



Board of Supervisors

Regular Meeting

~ Minutes ~

425 Wells Road
Doylestown, PA 18901
<http://doylestownpa.org/>

215-348-9915

Tuesday, June 18, 2013

7:00 PM

Public Meeting Room

I. 7:00 PM REGULAR MEETING

Members of the Board of Supervisors in attendance included Chairman; Barbara N. Lyons, Vice Chairman; E. Thomas Scarborough. Supervisors; Richard F. Colello, Shawn Touhill.

Township Staff members in attendance included Township Manager; Stephanie J. Mason, Director of Operations; Richard E. John, Township Solicitor; Jeffrey P. Garton, Chief of Police; Dean A. Logan and Township Engineer; Mario Canales.

Absent: Supervisor: Ryan Manion

A. Pledge to the flag

B. Visitors/Public Comments

Mrs. Lyons introduced former Doylestown Township Board of Supervisor; Barbara Eisenhardt. She then recognized three members of Boy Scouts Troop 262 who were in attendance to receive their Citizenship in the Community and Communications Merit Badges.

Resident; Teresa Carroll of 45 Doe Run Road, Warrington requested status on her request at the February 19, 2013 Regular meeting to remove residents along the Pebble Ridge area not included in the 1998 and 2008 Boucher & James, Inc feasibility study be excluded from the proposed sewer connection project.

Ms. Mason responded at this point homes along Almshouse Road, which includes Doe Run Road have not been removed from the planning document. Although Doe Run Road was not included in the 1998 and 2008 study, they are included in the 3M planning module scheduled to be submitted to DEP. Mrs. Lyons added with Doe Run Road included in the 3M Planning Module, the township will need to await comments from the Department of Environmental Protection (DEP) before any decision can be made.

Ms. Carroll then questioned where can a copy of the Conestoga Rover 2010 Illicit Discharge Report noting the township was in compliance with it's discharge permit be found. Assistant Township Manager; Sandra Zadell answered; all Conestoga Reports can be found at www.doylestownpa.org under the Stormwater Management section.

Ms. Carroll then commented if in 2012 the township was in compliance with the discharge permit, why is the proposed public sewer connection project moving forward. Mrs. Lyon answered; as per tonight's vote, the completed 3M Planning Module will be forwarded to DEP, where they will respond pursuant to the requirements. Ms. Mason added the township is in compliance once required duties were completed under the stormwater management requirements as per current laws. Ms. Carroll concluded by asking if public comment will be included with the 3M Planning Module submission. Ms. Mason indicated all comments received by close of business on Friday, June 14th will be incorporated in the state's report.

Penny Larrisey requested the Board terminate the township staff responsible for sending her a notice

addressed to current resident rather than her name. She found the lack of identification to be disrespectful towards a 70 year tax paying Doylestown resident.

II. ANNOUNCEMENTS

The Board met in Executive Session, prior to the Regular meeting to discuss litigation matters included in tonight's agenda.

- A. The next meeting of the Doylestown Township Board of Supervisors will be held on Tuesday, July 16, 2013.
- B. Doylestown Township Administration Offices will be closed on Thursday, July 4, 2012 in observance of Independence Day.

C. *Sounds of Summer Concert Series 2013*

- 1. Robert Eric Band- Central Park – 6/26/13 at 7:00pm – Free Admission
 - 2. Philly Horn Band & Fireworks – Central Park – 6/30/13 at 7:30pm –
 - 3. Fabulous Greaseband – Chapman Park – 7/10/13 at 7:00pm – Free Admission
- D. Leaf and Yard Waste Recycling - Doylestown Township residents only. The Drop off Site is open every third Saturday of the month, March-December from 9 am to 11 am. Location: New Britain Road access to the back part of CENTRAL PARK.

III. MINUTES APPROVAL: June 4, 2013

Mr. Scarborough made a MOTION; seconded by Mr. Colello the June 4, 2013 Doylestown Township Board of Supervisors Regular Meeting minutes be approved.

MOTION was ADOPTED 4 to 0.

Mrs. Lyons noted Board member; Ms. Manion's absence at tonight's meeting is due to business in Annapolis, Maryland.

IV. CORRESPONDENCES

No Report

V. REPORTS

- A. Solicitor -Gross Tract (Heritage Building Group) – Stipulation Agreement

Mr. Garton reported on the property located off Old Dublin Pike, where in 2004 the Board of Supervisors approved the Gross Tract preliminary plan. The plan provided for 25 single family dwellings along a cul-de-sac. A final plan was submitted by the developer, where the realignment of an access road at Sandy Ridge Road was not addressed. The township denied the final plan on that basis. The matter was then forwarded to the Courts of Common Pleas of Bucks County, where it was re-litigated solely related to the access issue. Subsequently, the Pennsylvania Department of Transportation (Penn Dot) stated the access road was appropriate, but noted the area was in need of a traffic light at Old Dublin Pike and Sandy Ridge Road.

The settlement only re-establishes and re-approves the initial preliminary plan submitted in 2004. However, the developer is paying the township \$90,000 towards the cost of installing the traffic signal, \$25,000 for offsite improvements and \$47,000 as a fee in lieu towards recreation. Mr. Garton concluded by recommending Board approval of the stipulation agreement related to the Gross Tract. Ms. Mason agreed.

Mr. Scarborough made a MOTION; seconded by Mr. Colello the Doylestown Township Board of Supervisors approve the Stipulation Agreement between Doylestown Township and Gross Tract \ Heritage Building Group.

MOTION was ADOPTED 4 to 0.

Shelbourne Healthcare Development Group - Draft\ Final Financial Security (Set Aside) Agreement

Mr. Garton reported the Board previously approved the Shelbourne Healthcare final land development plan to construct an assisted living facility located along Route 611. The developer is scheduled to enter settlement on Friday, June 21st in order to secure funds for the development agreement. The developer respectfully request the Board's Chairperson sign the Development Agreements as per the requirements and submission of all checks, plans and approvals.

Mr. Touhill made a MOTION; seconded by Mr. Scarborough the Doylestown Township Board of Supervisors authorize the Chairman sign Shelbourne Healthcare Development Group Final Financial Security agreement per Township Solicitor; Jeffrey P. Garton's recommendation.

MOTION was ADOPTED 4 to 0.

B. Police Chief

No Report

C. Township Engineer - Sensory Trail

Mr. Canales reported in February, 2013 the Board authorized Pickering, Corts and Summerson to begin surveying and devising a base plan for the Sensory Trail. Mr. Canales recently met with Bucks County Conservation District (BCCD) and representatives of DEP to discuss options on how to proceed without a National Pollutant Discharge Elimination System (NPDES) permit required for land development disturbance of more than an acre. Upon discussions, BCCD is willing to assist the township in achieving the task, as long as what is being disturbed is accounted for each phase. This will includes trails and pods within the wooded area. Further discussions with the Township Planner and staff confirmed a recording can be created.

Mr. Canales then requested Board approval to have Pickering, Corts and Summerson move forward with plans to begin final project design and preparation of construction plans for the Sensory Trail in the amount of \$8,000.00. Ms. Mason added the township received a \$10,000 grant from Foundations, where one of the three requirements is to receive all permits from the Bucks County Conservation District by the end of September.

Mrs. Lyons questioned if the \$8,000.00 is funded. Ms. Mason answered; \$5,600 was already spent and the township will need the balance in order to cover the engineering expenses.

Mr. Touhill made a MOTION; seconded by Mr. Colello the Doylestown Township Board of Supervisors approve Pickering, Corts and Summerson move forward with the Sensory Trail's design and construction

plans for Bucks County Conservation District review in the amount of \$8,000.00.

Mrs. Lyons explained the Sensory Trail will be created behind Central Park off New Britain Road. The purpose of the trial is to provide individuals with disabilities access to nature. Each of the pods will have a specific sensory activity.

MOTION was ADOPTED 4 to 0.

D. Manager- DCED Grant – Sensory Trail

Mr. Scarborough made a MOTION; seconded by Mr. Touhill the Doylestown Township Board of Supervisors authorize moving forward with Resolution #1695 to submit an application for the Greenways Trail and Recreation Program Grant through the Department of Community and Economic Development (DCED) in the amount of \$250,000.00 for construction of the Sensory Trail per the recommendation from Township Manager; Stephanie J. Mason.

MOTION was ADOPTED 4 to 0.

E. Supervisors

Mr. Touhill reported the Bike and Hike Committee is approaching the end of the Destination Peace Valley Trail project with most easements in place. The final piece is expected to arrive in July of 2013 in the place of the county. Discussions are in place to expand the trail off New Britain Road. There are also discussions in place with Septa to apply improvements along Lower State Road towards Central Bucks YMCA. One of the improvements is to install bike signage along the train crossing.

Updates from the Kids Castle restoration projects includes, new flooring installed, new footing for entrances and leveling of the ground is planned. Playground equipment will be arriving sometime this week with new support poles ordered. Construction will resume by the end of next week. The Outreach Committee will have a Donations Table at the July 30th Fourth of July event at Central Park.

Mr. Scarborough reported on the well-attended and successful Environmental Advisory Council Shred event. Mr. Scarborough also attended the Bucks County Association of Township Officials meeting last week where, the Bucks County Fire Marshall reported on a new smoke detector system. The new system will sound an alarm connecting to all battery operated monitors instead of only one, when smoke is detected.

Mr. Colello encouraged anyone interested to attend the Monday, June 24th Planning Commission meeting where a possible new ordinance will be discussed to have developers explore installing native shrubs when designing landscape plans for new construction. There are many studies and research indicating how important indigenous plants are for the environment. The Planning Commission meeting will begin at 7:00pm and held in the township's meeting room.

VI. NEW BUSINESS

A. The Pavilion at Furlong – Land Development Plan – Recommendation to Reject Plan

Mr. Garton reported on the ongoing land development plan for The Pavilion at Furlong related to tax parcels 9-22-139, 9-28-2, 9-28-3, 9-28-4 and 9-28-4-1. Applicant; York and Swamp Associates, LLC filed an application seeking preliminary plan approval for a mixed use project at the intersection of Swamp and York Road. The proposed plan is to construct a 54,000 square foot warehouse, 8,400 foot daycare center, underground pressure water tank, parking and loading facilities. The plan also included a future communication tower (cell tower) on a portion of the site.

The submitted plans were designed by Dumack Engineers, dated June 23, 2011, last revised on August 31, 2012. Incorporated by reference and available to the Board of Supervisors are reports from Boucher and James, Inc dated September 19, 2012, Bucks County Planning Commission dated August 8, 2011, Pickering, Corts and Summerson dated September 18, 2012. Additionally and incorporated by reference and available to the Board of Supervisors are full content of the township's files to include correspondence, recommendations and related meeting minutes. Mr. Garton noted for the record, notice was provided to applicant's legal counsel regarding tonight's meeting, where they chose not to attend.

For the record, no new plans have been submitted since the last revision date of August 31, 2012 nor has the applicant appeared at any Planning Commission and/or Board of Supervisors meeting for plan review. Township staff recommends the Board of Supervisors deny The Pavilion at Furlong (York and Swamp Associates) preliminary land development plans for the following reasons...

1. ZO Section 175-16.F(4)(d) in that the Ordinance requires that cell towers be located 200' from any occupied building. The plan shows the location of the proposed cell tower within 200' from the daycare yard fence;

2. ZO Section 175-16.F(4)(e)[2] requires that cell towers be disguised in some fashion which was not done with respect to this application;

3. ZO Sections 175-19 through 175-29.B permit no more than one principal use on a lot or parcel of land, unless the development is designed as a group development and the plans submitted by the Applicant do not meet the requirement of a group development. These sections also require the building to be served by public water and a centralized sewer system which has not been proposed by the Applicant;

4. ZO Section 175-68.A(5) as the Applicant did not meet the minimum yard requirements within the C-1 Zoning District;

5. ZO Section 175-85.A(5) as the Applicant did not meet the yard requirements of the LI Zoning District;

6. ZO Section 175-24.B as the Applicant failed to provide adequate and unobstructed access from the public street for vehicles;

7. ZO Section 175-27.B(1) as the Applicant failed to depict all the natural resources on the site, including, but not limited to trees in excess of 6" in caliper;

8. ZO Section 175-27.D(5) as the Applicant failed to accurately depict the woodland limits on the site and failed to preserve the required portion of the woodlands that needed to be preserved pursuant to this section;

9. SALDO Section 153-34.C(2) as the Applicant failed to provide verification of the location of trees with calipers as noted hereafter and failed to meet the requirements for preserving trees with calipers of 6" to 12", 13" to 24", 25" to 48" and over 48".

10. SALDO Section 153-35 as the Applicant did not provide adequate tree protection fencing as required by this Section;

11. ZO Section 175-21.A(2) as no plan was submitted with the Application for Land Development Approval for the perpetual care of the buffer area and nothing has been provided with respect to the removal and eradication of invasive species from the buffer areas as required;

12. ZO Section 175-21.A(3) as the plan failed to provide for the planting of screen plantings in accordance with the requirements of this Section;

13. ZO Section 175-23.B as the plan failed to comply with the enclosure requirements for parking lots of ten or more parking spaces;

14. SALDO Section 153-34.B(1) as the net buildable site area calculations on the Plan are inaccurate, therefore the requirements with respect to the required area to be devoted to landscaping requirements cannot be ascertained and is not in compliance with this Section;

15. SALDO Section 153-34.B(3) as the plans do not meet the requirements as it relates to the number and location of street trees of this Section;

16. SALDO Section 153-34.B(3)(f) as Applicant failed to provide for the replacement of trees during the maintenance period;

17. SALDO Section 153-36.C(1)(b) as the plans do not provide the required information for outdoor lighting in violation of this Section;

18. SALDO Section 153-36.C(1)(b) as Applicant has failed to provide a point grid and other requirements related to lighting;

19. The Applicant's plans are replete with numerous discrepancies. The Applicant's Preliminary Plans show a warehouse of 54,000 sq. ft., but the Erosion and Sedimentation Control Plan indicates a warehouse of 60,000 sq. ft. and the Post-Construction Narrative indicates the warehouse of 48,000 sq. ft.

20. The legends do not match on the submitted plans;

21. There are a number of discrepancies on the plans as noted in Item 8 contained within the Boucher & James, Inc. report noted previously;

22. SALDO Section 153-21.A(2) as the plans are not legible, they are not of the required size, they are too small to read, the text is overwritten and obscured by other text and features such that they are incapable of being accurately reviewed;

23. SALDO Section 153-20.D(14) which requires that when a preliminary plan is submitted that does not propose the development of the entire site, a sketch plan must be submitted to show the development of the remaining portion of which said sketch plan was not submitted with the Application;

24. SALDO Section 153-50 as the Applicant has not submitted any information related to off-site improvements such as off-site drainage and road improvements;

25. SALDO Section 153-40.D(3) as the Applicant has not secured approval from the Bucks County Department of Health approval of the proposed on-lot sewage system;

26. SALDO Section 153-41.C(3) as the Applicant's grading plan does not meet the requirements of this Section;

27. Applicant has failed to meet the requirements of the Doylestown Township Stormwater Management Ordinance as runoff will bypass the proposed basin, the grading is inadequate, no in-depth storm sewer calculation has been provided, discrepancies exist between the tabulation and the profiles and calculations submitted, the basin outlet profile has not been provided or is inadequate, and no permit has been secured from the Bucks County Conservation District;

28. Sections 148-14.C(5) and (6) of the Neshaminy Creek Watershed Stormwater Management Ordinance requires infiltration testing of the soil so that an evaluation can be performed and that evaluation, together with test results are submitted for review. The Applicant submitted a subsurface investigation, but it was not for the project submitted. The Applicant's further failed to comply with the requirements of the Neshaminy Creek Stormwater Management Ordinance as noted in Items 31 through 42 of the Pickering, Courts & Summerson, Inc. report referred to previously;

29. SALDO Section 153-24 and 153-25, as the Plan submitted by the Applicant did not show the required street, curbing and sidewalks along adjoining streets;

30. Plans were inadequate, poorly photocopied, not able to be read, locations cannot be found required for fire features, the parking lot is not in compliance with the PA Uniform Construction Code, there are insufficient handicap spaces, accessible routes for the parking are not marked, building access is not indicated with gradients, curb details do not include detectible warnings, no location for the fence for the dumpster and recycling container is provided;

31. Other deficiencies are noted in reports which are available upon request.

Mr. Colello made a MOTION; seconded by Mr. Scarborough the Doylestown Township Board of Supervisors deny Swamp and York Associates, LLC (The Pavilion at Furlong) Land Development Plan as per Township staff recommendation.

MOTION was ADOPTED 4 to 0.

B. Resolution for Minor Act 537 Plan Revision – End of 30 Day Comment Period

Ms. Mason recommended the Board approve to submit the 3M Planning Module to the Department of Environmental Protection (DEP) for their review and comments. Upon a recent discussion with DEP, Ms. Mason indicated a lack of action by the township could result in enforcement action. It will also not be found favorable towards the township if materials requested by DEP in the fall of 2012 are not completed. Ms. Mason concluded, the 30 day public comment period has been completed, where approximately 17 letters were received and will be incorporated with the planning module submission. Eric Jenetka's comments from CKS Engineering will also be included and he is present at tonight's meeting to answer any questions.

Mrs. Lyons made a MOTION; seconded by Mr. Colello The Doylestown Township Board of Supervisors approve Resolution No. 1697 for Minor Act 537 Plan revision and submit all related documents to the Department of Environmental Protection (DEP) for review and comments, as per the recommendation of Township Manager; Stephanie J. Mason.

Mr. Scarborough commented the plan is a long standing issue and will be in the hands of DEP if the township does not take action.

Mrs. Lyons clarified tonight's vote is not a decision to sewer or not sewer. The decision is send study results to DEP as required. If the study is not submitted, DEP has the ability to demand one be submitted. Mrs. Lyons recommends the township follow procedures and not incur unnecessary expenses.

Public Comment:

Resident; Kenneth Snyder of 50 Fox Croft Drive questioned what is the Township's commitment towards passing the resolution. Mrs. Lyons answered; the township is not committed to anything. The study is being submitted as a requirement from DEP to collect information from the study area. Ms. Mason agreed and added DEP will review the study and determine the needs as outlined in the documents.

Mr. Snyder then questioned how is a decision made as to whether to move forward with a sewer connection. Mrs. Lyons answered; depending upon DEP response the township will move forward accordingly. Mr. Garton added, DEP has full authority to react how they choose and may decide to hold additional public meetings, only sewer a portion of the township and / or recommend a different option other than a sewer connection.

MOTION was ADOPTED 4 to 0.

C. Bucks County Municipal Open Space Program – Improvement Grant Contract

Mr. Touhill made a MOTION; seconded by Mr. Scarborough the Doylestown Township Board of Supervisors approve the Bucks County Municipal Open Space Program Improvement Grant Contract and have the appropriate officer execute the original document once received from Bucks County, per the recommendation from Township Manager; Stephanie J. Mason.

MOTION was ADOPTED 4 to 0.

D. Applications for Traffic Signal Approval – Poole’s Corner

Ms. Mason reported a new traffic signal will be installed as part of Poole's Corner Project. In addition, the traffic signals located at Route 202 and 313 will be upgraded. The township will take over and share the maintenance of the signals with Buckingham Township and Doylestown Borough.

Mrs. Lyons questioned if an agreement is already on file with Buckingham Township and Doylestown Borough regarding the traffic signal. Mr. Garton answered; the agreement is statutory based upon the quadrants of the intersection.

Mr. Scarborough made a MOTION; seconded by Mr. Touhill the Doylestown Township Board of Supervisors approve the Traffic Signal Application for Poole's Corner be completed and submitted to the Pennsylvania Department of Transportation (Penn Dot).

Mrs. Lyons questioned Chief Logan on the traffic study status along the northbound Route 202 exit where a backup of cars occurs. Chief Logan reported he was at the site a few days ago evaluating and is not sure if a resolution is possible due to the black top macadam. However, he will send a letter to Penn Dot requesting options to hopefully resolve the issue temporarily.

MOTION was ADOPTED 4 to 0.

E. Treasurers Report – June 18, 2013

Mr. Scarborough made a MOTION; seconded by Mr. Touhill the Doylestown Township Board of Supervisors approve the June 18, 2013 Treasurer's Report.

MOTION was ADOPTED 4 to 0.

F. Bills List – June 18, 2013

Mr. Scarborough made a MOTION; seconded by Mr. Touhill the Doylestown Township Board of Supervisors approve the June 18, 2013 Bill's List in the amount of \$175,151.08.

MOTION was ADOPTED 4 to 0.

VII. ANNOUNCEMENTSPublic Comment:

Resident; Robert A Salanik of 206 Pebble Ridge Road, Warrington questioned when will the 3M planning module document be posted on the township's website. Eric Jenetka answered; the document will be posted within a few days. Mr. Salanik then asked if contact information for DEP will also be posted. Ms. Mason agreed to post a contact person for DEP on the township website.

Resident; Marylou Streznewski of 22 Brook Drive questioned if the Board had an idea of what the next steps for Swamp and York Associates, LLC preliminary plan proposal will be. Mrs. Lyons indicated the Board has no idea what Swamp and York Associates are planning.

Resident; Kenneth Snyder of 50 Fox Croft Drive questioned if the July 1st extension granted to York and Associates is still valid. Mr. Garton answered; tonight the Board voted to deny the preliminary plan. There have been conversations with the applicants who indicated they planned on returning for plan approval. At this point there is no pending plan on file for Grasso Group (York and Swamp Associates) relating to the site.

Resident; Scott Shaner 16 Woodridge Drive, Warrington questioned when will the bridge work be completed along Bristol Road, if the township can do anything to monitor the speeding. There are different section closed along the area for bridge work and motorists are currently using Woodridge Drive as a throughway where speeding is occurring up to 50 miles per hour. Ms. Mason indicated the bridge work by PennDOT is expected to be completed by June 28th, weather permitting. Police Chief Logan took note of the speeding and will advise.

VIII. ADJOURNMENT

The Doylestown Township Board of Supervisor June 18, 2013 Regular meeting adjourned at 7:44 pm.

Respectfully submitted by

Stephanie J. Mason
Secretary