

# BUCKINGHAM TOWNSHIP

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## BOARD OF SUPERVISORS BUSINESS MEETING

## AGENDA

November 19, 2008

Call to order 7:30 p.m.

1. Public Comment (Maximum 30 minutes)
2. Board's Announcements:
  - **Buckingham Township's Fall Leaf Waste Collection Program** – Bags are available until November 26<sup>th</sup> at the township office, with leaf pickup scheduled on December 1<sup>st</sup>.
  - **Upcoming Board of Supervisor meetings:**  
The November 26<sup>th</sup> meeting has been cancelled.
  - **Administrative Offices will be closed** November 27<sup>th</sup> and 28<sup>th</sup> for the Thanksgiving holiday.
  - **Annual Township Tree Lighting Event:** Friday, December 5<sup>th</sup> at 6:00 p.m. Please bring an unwrapped, new toy for any age up to 15 years for the "Toys for Tots" donation.
3. Consideration of approving the Bill List for the meeting of November 19, 2008.
4. Consideration of approving Supervisor's Minutes of the October 22, 2008 Regular Business Meeting.
5. Consideration of approving Revised Preliminary Plan of Major Subdivision (plan last revised 11/10/08), submitted by Gilmore & Associates on behalf of Toll Brothers, Inc., "**Feeney Tract**", Township File SA 2003-02, T.P. 6-10-66, Mechanicsville Road & Route 413, 95.1 acres, Proposed eighty-nine (89) B2 cluster lots with TDR's plus existing farmstead to be retained, in the R-1 Zoning District. Review period's 1<sup>st</sup> extension expires December 31, 2008.  
AND  
Consideration of approving Resolution \_\_\_ Act 537 Plan Review for the "**Feeney Tract**" at Mechanicsville Road & Route 413, T.P. 6-10-66, Township File SA 2003-02.
6. Consideration of approving Revised Final Major Subdivision Plan (plan dated "rev. 10/10/08") of the "**Estates at Forest Grove (Smith Pfeiffer) aka Mill Creek Ridge**", Township File SA 2001-05B, submitted by Gilmore & Associates, Inc. on behalf of Toll Brothers, Inc., T.P. 6-23-1, 6-23-4, 6-23-13, 6-23-13-5, 6-23-14 & 6-23-17, Dark Hollow Road / Smith Road / Forest Grove Road, 183.1 Acres, 71 Lots, in the AG-1 Zoning District. Extended 90-day Review Period Expiration date November 30, 2008. (Note: Wastewater Planning Modules were approved by PA DEP 12/22/05.)
7. Consideration of accepting **Request for Extension** to the allowable review time under the provisions of the PA Municipalities Planning Code to February 28, 2009, as submitted by Richard Kempes, Esquire on behalf of Jill Trayer, for the "**Trayer Tract**", Township File SA 2006-08.

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## 8. REQUESTS FOR PAYMENT:

Buttonwood, Phase II, Contract BT-08-02	Payment Request #1	\$52,470.00 recommended for release
Muffin Monsters, Contract BT-08-01	Final Payment Request	\$15,375.00 recommended for release – Final Payment

## 9. Additional Business / Manager's Items

607356

**Buckingham Township Board of Supervisors**  
**Meeting Minutes**

The regular meeting of the Buckingham Township Board of Supervisors was held November 19, 2008 in the Township Building, 4613 Hughesian Drive, Buckingham, Pennsylvania.

Present:	Maggie Rash	Chairperson
	Jon Forest	Vice-Chairman
	Henry Rowan	Member
	Craig A. Smith, Esquire	Township Solicitor
	Dana Cozza	Township Manager
	Daniel Gray	Township Engineer
	Thomas Kelso	Township Water/Wastewater Consultant
	Lynn Bush	Bucks County Planning Commission

Mrs. Rash called the regular meeting to order at 7:35 pm and led the Pledge of Allegiance.

**PUBLIC COMMENT**

Mr. Ed Ricko asked about the status of fiber optic lines. Ms. Cozza responded that the Township was in the midst of franchise negotiations with Verizon and that Verizon indicated they would not be ready to begin laying fiber until 2009. Mr. Ricko responded that he had fiber and that he was getting internet service but did not have television service. Solicitor Smith explained that the Township was trying to ensure that the entire Township would get coverage. Ms. Cozza noted that the Township was not aware that Verizon had already laid fiber. Mr. Rowan noted problems with a substation and suggested that a reasonable response time provision be included in the contract.

Mr. George Michel, Pineville, commented that he paid \$6 per month for dial-up service and that Pineville did not want fiber.

**BOARD'S ANNOUNCEMENTS**

Mrs. Rash announced the following items:

- **Buckingham Township's Fall Leaf Waste Collection Program**  
Bags are available until November 26<sup>th</sup> at the township office, with leaf pickup scheduled on December 1<sup>st</sup>. Mr. Rowan commented that he had received many comments that 5 bags were not enough. Ms. Cozza responded that residents could return for more bags.
- **Upcoming Board of Supervisor meetings:**  
The November 26<sup>th</sup> meeting has been cancelled.
- **Administrative Offices will be closed** November 27<sup>th</sup> and 28<sup>th</sup> for the Thanksgiving holiday.

- **Annual Township Tree Lighting Event:** Friday, December 5<sup>th</sup> at 6:00 p.m. Please bring an unwrapped, new toy for any age up to 15 years for the “Toys for Tots” donation.

### PAYROLL AND BILL LIST

#### Consideration of approving the Bill List for the meeting of November 19, 2008.

*Mrs. Rash made a motion, seconded by Mr. Forest to approve the Bill List for the meeting of November 19, 2008 in the amount of \$310,751.13. The motion carried unanimously.*

### MINUTES

#### Consideration of approving Supervisor’s Minutes of the October 22, 2008 Regular Business Meeting.

*Mrs. Rash made a motion, seconded by Mr. Rowan to approve the Supervisor’s Minutes of the October 22, 2008 Regular Business Meeting. The motion carried unanimously.*

### BUSINESS

**1. Consideration of approving Revised Preliminary Plan of Major Subdivision (plan last revised 11/10/08), submitted by Gilmore & Associates on behalf of Toll Brothers, Inc., “Feeney Tract”, Township File SA 2003-02, T.P. 6-10-66, Mechanicsville Road & Route 413, 95.1 acres, Proposed eighty-nine (89) B2 cluster lots with TDR’s plus existing farmstead to be retained, in the R-1 Zoning District. Review period’s 1<sup>st</sup> extension expires December 31, 2008.**

**AND**

**Consideration of approving Resolution \_\_\_ Act 537 Plan Review for the “Feeney Tract” at Mechanicsville Road & Route 413, T.P. 6-10-66, Township File SA 2003-02.**

Representing the applicant was Mr. Steve Harris, Ms. Sandy Koza, Traffic Engineer, Mr. Dave Anderson, Toll Brothers and Mr. Jim Takacs, Engineer.

Mr. Harris explained that they were in attendance to discuss the traffic study. Mr. Harris noted that they had closed the road to Wellington Estates and it was now shown as a cul-de-sac. The road was renamed Road C so it would not be confused with Hampton Drive. He noted that the Board had requested that the entrance onto Mechanicsville Road be moved 250 feet to the east; PennDOT did not approve that configuration and asked that it be moved back to Gale Drive. The concept plan will be revised to bring the entrance back to Gale Drive. Mr. Harris continued to explain that the plan was to widen the frontage on Mechanicsville and Durham Roads to a 12’ cartway and 2’ shoulder; PennDOT requested that the roads be striped as a 10’ lane and 4’ shoulder. Mr. Harris noted that there was some discussion about whether they wanted the widening or base course repairs. Mr. Harris explained that Toll Brothers proposed to widen to 12’ and 2’

as required by ordinance as Toll interprets it and there would be only a half width overlay on Durham and Mechanicsville Roads. Regarding sidewalks, Mr. Harris represented PennDOT did not want a sidewalk on Durham Road, though the Township did want one. So Mr. Harris said PennDOT will decide and the Township will not get sidewalks. Mr. Harris represented that all parties were in agreement that there would be no pedestrian crosswalks across Durham Road. Mr. Harris added that the proposed entrance improvement is a 100' access/deceleration lane and no acceleration lane but just a taper (shown on Mechanicsville and Durham Roads).

Mr. Harris noted that the Concept Plan was revised to show a path across to Byron Drive. He noted that there was some discussion about whether PennDOT would approve crossings on Mechanicsville Road as they were mid-block crossings. Mr. Harris said the determination is PennDOT's and the Township will have to defer. Mr. Harris noted that they were still debating with Texas Eastern about the road they show as an access road and that he was doing additional title work to determine if Texas Eastern condemned that right of way.

Mr. Harris reported that a revised traffic study had been submitted in November, 2008. Mr. Harris explained that Toll Brothers was not proposing improvements to the intersection of Durham Road and Mechanicsville Road, the only intersection in the development currently operating at a level of service D. Mr. Harris explained Toll's position contending that the intersection could be corrected by a change in timing of the traffic light and that even in the "no build" scenario the intersection would fall to a Level of Service of D or E in five years. Toll's position was that it was up to the Township to bring the intersection up to the level of service C. Mr. Harris summarized that he suspected there was a difference of opinion between Toll Brothers and Buckingham staff about whose obligation it was to bring the Mechanicsville / Durham Road intersection up to Level of Service C.

Mr. Forest asked about a turning lane on Route 413. Ms. Koza contended that the traffic study did not indicate it was warranted.

Ms. Bush expressed concern about the lack of left turn lanes into the development and questioned the study's findings that a smaller number of trips were heading toward Doylestown. Ms. Koza responded that the study was based on current trip distribution. Ms. Bush commented that the Bucks County Planning Commission had been recommending left turn lanes since the first submission of this plan. Mr. Harris acknowledged the request.

Mr. Rowan noted that heading eastbound on Mechanicsville Road the Level of Service dropped from E to F and questioned why the applicant felt they had no impact on the intersection. Ms. Koza responded that the way the ordinance was written, if the intersection was operating at Level of Service D or worse, the Township must fix the intersection. Discussion followed about who had responsibility to improve the intersection (Township, Toll Brothers or PennDOT). Ms. Koza noted that PennDOT would not require a traffic study for this size development. Discussion followed about

heavy vehicles and whether real traffic conditions (e.g. actual speed of drivers) was taken into consideration in studies. Mr. Harris contended that the law does not require such calculations.

Ms. Barbara Berot, Mechanicsville Road, asked when the studies were done. Ms. Koza responded that they were done in April 2008.

Mr. Rowan asked if average daily calculations were done. Ms. Koza responded that peak hours were studied.

Given the large percentage of heavy vehicles on Mechanicsville Road, Mrs. Rash questioned why the left turn lane for safety was not warranted. Mr. Harris responded that the study indicated that it did not meet the PennDOT warrant and that it must meet the warrant in order to be built. Mrs. Rash questioned whether PennDOT would fight Toll Brothers on this safety improvement.

Discussion followed about the Mechanicsville / Durham Road intersection failing by 2033 and whose responsibility it was to make improvements with Toll Brothers taking the position that if the Township corrects to Level of Service C, then the development will not reduce the level of service.

Mr. Rowan expressed concern that if a 4% increase (about 12 cars) would change the intersection from an E to F Level of Service by 2013 then if any of the calculations were off even slightly, there could be other reductions in service.

Ms. Barbara Berot asked how many cars were allocated per house and whether the study took into consideration the many trips for homes with children. Ms. Koza responded that based on national standards around 1-2 cars per house were allocated and that the national averages done by the International Transportation Engineers did take everything into consideration. Ms. Berot noted that this was an affluent area with more cars and more activities.

Mr. Rowan asked if stopping distances have been field verified to which Ms. Koza responded they were.

Ms. Lynn Bush asked the quantitative difference between projected conditions and what PennDOT would warrant for a left turn lane. Ms. Koza explained the process and noted that PennDOT would verify numbers as part of the Highway Occupancy Permit (HOP), but noted that based on her and Toll's calculations (included in the appendix) it was not warranted.

Mr. Rowan asked if Ms. Koza did transportation planning. Ms. Koza responded that she does not but does traffic impact studies. Mr. Rowan asked if it was a good idea from a traffic planning point of view to put a moderately large sized development in close proximity to an intersection that is going to fail. Ms. Koza responded that in her opinion

this was not a moderately large development; the site would only provide a 2% increase in traffic.

Mr. Rowan asked if a municipality has the responsibility to provide transportation for a new development. Ms. Koza said they did not. Mr. Harris commented that the Township zoned the land for development and could not come back now and say that they do not have infrastructure to support it. Solicitor Smith noted that was a legal argument. Ms. Koza summarized that intersections were operating at acceptable levels of service according to PennDOT and background growth in the future will cause intersections to fail.

Ms. Barbara Berot commented that more and more people use Mechanicsville Road as a bypass for Route 202 and so she expects traffic to continue to increase. She reiterated that statistics based on national data are not relevant. Mr. Harris explained that traffic counts were done here and that national statistics were used for trip generation.

Ms. Bush commented that she had looked at the data in Appendix F and saw that by year 2033 the left lane was warranted. Ms. Koza noted that PennDOT does not allow installation of improvements until warranted. Toll's opinion was that since it was not warranted till 2033 they would not put in the improvement. Ms. Bush noted that it could be warranted in 2014. Ms. Koza responded it was possible, but contended it was not the developer's responsibility.

Discussion followed about trip generation data concluding with Ms. Koza reiterating that it was based on national data and it was the best data available and it was accepted by PennDOT.

Ms. Glynnis Tihansky, asked what would happen if the left turn lane were needed before the development was finished. Ms. Koza responded that it was one of the reasons the volumes were predicted out to 2013. Ms. Koza argued that they would not need to do traffic studies every year. Ms. Tihansky noted that cars were already backed up to the development and wanted to know if Ms. Koza had that information in her model. Ms. Koza responded that PennDOT, not Toll, should fix the existing deficiency.

Solicitor Smith asked if Ms. Koza would agree that the development would have some impact on the intersection. For example, if the intersection were at the point where an additional five cars reduced the level of service from C to D, would it be Ms. Koza's position that it was the developer's responsibility to improve the intersection. Ms. Koza responded that yes, in that example, it would be the developer's responsibility to make an improvement.

Mr. Andrew Dunn, asked if the Traffic Engineer worked on regular basis for Toll Brothers because it appeared she was not unbiased. Ms. Koza responded that she did this work for Toll Brothers but she also works for other developers, municipal clients, etc. Ms. Koza explained that the Township does have their own engineer (Knight Engineering) who will review the study and provide comments.

Mr. Paul Martissa commented that the intersection of Route 413 and Mechanicsville Road was in a historic district and he did not know how that intersection could be improved upon other than timing of the light. Mr. Martissa reiterated that the demographics of our area are likely different than the national average. He also suggested that heavy weekend traffic should be considered. Mr. Martissa expressed concern that it sounded like a margin of error was not built into the report. Mr. Martissa questioned whether the Mechanicsville Route 202 intersection were included in the traffic study. Ms. Koza responded that the report does not assume 100% correct, but was based on the best information available and followed the requirements of the ordinance. Solicitor Smith explained that if anyone thought it would be beneficial to have an independent traffic engineer, then the Board could decide to do that.

Mr. George Michel, Pineville, asked the month and year of the original car count. Ms. Koza responded it was done in April 2008 and there has not been a follow-up.

Mr. Harry Heinsel asked if residents could get a copy of the plan. Mrs. Rash responded that it was available at the Township building.

Ms. Barbara Berot asked Mr. Gray if Mechanicsville and Durham Road could be improved. Mr. Gray responded yes and that right-of-way would be needed, which would be expensive.

Mr. Rowan questioned the diagram in Appendix L showing left turn lanes and the road in close proximity to houses as well as National Historic Registry buildings. Ms. Koza responded that it was not the final design. Mr. Rowan noted that they were working within a constrained site on this intersection.

Mr. Rowan asked about turn lanes on Durham Road and whose responsibility it was to install them if they become warranted in 2018 for example. Mr. Harris responded that he believed it would be a PennDOT responsibility, not Toll's.

Ms. Bush asked whether socioeconomic statistics affect vehicular trip generation. Ms. Koza responded they do not. Ms. Bush questioned whether the trip generation numbers take into consideration cut through traffic and how cut-throughs could be deterred. Ms. Koza responded that the study did not account for people using the site as a cut through. Ms. Koza suggested installing stop signs at all internal intersections to make it a less advantageous route. Ms. Bush asked if there was a way to estimate cut-through volumes and if so would it change the calculations for turn lanes. Ms. Koza responded that it could change the calculations but she did not know how to account for cut through traffic. Ms. Bush reiterated that she was concerned with the safety of people entering and exiting this development.

Discussion followed about requirements for improvements at time of construction and the possibility of putting money aside for future improvements.

Ms. Bush asked why PennDOT asked the developer to look so far ahead. Mr. Harris responded that they did not, the Township had those requirements.

Mr. George Michel, asked if they reduced the density of the development, would they not reduce the traffic impact. Mr. Harris responded, yes, half the houses, then half the traffic.

*No action was taken on Revised Preliminary Plan of Major Subdivision (plan last revised 11/10/08), submitted by Gilmore & Associates on behalf of Toll Brothers, Inc., "Feeney Tract", Township File SA 2003-02, T.P. 6-10-66, Mechanicsville Road & Route 413, 95.1 acres, Proposed eighty-nine (89) B2 cluster lots with TDR's plus existing farmstead to be retained, in the R-1 Zoning District.*

Solicitor Smith noted that the applicant owed monies to maintain the required escrow balance.

**2. Consideration of approving Revised Final Major Subdivision Plan (plan dated "rev. 10/10/08") of the "Estates at Forest Grove (Smith Pfeiffer) aka Mill Creek Ridge", Township File SA 2001-05B, submitted by Gilmore & Associates, Inc. on behalf of Toll Brothers, Inc., T.P. 6-23-1, 6-23-4, 6-23-13, 6-23-13-5, 6-23-14 & 6-23-17, Dark Hollow Road / Smith Road / Forest Grove Road, 183.1 Acres, 71 Lots, in the AG-1 Zoning District. Extended 90-day Review Period Expiration date November 30, 2008. (Note: Wastewater Planning Modules were approved by PA DEP 12/22/05.)**

Representing the applicant was Mr. Steve Harris, Attorney. Mr. Harris summarized that as far as Toll was concerned there were three outstanding issues: 1) roadway improvements, 2) stormwater management issues, and 3) the Highway Occupancy Permit. Mr. Gray noted that the earth work cut and fill issues had been resolved.

#### Roadway Improvements

Mr. Harris summarized that Toll Brothers was prepared to make improvements to Smith Road to bring it up to the 3.78 Structural Number as specified by the Township and PennDOT and in the manner set forth in Mr. Gray's fee-in-lieu-of calculations with one modification. Mr. Harris explained that it was Toll Brother's position that they only had to do a half width widening and overlay on the portion of the road where they only abut one side of Smith Road and the full width where they abut two sides of Smith Road. He explained that one of the impacts of that change is that rather than putting in a \$210,000 culvert they only have to put in an 8' pipe extension. Solicitor Smith asked if Mr. Harris would agree that if they had to do both sides of the road then they would have to put in the culvert. Mr. Harris responded that they would have to extend the culvert on both sides. Mr. Harris commented that there was no dispute over work on Forest Grove Road. On Dark Hollow Road there was not a dispute, but they would like to be able to field verify the base out there now. Mr. Harris explained that Mr. Gray requested that they excavate the road and then put down 6" of stone. Toll Brothers believed there was already 6" of stone there and excavation would not be necessary. Mr. Gray expressed concern that without excavation the final road elevation would not tie into the existing

roads. Mr. Harris agreed to do the excavation work if Knight Engineering felt it was necessary. Mr. Harris contested the \$75,000 estimate for design, Erosion and Sedimentation Control and layout in the Township requirements that was not included in the work that Toll Brothers is actually doing and has already spent the \$75,000 and so they believe that number should be eliminated. The other issue according to Mr. Harris was the full width overlay and complete rebuild of culvert at a cost of \$210,000. Mr. Harris noted that it was Toll's position that there was not a requirement for a sidewalk and the Township believed there should be a sidewalk.

Stormwater Management Issues November 19, 2008 Knight Engineering Revised Final Stormwater Management Review

Mr. Harris acknowledged receipt of Mr. Gray's review letter that day at 3:30pm and receipt of the Highway Occupancy Permit review at 5pm. Solicitor Smith noted that Mr. Gray had just received Toll's stormwater report for review the previous Thursday. Mr. Harris noted that many items in the November 19, 2008 review letter were not in previous reviews though the majority of issues were basically "will comply." Solicitor Smith commented that in regard to the stormwater issues if the correct numbers were used, it could change the stormwater calculations and determination of whether the proposed facilities were adequate. Mr. Harris disagreed.

Mr. Harris reported that after receiving Mr. Gray's report they quickly plugged in the correct numbers for 3.2, 3.3, and 3.4 into the calculations and he did not believe there would be any changes. Regarding 3.6 Mr. Harris agreed that the reference to Basin C in the narrative needed to be removed but contended that it would not have an impact on the calculations. Mr. Gray explained that it was the basin that was not included on the plans that triggered the extra review to ensure that the numbers were consistent. Solicitor Smith asked Mr. Gray if throughout the process he had been questioning the stormwater calculations and methodology and whether or not he could verify the accuracy of the proposed stormwater system. Mr. Gray responded that as far back as January he had raised question about the impervious surface per lot and how much the basins could support. Mr. Gray noted that he had requested that lot tables be provided on the plans and stormwater calculations be revised to account for it.

Discussion of November 19, 2008 Knight Engineering Review Letter:

Mr. Harris suggested that the only thing the revised Stormwater Report did was take out the reference to Basin 5C, which was a basin in an earlier design. There were no recalculations done as a result of the removal of the basin.

3.1 Mr. Harris agreed that the discrepancy between Mr. Gray's calculation of 23.0 acres of impervious surface and the revised Stormwater Management Report calculation of 18.75 acres needed to be resolved. Solicitor Smith asked Mr. Gray to provide an explanation of how he arrived at 23.0 acres. Mr. Gray provided a detailed explanation noting that the numbers came from the applicant's plan.

3.2 Mr. Harris acknowledged that there was a mistake in the numbers entered into the computer modeling, but explained his belief that if they plugged in the correct numbers it

would not change the result. Toll contends the proposed stormwater management met the requirements. Solicitor Smith asked Mr. Gray to provide an explanation of the curve numbers and Curve Number Worksheets; the explanation was provided. Mr. Gray further explained the use of the numbers in computer models to generate Hydrograph Reports that are used to evaluate the Stormwater Management Facilities. Solicitor Smith asked Mr. Gray to specify where there was disagreement between the numbers in the worksheets and the numbers used in the computer model.

Mr. Gray recited the following errors in the Toll stormwater report:

The Drainage Area for Basin #1 utilized in the Hydrologic Modeling (7.64 Acres) is not consistent with the Drainage Area calculated for Basin #1 in the Curve Number Calculation Worksheets (6.51 Acres).

The Drainage Area for Basin #2 utilized in the Hydrologic Modeling (6.92 Acres) is not consistent with the Drainage Area calculated for Basin #2 in the Curve Number Calculation Worksheets (7.16 Acres).

The Drainage Area for Basin #3A utilized in the Hydrologic Modeling (7.75 Acres) is not consistent with the Drainage Area calculated for Basin #3A in the Curve Number Calculation Worksheets (7.09 Acres).

The Drainage Area for Basin #3B utilized in the Hydrologic Modeling (1.57 Acres) is not consistent with the Drainage Area calculated for Basin #3B in the Curve Number Calculation Worksheets (1.96 Acres).

The Drainage Area for Bypass Area #3 utilized in the Hydrologic Modeling (3.94 Acres) is not consistent with the Drainage Area calculated for Bypass Area #3 in the Curve Number Calculation Worksheets (3.66 Acres).

The Drainage Area for Basin #4A utilized in the Hydrologic Modeling (6.98 Acres) is not consistent with the Drainage Area calculated for Basin #4A in the Curve Number Calculation Worksheets (6.65 Acres).

The Drainage Area for Basin #4B utilized in the Hydrologic Modeling (10.42 Acres) is not consistent with the Drainage Area calculated for Basin #4B in the Curve Number Calculation Worksheets (10.16 Acres).

The Drainage Area for Bypass Area #4A utilized in the Hydrologic Modeling (5.01 Acres) is not consistent with the Drainage Area calculated for Bypass Area #4A in the Curve Number Calculation Worksheets (5.03 Acres).

The Drainage Area for Bypass Area #4B utilized in the Hydrologic Modeling (5.57 Acres) is not consistent with the Drainage Area calculated for Bypass Area #4B in the Curve Number Calculation Worksheets (5.68 Acres).

The Drainage Area for Basin #6A utilized in the Hydrologic Modeling (5.53 Acres) is not consistent with the Drainage Area calculated for Basin #6A in the Curve Number Calculation Worksheets (6.45 Acres).

The Drainage Area for Bypass Area #6A utilized in the Hydrologic Modeling (10.65 Acres) is not consistent with the Drainage Area calculated for Bypass Area #6A in the Curve Number Calculation Worksheets (11.08 Acres).

The Drainage Area for Basin #6B utilized in the Hydrologic Modeling (9.00 Acres) is not consistent with the Drainage Area calculated for Basin #6B in the Curve Number Calculation Worksheets (9.10 Acres).

The Drainage Area for Bypass Area #6B utilized in the Hydrologic Modeling (15.32 Acres) is not consistent with the Drainage Area calculated for Bypass Area #6B in the Curve Number Calculation Worksheets (15.31 Acres).

The Curve Number for Basin #6A utilized in the Hydrologic Modeling (CN=78) is not consistent with the Curve Number calculated for Basin #6A in the Curve Number Calculation Worksheets (CN=80).

The Curve Number for Bypass Area #6A utilized in the Hydrologic Modeling (CN=80) is not consistent with the Curve Number calculated for Bypass Area #6A in the Curve Number Calculation Worksheets (CN=79).

The Curve Number for Basin #6B utilized in the Hydrologic Modeling (CN=71) is not consistent with the Curve Number calculated for Basin #6B in the Curve Number Calculation Worksheets (CN=66).

The Drainage Area calculated for Basin #4A in the Curve Number Calculation Worksheets (6.98 Acres) and the Drainage Area for Basin #4A utilized in the Hydrologic Modeling (6.98 Acres), as presented in the Stormwater Management Report for the PennDOT Highway Occupancy Permit, is not consistent with the Drainage Area calculated for Basin #4A in the Curve Number Calculation Worksheets (6.65 Acres) provided to the Township in conjunction with the submission of the Revised Final Plans.

The Drainage Area calculated for Basin #4B in the Curve Number Calculation Worksheets (10.42 Acres) and the Drainage Area for Basin #4B utilized in the Hydrologic Modeling (10.42 Acres), as presented in the Stormwater Management Report for the PennDOT Highway Occupancy Permit, is not consistent with the Drainage Area calculated for Basin #4B in the Curve Number Calculation Worksheets (10.16 Acres) provided to the Township in conjunction with the submission of the Revised Final Plans.

The Drainage Area calculated for Bypass Area #4A in the Curve Number Calculation Worksheets (5.01 Acres) and the Drainage Area for Bypass Area #4A

utilized in the Hydrologic Modeling (5.01 Acres), as presented in the Stormwater Management Report for the PennDOT Highway Occupancy Permit, is not consistent with the Drainage Area calculated for Bypass Area #4A in the Curve Number Calculation Worksheets (5.03 Acres) provided to the Township in conjunction with the submission of the Revised Final Plans.

Mr. Gray noted that due to the use of inconsistent areas, the Applicant has not verified with Stormwater Management Calculations, as required by the SALDO, that the proposed stormwater management facilities have been designed to control the anticipated peak discharge from the property being developed in accordance with the release rate requirements of the SALDO.

Mr. Harris reiterated that Toll Brothers agreed there were discrepancies in the numbers that needed to be corrected and contended that had they been pointed out previously they would have already been addressed. Solicitor Smith responded that there have continued to be problems with the stormwater calculations that the Township continued to point out and that Toll Brothers could have corrected.

3.3, 3.4, 3.5 Mr. Harris again agreed that there were inconsistencies in the numbers that would be addressed. For 3.5 Mr. Gray noted that there was a difference of 1.27 Acres between the Pre- and Post-Development conditions.

3.6 Mr. Harris explained that it was a reference to Basin 5C that the engineers missed taking out of the narrative.

3.7 Mr. Harris agreed that this item pointed out correctly that there were inconsistencies in the November Stormwater Report but explained this was because it was done after the PennDOT submission.

3.8 Mr. Gray explained that because the 100-year water surface exceeds the bottom of the cover adjustment slab elevation on the "Weir," modeling should be done on the orifice option.

3.9 Mr. Harris acknowledged that a waiver would be needed.

Solicitor Smith asked Mr. Gray whether he could confirm for the Board whether or not the proposed stormwater facilities for this tract function as represented by the Design Engineer. Mr. Gray responded that he could not because of inconsistencies and lack of supporting information that would be needed to verify that drainage areas and curve numbers were accurately modeled. Without the information he could not tell the Board that pre- and post-development rates complied with the ordinance. Solicitor Smith asked Mr. Gray to characterize for the Board whether the kinds of mistakes observed were the kind of mistakes that an engineer preparing a report would go through and check to make sure they were accurately transposed. Mr. Gray explained that normally the curve numbers come from the worksheet and they are copied into the model.

Mr. Gray summarized that without having the first information correct or correctly transferred, he could not verify the information was correct.

Discussion followed about Mr. Harris' contention that Mr. Gray should have pointed out the discrepancies earlier. Mr. Gray noted that normally he assumes the numbers were inserted correctly. He explained that sometimes they do spot checks upon revisions as they did here and that was how these mistakes were observed.

Mr. Rowan asked if the plans were sealed by a professional engineer. Mr. Gray responded that he believed they were.

November 19, 2008 Highway Occupancy Permit (HOP) review letter

Mr. Harris noted that with the exception of the comment that Toll Brothers should tell PennDOT not to follow its requirements with regard to the entrance on Cartside Drive, the applicant would comply with all issues raised other than those discussed below.

5.2 curb radii at Parkside Drive needs to be resolved with PennDOT.

6.1 all in agreement with what was proposed the previous week, will update plan.

1.0 Mr. Harris noted that the rest of the paragraph was missing. Solicitor Smith noted that part of the Preliminary Plan was that the PennDOT applications were to go through Mr. Gray's office and in this case they went directly to PennDOT. Solicitor Smith noted that Knight Engineering was trying to accommodate the applicant even though they did not follow the procedures. Mr. Harris explained that the application was submitted to Mr. Gray, was approved and then filed with PennDOT. Mr. Harris explained that PennDOT then asked for revisions and it was those revisions that were not resubmitted to Knight Engineering. The applicant will comply.

Solicitor Smith asked if the applicant had an HOP. Mr. Harris responded they did not. Solicitor Smith acknowledged the applicant's legal position that the Township could not legally require an HOP before granting final approval. However, Solicitor Smith asked Mr. Harris if he would agree that having an HOP was a condition of Preliminary Approval that the applicant accepted. Mr. Harris did agree.

Mr. Harris provided Solicitor Smith with a letter requesting an extension to the end of the year in order to address the issues raised. Mr. Harris also had a letter requesting an extension to January 31, 2009 if the Board preferred.

Review of Waiver Request Letter last updated 5/2/08

The Board approved of the waiver requests other than those listed below:

SALDO § 9.7.C.2 The requirement to widen and/or reconstruct existing roadways to meet current Township standards. The consensus of the Board was to deny this waiver request.

SALDO § 9.7.C.7. Mr. Harris noted that they were constructing Dark Hollow Road smaller at the request of the Board . The Board agreed to a variable width cartway on Dark Hollow Road to match the existing stone road cross section. However, otherwise the consensus of the Board was to deny the requested waiver of the Requirement to widen (Forest Grove Road and Smith Road) and/or reconstruct (Forest Grove Road, Dark Hollow Road and Smith Road) existing roadways to meet current Township standards.

SALDO § 9.18.A. Requirement of curbs and sidewalks along all streets. The consensus of the Board was to deny this waiver request.

SALDO § 9.18.A.1. Requirement that the sidewalk or trail along Forest Grove Road be extended to the Histan property line to allow for the future connection to a possible development on the Histan property. The consensus of the Board was to deny this waiver request.

SALDO § 9.18.K. Requirement that the wood chip path detail specify the ADA acceptable wood chip material proposed by the Applicant. The consensus of the Board was waive this requirement and to no longer require the Applicant to specify the type of wood chip material to be used, as the Applicant no longer proposes to install a "wood carpet" surface on the path

SALDO § 9.23.E.4.a.(8). Requirement that the temporary pump bypass around in-channel work area (Forest Grove Road culvert detail) be revised to eliminate the placement of a discharge pipe across the highway. The consensus of the Board was to deny this waiver request.

Mr. Rowan asked why there was not an updated waiver request letter. Mr. Harris responded that if the Board did not act that evening, they would address comments in the Stormwater Review Letter, revise the waiver request letter and return for a discussion.

The Board adjourned to executive session at 10:40pm to discuss legal matters.  
The Board reconvened at 11:00pm.

SALDO § 9.32.A.1.1 Requirement that the temporary pump bypass around in-channel work area (Forest Grove Road culvert detail) be revised to eliminate the placement of a discharge pipe across the highway. The consensus of the Board was to deny this waiver request.

SALDO § 7.2.I.1. Requirement that future submissions of the plan designs include the currently proposed improvements, including the design information for Dark Hollow Road. The consensus of the Board was to partially waive this requirement. The Township agreed to a variable width cartway on Dark Hollow Road to match the existing stone road cross section. However, to the extent this waiver proposes not to improve the roadway to current township standards (except for the width), the consensus of the Board was to deny this waiver request. The Board agreed existing drainage swales within the right-of-

way along the Stepping Stone Farm (Black) property should remain undisturbed, and that the existing tree to be protected should remain undisturbed.

Mr. George Michel asked if the waiver included taking care of the tree. Mrs. Rash responded that it did.

Last item on the waiver letter regarding Lot Restriction Plans. Mr. Harris explained that impervious surface would be limited to 8,000 sq. ft. per lot. On lots smaller than  $\frac{3}{4}$  acre, the specific area would be calculated and included on a deed restriction. Solicitor Smith asked if there would be changes to stormwater calculations. Mr. Harris noted that they were reducing impervious so there would be more capacity. Mr. Rowan asked if the 8,000 sq. ft. was marked on plan. Mr. Gray indicated that there was a general note on the plan. Solicitor Smith summarized that they would provide lot restriction plans with impervious square footage of each lot and that there would be deed restrictions. Mr. Anderson noted that the Disclosure Statement would identify the impervious surface ratio.

Mr. George Michel questioned whether it will be easy for the zoning officer to find out the impervious surface allowed on the lot. Mrs. Rash commented that these lots would need the upgraded disclosure statements. Mr. Harris agreed to provide the Township with the disclosure statements with the information included.

Mr. Rowan noted that if a property owner were granted relief from the Zoning Hearing Board (ZHB) for impervious surface, then theoretically the resulting stormwater would not be addressed. Solicitor Smith explained that they would not need the ZHB because the development is only allowing 24% impervious surface. Mr. Gray explained that if someone went over the limit, they would have to provide stormwater management.

Discussion followed about the Township enforcing deed restrictions at the time of permitting.

Ms. Bush noted that Mr. Harris had suggested that they would do the disclosure but not allow the Township to review it because of the time it took to move something through the Township. Mr. Anderson said they would submit an exhibit L that the buyer signs off on and is provided to the Township.

#### November 7, 2008 Knight Engineering Review Letter Review of Outstanding Issues

##### I. 3. All in disagreement.

I.69. Mr. Harris noted that they had submitted numbers but had not received feedback. Mr. Kelso noted that it was an issue of agreement on the numbers. Mr. Harris responded that they would work out the numbers and they will comply.

II. 2.1 Solicitor Smith noted that this item was still outstanding and was subject of litigation.

II. 4.1b. Solicitor Smith pointed out that the roadway improvements proposed by Toll Brothers were an outstanding issue as discussed earlier in the evening.

II. 52.21 The applicant will do as proposed in the HOP letter.

November 17, 2008 Castle Valley Consultants, Inc. Review Letter  
Water Supply

3. Mr. Harris proposed \$20,000 and a requirement to replenish the funds if necessary, but agreed to comply.

Wastewater System

2. Mr. Anderson indicated that Toll Brothers would have an agreement with the Homeowner's Association instead of with individual owners. The applicant will comply.

3a. Mr. Harris noted that the items on Sheet 12 were those specified by the Township in a November 10, 2004 memorandum and he did not believe additional laboratory supplies were needed. He added that they send everything out to be tested.

4. The applicant will comply to put in a planted buffer and will put together a plan and submit it to Mr. Kelso and Ms. Manicone.

*Mrs. Rash made a motion, seconded by Mr. Rowan to reject the plan for Revised Final Major Subdivision Plan (plan dated "rev. 10/10/08") of the "Estates at Forest Grove (Smith Pfeiffer) aka Mill Creek Ridge", Township File SA 2001-05B, submitted by Gilmore & Associates, Inc. on behalf of Toll Brothers, Inc., T.P. 6-23-1, 6-23-4, 6-23-13, 6-23-13-5, 6-23-14 & 6-23-17, Dark Hollow Road / Smith Road / Forest Grove Road, 183.1 Acres, 71 Lots, in the AG-1 Zoning District for the following reasons: Those issues set forth in the consultant review letters, the inadequacy of the stormwater plan based on inconsistent numbers, denial of several waiver requests, lack of easements that were needed, lack of an HOP from PennDOT, site improvement disagreements (Smith Road), and the missing site construction sequence. Mrs. Rash added that it was inappropriate and not prudent to grant another extension because they had already been granted four extensions.*

Mr. George Michel commended the Township Supervisors for their decision.

Mr. Matt Hockley, Smith Road, asked if there were any ramifications that he needed to worry about regarding his lot being shown on an earlier subdivision plan. Solicitor Smith responded that he should consult his own counsel.

Mr. Harris commented that he appreciated the dialogue and pointed out that having received three sets of reviews earlier in the day, the Township should give the applicant the opportunity to address these issues and that the requirement to deal with these items

in good faith requires the applicant be given time to address the reports. Mr. Harris added that Toll Brothers owned this property and had the right to refile these final plans and noted that they might need a judge to decide on some of the issues. Mr. Harris questioned whether turning down the plan would make the Board's or Toll's life any simpler. Mr. Harris suggested that allowing the applicant to clean-up the outstanding issues would make more sense in the long run.

Ms. Muriel Gordon expressed support for the Board decision to reject on the basis that there were too many outstanding issues and extensions.

Mr. Tom Baldwin, Planning Commission, expressed support for the Board's motion to reject the application. Mr. Baldwin did not feel the applicant was working on a development that was fitting to the community and that there were many outstanding issues including stormwater and traffic.

Mr. Rick O'Brien, Smith Road, supported the Board decision citing traffic concerns.

Mr. Alan Meisenheimer, Wycombe, felt offended about the timeframe concerns as this process started in 2000.

Mr. George Michel noted that there was a meeting scheduled in September 2008 and the applicant did not attend.

The Township Solicitor was directed to prepare the written denial as required by the MPC. The findings, terms and conditions of that written denial, read as complimentary to these minutes, shall be controlling.

*The motion carried unanimously.*

**3. Consideration of accepting Request for Extension to the allowable review time under the provisions of the PA Municipalities Planning Code to February 28, 2009 for the "Trayer Tract", Township File SA 2006-08, T.P. 6-10-109, 4820 Anderson Road, 2 Lots, in the AG-2 Zoning District, with an extended Review Period expiration date of December 4, 2008.**

*Mrs. Rash made a motion, seconded by Mr. Forest to accept the Request for Extension to the allowable review time under the provisions of the PA Municipalities Planning Code to February 28, 2009 for the "Trayer Tract", Township File SA 2006-08, T.P. 6-10-109, 4820 Anderson Road, 2 Lots, in the AG-2 Zoning District, with an extended Review Period expiration date of December 4, 2008. The motion carried unanimously.*

**RELEASE OF FUNDS**

**REQUESTS FOR PAYMENT:**

Buttonwood, Phase II, Contract BT-08-02	Payment Request #1	\$52,470.00 recommended for release
Muffin Monsters, Contract BT-08-01	Final Payment Request	\$15,375.00 recommended for release – Final Payment

*Mrs. Rash made a motion, seconded by Mr. Rowan to approve the above listed requests for payment. The motion carried unanimously.*

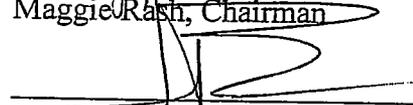
**ADDITIONAL BUSINESS / MANAGER'S ITEMS**

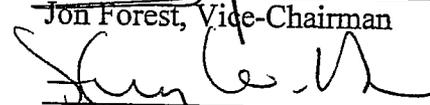
*Mrs. Rash made a motion, seconded by Mr. Forest to adjourn to executive session to discuss legal and personnel issues at 12:08am. The motion carried unanimously.*

**Approved by the Board of Supervisors on the 14<sup>th</sup> day of January, 2009.**

**Buckingham Township Board of Supervisors**

  
Maggie Rash, Chairman

  
Jon Forest, Vice-Chairman

  
Henry Rowan, Member

Attest:  
  
Dana S. Cozza, Secretary