason. Township Manager

SJM/jr