

BUCKINGHAM TOWNSHIP

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BOARD OF SUPERVISORS BUSINESS MEETING

AGENDA

December 10, 2008

Call to order 7:30 p.m.

1. Public Comment (Maximum 30 minutes)
2. Board's Announcements:
 - **Upcoming Board of Supervisor meetings:**
The December 24th meeting has been re-scheduled to be held Tuesday, December 30, 2008 at ___ p.m.
The Annual Reorganization Meeting will be held Monday, January 5, 2009 at 7:00 p.m.
The Regular Board of Supervisor Work Session and Business Meeting will be held Wednesday, January 14, 2009, beginning at 6:00 p.m.
 - The **Annual Board of Auditors Reorganization Meeting** will be held Tuesday, January 6, 2009 at 7:00 p.m.
 - The Buckingham Township Administrative Offices will be closed December 24th at 12:30 p.m., and all day on December 25th and 26th. The offices will also be closed on January 1, 2009.
 - **Red Cross Blood Drive**, January 12, 2009 from 2 p.m. – 7 p.m., Buckingham Township Administrative Building, main level. Please call the township office to make an appointment.
3. Consideration of approving Payroll for the weeks ending November 23, 2008 and December 7, 2008, and the Bill List for the meeting of December 10, 2008.
4. Consideration of approving Supervisor's Minutes of the November 12, 2008 and November 19, 2008 Regular Business Meetings.
5. Consideration of accepting various Departmental Minutes and Advisory Body Minutes.
6. **Resolution No. 2060** Township Secretary's Certification of the 2009 Budget Preparation & Publication.
Resolution No. 2061 Appropriating Specific Sums Estimated to be Required for the Specific Purposes of the Municipal Government, Hereinafter Set Forth, During the Year 2009 and Adopting the Annual Budget Reflecting These Amounts.
Resolution No. 2062 Fixing the Real Estate Tax Rate for the Fiscal Year 2009.
Resolution No. 2063 Authorizing the Establishment of Checking, Savings and Investment Accounts and Designating Various Institutions to Serve as Depositories for the Funds of the Township in 2009.

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7. Consideration of accepting **Request for Extension** to the allowable review time under the provisions of the PA Municipalities Planning Code to March 14, 2009, as submitted by Jeffrey P. Garton on behalf of the Central Bucks School District, for **C.B. East High School Stadium, LD 2000-08A and C.B. East High School Athletic Fields, LD 2000-06.**
 OR
 PUBLIC HEARING: Review of Remanded Preliminary Plan of Land Development submitted by Gilmore & Associates on behalf of Central Bucks School District, **C.B. East High School Stadium, LD 2000-08A**, T.P. 6-14-12, Anderson Road, 11.5 acres, in the "T" Zoning District **and C.B. East High School Athletic Fields, LD 2000-06**, T.P. 6-14-100-1, Anderson and Holicong Roads, 14.17 acres, in the AG-2 Zoning District. Extended review period expires December 14, 2008.
8. Consideration of accepting **Request for Extension** to the allowable review time under the provisions of the PA Municipalities Planning Code to June 30, 2009, as submitted by Andrew S. Levine of Stradley Ronon Stevens & Young, LLP, for "**Our Lady of Guadalupe Church**", Township File LD 2006-01.
 OR
 Consideration of approving Revised (latest revision 1/17/08) Final Land Development Plan of "**Our Lady of Guadalupe Church**", Township File LD 2006-01, submitted by Gilmore and Associates on behalf of the Archdiocese of Philadelphia, T.P. 6-6-6, Durham Road and Cold Spring Creamery Road, 30.565 acres, located in the R-1 Zoning District. The review period's 1st extension expires December 31, 2008.
9. 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. The review period's 1st 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.
10. Consideration of approving Revised Preliminary/Final Minor Subdivision Plan (plan dated 10/15/08) of the "**Soroka Tract**", submitted by Gilmore & Associates, Inc., on behalf of DeLuca Enterprises, Township File SA 2008-02, T.P. 6-23-55-1, Durham Road (Route 413) and Pineville Road, 10+ acres, 2 lots, in the AG-1 Zoning District. The review period's 1st extension expires December 31, 2008.
 And
 Consideration of approving Resolution No. ___ Act 537 Plan Revision for the "**Soroka Tract**", Township File SA 2008-02.

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11. Consideration of accepting **Request for Extension** to the allowable review time under the provisions of the PA Municipalities Planning Code to June 30, 2009, as submitted by Edward Murphy of McBride and Murphy, for **"First Savings Bank" (previously known as "Doan-Kirkbride")**, Township File LD 2007-01.
 OR
 Consideration of approving Final Plan of Land Development (plan dated 8/29/08) submitted by Gilmore & Associates on behalf of First Savings Bank of Perkasio, **"First Savings Bank" (previously known as "Doan-Kirkbride")**, Township File LD 2007-01, T.P. 6-6-25-4, Route 413 at Cold Spring Creamery Road, 3.21 acres, in the NVO Zoning District, with a 90-day review period expiration date of December 30, 2008.
12. Consideration of approving Revised Preliminary Plan of Land Development (plan dated rev. 11/5/08) submitted by Gilmore & Associates on behalf of First Savings Bank of Perkasio, **"First Savings Bank of Perkasio" (Pooles Corner)**, Township File LD 2008-01, T.P. 6-8-54-2, Route 202 and Route 313, .610 acres, in the R-1 Zoning District, with a 90-day review period expiration date of December 30, 2008.
13. Consideration of accepting **Request for Extension** to the allowable review time under the provisions of the PA Municipalities Planning Code to June 30, 2009, as submitted by Jessica Rice of Fox Rothschild LLP, for the **"Lindenmeyr Tract aka Sotter Hill"**, Township File SA 2006-05.
 OR
 Consideration of approving Final Plan of Major Subdivision (plan dated 6/3/08) submitted by Hibbeln Engineering Company on behalf of Henry Lindenmeyr, IV, **"Lindenmeyr Tract aka Sotter Hill"**, Township File SA 2006-05, T.P. 6-14-63 & 6-14-29, Ash Mill Road, 44.42 acres, 5 lots, in the AG-2 Zoning District. The review period's 1st extension expires December 31, 2008.
 AND
 Consideration of approving Act 537 Plan Revision for the **"Lindenmeyr Tract"**, Township File SA 2006-05.
14. Consideration of accepting the Agreement to Extend the Residential Development Contract and Tripartite Escrow Agreement to January 12, 2010 covering **"Amberleigh"**, Township File SA 2001-11.
15. Consideration of accepting the Agreement to Extend the Land Development Contract to January 14, 2010 covering **"Bucks County Airport Authority"**, Township File LD 2001-03A.
16. Consideration of accepting the Agreement to Extend the Residential Development Contract and Tripartite Escrow Agreement to January 23, 2010 covering **"Quarry Valley Farm"**, Township File SA 2000-06.
17. Consideration of release of the Maintenance Bond for **"TIME II – Texas Eastern Incremental Market Expansion Project"**, with an expiration date of January 1, 2009.
18. Consideration of accepting Dedication of **"Lookaway Golf Club, Phase II and III"**, Township File SA 96-18 & LD 96-05.

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19. Consideration of accepting **Snow Plowing Proposal/Contracts** for the 2008-2009 winter season per the Township Roadmaster's recommendation.
20. Consideration of awarding the "**Buckingham WWTP – Effluent Pump Replacement, Contract No. BT-08-04**" bid to MGK Industries, Inc. of Pottstown, PA in the amount of \$489,000.00.
21. ESCROW RELEASES:

Lindquist Settlement Agreement	Escrow Release #5	\$55,000.00 recommended for release
"Brentwood" aka Sanders Tract, Township File SA 2001-01	Site, Escrow Release #6	\$32,008.00 total recommended for release, with \$14,758.97 to be paid directly to Buckingham Township for outstanding fees owed
"Stonemead", Township File SA 98-05	Site, ER #17	\$15,895.41 to be paid directly to Buckingham Township for outstanding fees owed
"Hyde Park", Township File LD 91-02	Phase 4, Site, ER #7	\$12,480.64 to be paid directly to Buckingham Township for outstanding fees owed
"Hyde Park", Township File LD 91-02	Phase 6, Site, ER #3	\$3,449.89 to be paid directly to Buckingham Township for outstanding fees owed

22. Additional Business / Manager's Items

Buckingham Township Board of Supervisors
Meeting Minutes

The regular meeting of the Buckingham Township Board of Supervisors was held December 10, 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 7:45 pm and led the Pledge of Allegiance.

PUBLIC COMMENT

Ms. Ginny Preston expressed concern about the proposed development at Mechanicsville Road citing problems she had encountered with flooding and tree loss after development on Holicong Road. She called for the Township to have proper ordinances in place to protect natural resources before considering development.

BOARD'S ANNOUNCEMENTS

Mrs. Rash announced the following items:

- **Upcoming Board of Supervisor meetings:**
The December 24th meeting has been rescheduled to be held Tuesday, December 30, 2008 at 9:00am. Mr. Rowan noted that the intent was to take care of administrative items.
The Annual Reorganization Meeting will be held Monday, January 5, 2009 at 7:00p.m.
The Regular Board of Supervisor Work Session and Business Meeting will be held Wednesday, January 14, 2009, beginning at 6:00 p.m.
- **The Annual Board of Auditors Reorganization Meeting** will be held Tuesday, January 6, 2009 at 7:00 p.m.
- The Buckingham Township Administrative Offices will be closed December 24th at 12:30 p.m., and all day on December 25th and 26th. The offices will also be closed on January 1, 2009.
- **Red Cross Blood Drive**, January 12, 2009 from 2 p.m. – 7 p.m., Buckingham Township Administrative Building, main level. Please call the township office to make an appointment.

Dr. Taylor Conservation Easement

Mrs. Rash made a motion, seconded by Mr. Forest, to approve Resolution 2064 authorizing the Township to enter into an Agreement of Sale of Conservation Easement with Elsie B. Taylor of 2448 Quarry Road and Buckingham Township, for Tax Map Parcel No. 6-10-245 containing a total of 37.782 acres of land.

Mr. Paul Martissa asked about the details of the purchase. Solicitor Smith responded that the sale was for \$21,000 per acre as a Conservation Easement with the usual and customary arrangement meaning no non-agricultural related development or structures.

Mr. Rowan asked if the easement allowed for the addition of one home. Solicitor Smith responded that it did not.

Mr. Joel Nace asked if open space money was used. Mrs. Rash responded that it was but not from the referendum passed in the spring.

Mr. Patricia Whitman noted that there were flooding problems in that area and asked how much asphalt was to be added. Solicitor Smith responded that .89 acres would be added to one parking area and .47 acres to the other. Solicitor Smith noted that stormwater controls would go in to keep the water from going off the property. Mr. Gray provided further explanation.

The motion carried unanimously.

PAYROLL AND BILL LIST

Consideration of approving Payroll for the weeks ending November 23, 2008 and December 7, 2008, and the Bill List for the meeting of December 10, 2008.

Mr. Rowan made a motion, seconded by Mrs. Rash to approve Payroll for the weeks ending November 23, 2008 and December 7, 2008 and the Bill List for the meeting of December 10, 2008 in the amount of \$614,924.75. The motion carried unanimously.

MINUTES

Consideration of approving Supervisor's Minutes of the November 12, 2008 and November 19, 2008 Regular Business Meeting.

Mrs. Rash made a motion, seconded by Mr. Rowan to table the Supervisor's Minutes of the November 12, 2008 and November 19, 2008 Regular Business Meetings. The motion carried unanimously.

Consideration of accepting various Departmental Minutes and Advisory Body Minutes.

Mrs. Rash made a motion, seconded by Mr. Forest to accept the various Departmental Minutes and Advisory Body Minutes. The motion carried unanimously.

BUSINESS

1. Resolution No. 2060 Township Secretary's Certification of the 2009 Budget Preparation & Publication.

Resolution No. 2061 Appropriating Specific Sums Estimated to be Required for the Specific Purposes of the Municipal Government, Hereinafter Set Forth, During the Year 2009 and Adopting the Annual Budget Reflecting These Amounts.

Resolution No. 2062 Fixing the Real Estate Tax Rate for the Fiscal Year 2009.

Resolution No. 2063 Authorizing the Establishment of Checking, Savings and Investment Accounts and Designating Various Institutions to Serve as Depositories for the Funds of the Township in 2009.

Ms. Cozza provided a summary of the four resolutions. *Mrs. Rash made a motion, seconded by Mr. Forest to approve Resolutions 2060, 2061, 2062 and 2063.*

Mr. John Cunningham stated that he did not see anything about the new debt service on the summary page of the budget and demanded that it be included there. Solicitor Smith explained that the new debt had not yet been taken on so it was not in the budget. Mrs. Cozza explained that there was a debt service line for the existing debt in the detail sheets of the budget, but that particular line was not listed on the front page. Solicitor Smith directed Mr. Cunningham to the line item "Open Space Sinking Fund" on the summary page in the budget.

Mr. Chuck Baker asked about the % increase on budget from 2008 to 2009. Ms. Cozza responded that expenditures were basically flat with total general fund expenditures increasing by 1.9% next year.

Mr. Rowan commented that he would vote against the budget because it included the 0.25 mil tax to the ambulance squad which he opposed because of the process that led to the tax increase (the ambulance squad had no public meeting, and did not guarantee the money would go to Wycombe Station).

The motion carried with Mrs. Rash and Mr. Forest voting aye and Mr. Rowan voting nay.

2. Consideration of accepting Request for Extension to the allowable review time under the provisions of the PA Municipalities Planning Code to March 14, 2009, as submitted by Jeffrey P. Garton on behalf of the Central Bucks School District, for C.B. East High School Stadium, LD 2000-08A and C.B. East High School Athletic Fields, LD 2000-06.

Representing Central Bucks School District was Mr. Jeffrey P. Garton. Mr. Garton asked the Board to consider granting a 60 day extension.

Mrs. Rash made a motion, seconded by Mr. Forest to approve the Request for Extension to the allowable review time under the provisions of the PA Municipalities Planning Code to March 14, 2009, as submitted by Jeffrey P. Garton on behalf of the Central Bucks School District, for C.B. East High School Stadium, LD 2000-08A and C.B. East High School Athletic Fields, LD 2000-06.

Mr. Sam Loserelli expressed support for the 60 day extension.

Mr. Bruce McKissock, Stadium Committee Counsel, expressed support for the extension.

Mr. Tom Baldwin, School Board member, expressed support for the extension.

Mrs. Rash encouraged all parties to keep moving forward and commented that it appeared the parties were working together in a positive direction.

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 June 30, 2009, as submitted by Andrew S. Levine of Stradley Ronon Stevens & Young, LLP, for "Our Lady of Guadalupe Church", Township File LD 2006-01.

Solicitor Smith explained that the applicant was waiting for a Highway Occupancy Permit (HOP). Ms. Cozza noted that the applicant had requested to come to a work session.

Mrs. Rash made a motion, seconded by Mr. Forest to grant the Request for Extension to the allowable review time under the provisions of the PA Municipalities Planning Code to June 30, 2009, as submitted by Andrew S. Levine of Stradley Ronon Stevens & Young, LLP, for "Our Lady of Guadalupe Church", Township File LD 2006-01.

Mr. George Michel asked if PennDOT would attend the work session. Ms. Cozza responded that they would not be there and explained that the Church wanted to come in and talk to the Board about the phasing of the project.

The motion carried unanimously.

4. 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., "Feeny 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. The review period's 1st 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, Attorney, Ms. Sandy Koza, Traffic Engineer, Mr. Dave Anderson and Mr. Tom Imperato, Toll Brothers and Mr. Jim Takacs, Engineer.

Mr. Harris explained that they would be asking for an extension to April 30, 2009. Mr. Harris explained that if the Board were prepared to grant the extension, he would just go over a few highlights, but if the Board wanted to take action, then a detailed discussion of the various review letters would be necessary.

Solicitor Smith advised that a record would have to be made at some point in time prior to a decision. Mrs. Rash responded that this plan had been discussed for a year and that there had been adequate time to go through reviews and make changes. Her feeling was that at this point in time, the application had already been pending for many years and so she was not inclined to grant an extension. Mr. Rowan and Mr. Forest were in agreement.

Mr. Harris directed the Board’s attention to the concept plan which included the movement of Gale Circle, the additional basin and the single light at both entrances but not at all locations as required. Mr. Harris noted that if waivers were granted, then these modifications would be incorporated into final plan.

Solicitor Smith noted that if there was relief being requested from the zoning ordinance that this Board could not grant the relief or approval. Mr. Harris responded that the Board could support an application to the Zoning Hearing Board and that the variance was needed in order to accommodate a Board request.

Discussion of December 9, 2008 Knight Engineering Revised Preliminary Stormwater Management Review

Mr. Harris explained that Mr. Gray and representatives of ESE Consultants (Toll’s Engineers) had met to discuss stormwater issues. Mr. Gray asked for information and it was provided. However, the information received was incomplete and inaccurate and Knight Engineering issued this letter requesting correction, clarification and additional information. Mr. Harris explained that the applicant was not able to get the requested information together in time for the meeting. Solicitor Smith noted that the information was not initially provided to the Township Engineer until the middle of November. Mr. Harris concurred with the statement.

I. 3.2 Mr. Harris represented that by getting the information requested by Mr. Gray, Toll Brothers should be able to demonstrate to the Township that storm water was flowing appropriately. By adding the detention basin in the open space (asking for 5% reduction in open space), Toll Brothers believes that they could demonstrate that all items raised in 3.2 would be satisfied. Solicitor Smith asked if addition of the basin was conditional on

getting 5% open space relief. Mr. Harris responded that they believed after analyzing more closely that they could probably put in the basin without the 5% relief. Mr. Rowan asked about a prior comment made by Mr. Gray wherein Mr. Gray indicated that the plan did not have sufficient detail to know where the runoff was discharging. Mr. Harris explained that Mr. Gray was looking for additional spot elevations and calculations, which were done and submitted. Mr. Gray then, finding that information incomplete requested additional information. Mr. Rowan asked if Toll Brothers engineers felt they had provided sufficient information. Mr. Harris responded that the engineers had provided Toll Brothers with the information requested and he did believe it was sufficient to determine that water flows where they say it does. Mr. Harris acknowledged that Mr. Gray thought more information was needed. Mr. Harris assured the Board that if they granted the extension, Toll Brothers would endeavor to satisfy Mr. Gray's requests for additional information. Mr. Rowan asked how much the volume would increase. Mr. Harris did not have the information available. Mr. Harris explained difference between volume and rate of flow.

3.3 Mr. Harris noted that there was an 80% reduction in rate of flow at Point of Interest E. Mr. Harris noted that the culvert referred to in the Pennsylvania Department of Transportation (PennDOT) right-of-way would be guided by PennDOT requirements. Mrs. Rash questioned if the issue was about decreasing the rate, but not decreasing the volume. Mr. Harris responded that was correct.

Mr. Joel Nace asked for clarification because he thought that streams would be reduced by 80%. Mr. Harris explained that flow from this property would be reduced by 80% at a specific location, but water flowing in the stream would not be reduced.

Mr. Paul Martissa noted that a faucet running at a lower volume could still cause a flood and questioned the legitimacy of reducing rate instead of volume. Mr. Harris responded that the State statute and Township ordinance that controls this issue both address the issue as a reduction in rate of flow and the State has concluded that by reducing the rate of flow, the problem is reduced. Mr. Rowan explained that rate reduction was an outdated way to look at stormwater and that the Department of Environmental Protection (DEP) had revised the stormwater manual and the Township has revised its ordinance since 2003 (when this plan was filed). Mr. Harris commented that in one and two-year storms there was no increase in volume.

Mr. Joel Nace, Mechanicsville, commented that the streams did not normally run except in storm situations and noted that Mr. Gray had commented in 3.1 (in a 9/16/08 letter) about overloading existing draining systems. Mr. Harris responded that the comment was no longer in the report because the issue had been addressed.

Mr. Jeff Charlesworth, Hampton Drive, asked if the defusion rate would be adequate to hold the volume in check. Mr. Harris responded that in one and two year storms, the basins have to be designed so that there is no increase in volume.

Mr. Robert Schaaf, Mechanicsville, asked if the rate of flow calculations in nursery vs. meadow were based on textbook values. Mr. Harris responded they were. Mr. Gray explained the calculation process. Mr. Harris noted that the model uses meadow for calculations (worst case scenario). Mr. Schaaf suggested doing actual flows to see how the property actually drains. Mr. Gray responded that slope was considered and that the formulas were based on field conditions.

Ms. Barbara Berot, Mechanicsville, noted the high water table in the area and asked if infiltration was possible. Mr. Harris responded that permeability testing was done in the area basins were located and Mr. Gray was satisfied with the results.

Mr. Stephen Clausen asked why results of tests were not available and whether this plan was done according to 2003 regulations which were not as robust as current day regulations. Mr. Harris responded that basins have been designed to provide no increase in volume during 1 and 2 year storms and that the basins were designed based on Township ordinances.

John Cunningham asked for clarification about the purpose of the concept plan. Mr. Harris explained that the Board had asked Toll Brothers to consider certain plan modifications that required waivers and until the waivers were granted, Toll would not include those items in the Preliminary Plan.

Mr. Robert Tanky, Mechanicsville, asked what would happen five years from now if it was found that the stormwater management was not sufficient. Solicitor Smith explained that the developer would need to post monies in escrow and as facilities were built, the Township Engineer would inspect to see that they were functioning properly. Mr. Rowan asked what would happen if it was designed according to the plan and it failed. Solicitor Smith explained that the developer does have responsibility for what they do to the land but it might fall under common law precepts.

Mr. Paul Martissa noted that in item 3.2 Mr. Gray indicated that he was not sure what the actual flows of water were. Mr. Martissa asked why after three years this was still an outstanding issue.

Mr. Joel Nace expressed concern about the impact on the stream in his yard. Solicitor Smith explained that the Board and Township Engineer were trying to ensure that neighbors to the development will not be adversely impacted by stormwater.

Mr. Stephen Clausen expressed concern about water being deposited in the forest lands behind his home and the impact it could have on the trees. Mr. Harris explained that the controls in place were sufficient to control the volume. Mr. Gray explained that his concern was that maybe all water did not flow in that direction. Mr. Clausen asked if there was a written guarantee. Mr. Harris explained that Toll Brothers was required to satisfy the Township Engineer and build a stormwater system according to the requirements of the approved design. He explained that if it did not work, the Township had remedies they could utilize before signing off on the development. Mr. Rowan asked

where the first natural outfall was for the streams flowing in the mid Southwest of the property. Mr. Takacs responded that it was the property line. Mr. Rowan asked if it was the applicant's position that if there was a problem downstream of a property line, it was too bad. Mr. Harris responded that they were not saying that.

Ms. Patricia Whitman asked if Toll Brothers was putting in two traffic lights. Mr. Harris explained that they had spoken earlier of street lights.

George Michel, Pineville, asked if the 50 and 100 year floods had been properly addressed. Mr. Gray explained that they did meet the 75% release rate requirement at the time of application; however there were issues. Mr. Michel noted that the 50 and 100 year flood numbers periodically change. Mr. Gray noted that same numbers were used in pre and post development analysis. Mr. Rowan noted that changes to 50 and 100 year flood were minor.

Ms. Jeanie Barney asked if Toll Brothers would guarantee that neighbors would have a dry basement and take care of any trees that start rotting. She noted that this area used to have one to two acre zoning.

Mr. Joel Nace presented the Board with a picture of Mr. Charlesworth's culvert pipe during a March storm event.

Mr. Ed DeChamps, Carrs Road, owned 80 acre farm that became a nursery and noted that his stormwater situation had improved since the Windsor Square development.

Mr. Paul Martissa and Mr. Don Schonleber questioned whether Mr. DeChamps experience was relevant to the current application.

3.6a. After discussion Mr. Harris agreed Toll would remove check dams and put in an energy dissipating device where requested.

3.7 Mr. Harris explained that they were trying to get clarification on the desirability of adding a basin as was requested. Mr. Rowan questioned how many years into the process there could be so many stormwater comments. Mr. Harris disagreed noting that there were only four comments in this review and this review included requests for new information. Solicitor Smith asked Mr. Gray if he had previously asked for the calculations in 3.3. Mr. Gray responded that the calculations had been previously requested. Mr. Harris explained that Toll's position was that the culverts were within the PennDOT right-of-way and had to be approved by PennDOT. Solicitor Smith asked Mr. Gray if the stormwater comments were new or based on previous reviews. Mr. Gray responded that they were based on previous reviews and provided clarification where prior comments were not adequately addressed by the applicant. Mr. Rowan expressed concern about two detention basins that were still "up in the air" after many years and a whole side of the property where the Board did not feel they knew where the water was running. Mr. Harris commented that he did not believe Mr. Rowan's statement was fair. Mr. Harris explained that at the last meeting Mr. Gray had suggested looking into placing

an additional basin and asked for additional information on Point of Interest C. Mr. Gray was now asking for additional data. Mr. Harris concluded that there was an ongoing discussion.

Discussion of December 9, 2008 Knight Engineering Revised Preliminary Traffic Study Review

Mr. Harris noted that most of the traffic issues were discussed at the previous meeting: Toll Brothers would be closing the road to Wellington Estates so comments regarding traffic calming at that location were no longer relevant, half-width versus full-width overlays (Mr. Harris noted that the Applicant was only offering half width overlays) and the sidewalk issue. Mr. Rowan noted that the Board was not satisfied with half-width overlays. Mr. Harris recognized that there was a difference of opinion between the Township and the developer, but noted that the roads were not Township roads. Mr. Harris acknowledged that the road and sidewalk issues would likely be decided by a court.

4.6 The applicant will do what PennDOT requires.

4.10 Mr. Harris noted that the information was included in the revised plan.

4.13 & 4.14 Mr. Harris indicated that the applicant would deal with these issues at the time of the Highway Occupancy Permit (HOP) and if PennDOT required the left turn lane, then they would install it. Solicitor Smith pointed out that there was also a difference of opinion about the level of service and required improvements. Mr. Harris agreed that there was a disagreement.

Mr. John Roesinger asked if there was no longer a connector drive from Hampton Drive. Mr. Harris responded that if the Township granted a waiver, then Toll Brothers would no longer have a connection and there would be a cul-de-sac. Mrs. Rash noted that the Board has said that waiver was granted many times and so they could take the road off the plan. Mr. Roesinger asked about the number of homes to be built. Mr. Harris responded that there would be 89 homes plus the existing home. Mr. Roesinger asked how the traffic was projected. Mr. Harris explained how the traffic studies were done. Mr. Roesinger expressed support for a left turn lane into the development and questioned safety without it especially in regard to school buses. Mr. Harris responded that the school district would determine how they handle pick-ups.

Mr. Paul Martissa noted that regional socioeconomics suggest that there would be a larger number of trips generated than the national average. Mr. Martissa asked if the amount of money for intersection improvements included numbers for moving historic structures for roadway improvements. He suggested that the Township make a note to include such funding. Mrs. Rash responded that so far Toll was not agreeing to improvements so that number was not yet included.

Ms. Carol Coat asked if the roads could be widened and expressed concern about traffic safety. Mrs. Rash explained that there was disagreement between the Township and Toll about road improvements and Toll Brothers did not believe they needed to do any.

Mr. Claussen asked for trip data. Ms. Koza provided the data and explained how it was generated. Mr. Claussen offered to provide other data to the Township. Mr. Harris represented that the traffic study was done according to the requirements of the Township.

Ms. Patricia Whitman asked if people go out and look at traffic. Mr. Harris responded that the study was based on actual counts at the intersection.

Mr. Foxhill expressed concern that Anderson Road was a dangerous intersection and noted that traffic already backed up about a quarter mile from Route 202. He expressed concern that with the development there might be a half mile back-up.

Mr. John Cunningham noted that there were paint marks on Mechanicsville Road that show a left turn lane. Ms. Cozza agreed to look into it.

Discussion of December 5, 2008 Knight Engineering Review Letter

1.3 Mr. Harris noted that water and sewer lines have been shown on the plan and the only thing not on the plan was the design of the actual water treatment system and sewage treatment system, but that they were located within the buildings depicted on the site. Mr. Harris felt the applicant was not required to design the water and sewage treatment until after preliminary approval. Solicitor Smith asked if Mr. Harris would agree that there was still some debate about whether the sewer system would work at all because of the need to calculate mounding. Mr. Harris responded that they had calculated mounding and argued that the issue was whether calculations were to be done by the model traditionally used by the DEP and Township up until the Township hired a new consultant who used a confined aquifer model. Mr. Harris argued that Toll Brothers position was that the design was part of the planning module and Act 537 review which was not an element of subdivision review and case law supported this position. Solicitor Smith asked Mr. Harris whether, if DEP agreed with Mr. Fischer, that would change the amount of land to be dedicated to spray fields. Mr. Harris responded that it would. Solicitor Smith asked if that would then change the plan. Mr. Harris responded that it would. Mr. Harris contended that he felt the Township had hired a consultant to change the rules. Solicitor Smith asserted that it was not true and that the Township had used Mr. Fischer as a consultant for many years. Solicitor Smith asked if there was confirmation that there were wells that would function by serving the quantity and quality of water needed for the development. Mr. Harris represented that there was confirmation and added that the second set of well testing was done that week. Solicitor Smith asked if the reports were available to which Mr. Harris responded they were not and suggested that the Township was not required to have reports. Mr. Harris summarized that the applicant knew what the water system would look like and that two wells were identified and dug. Solicitor Smith noted that the size of the sprayfield was unknown. Mr. Tom Kelso commented that the issue was the feasibility of both the water and sewer plans. Mr. Kelso noted that he had not seen any test results or chemical analyses of the wells. Mr. Harris responded that those would only be treatment/implementation issues. Mr.

Rowan asked if Mr. Kelso if he had seen any well testing since the project started in 2003. Mr. Kelso had not. Mr. Rowan asked if there were problems in the Furlong area with projects operated by Toll Brothers. Mr. Kelso explained that there were a number of wells that have not produced the amount of water as indicated by initial testing and there was a resulting problem with adequate capacity for residents in that area. Mr. Kelso agreed with Mr. Rowan that there was reason to be concerned about quantity and quality of water available in this application. Discussion followed about the length of time it took to get well testing done and why Toll Brothers had not conducted the testing 11 months ago. Mr. Harris argued that the ordinance did not require Toll Brothers to conduct this testing at the preliminary stage. Mr. Harris conceded that there was disagreement on this issue. Mr. Rowan asked how lines could be drawn without systems in place. Mr. Harris responded that they had tested the wells and felt they had adequate supply. Mr. Kelso noted that Subdivision and Land Development Ordinance (SALDO) requirement 9.25A specifies that a hydrogeologic study should be submitted along with preliminary plans and that had not been done. Mr. Kelso noted that it was not just the quantity of water but also the impact on adjoining wells. Mr. Kelso commented that other wells that were thought to be high producing ended up having adverse impacts on surrounding wells thus reducing the amount of water that could be pumped. Mr. Rowan felt that until the Board was able to see final results, then they did not know if there was adequate supply. Mr. Harris noted that if the Board granted the extension, they would be able to provide the information.

Mr. Joel Nace commented that he felt the well tests would be better done in the summer. Ms. Barbara Berot concurred with Mr. Nace.

Mr. Kelso noted that the Act 537 Planning Module was still incomplete. Solicitor Smith asked how long the Township had used Joe Fischer, the Township wastewater consultant on the mounding, sewer system capacity issue. Mr. Kelso responded that the Township started using him in Lahaska about 12 years ago. Solicitor Smith noted that the mounding calculations were not a new test that was just being applied to Toll Brothers on the Feeney Tract. Mr. Kelso agreed that it was not.

1.5 Mr. Rowan asked if despite the Board's position on safety issues, Toll Brothers was not going to do anything. Mr. Harris responded that was correct. Mr. Harris explained that each one of the intersections was stop controlled therefore it was Toll's position that adding raised crosswalks did not contribute to the safety of the project. Mr. Gray noted that the review letter spoke of only two raised intersections. Mr. Harris responded that they were stop controlled. Mr. Rowan asked about the proposed raised crosswalks. Mr. Harris responded that Toll Brothers would be willing to consider those items if they did not feel like the Board was reviewing the plan only to refuse it. Mr. Rowan asked if the applicant was going through this process assuming that they were going to be turned down. Mr. Harris responded yes. Mr. Harris summarized that the plan was remanded back to go through this process and that Judge Cepparulo retained jurisdiction to resolve issues that could not be resolved. Mr. Harris saw this process as trying to reduce the number of issues that needed to be resolved by a Judge. Mr. Harris noted that it was Toll's position that given time, they could meet all conditions of the ordinance. He added

that if the Board continued to take the position that water and sewer had to be proven and designed as a condition of preliminary approval, then it would not be resolved.

1.8 a. Mr. Harris was in agreement with Mr. Gray's comment that open space could not be used for sewage treatment. He noted that the sewage treatment area was not included in qualifying open space. Regarding the utility lots, Mr. Harris argued that the utility systems were not public utilities under the Township Ordinance and therefore they were not F1 utility lots so there was no requirement to put them into lots. Mr. Harris indicated that they would do so if the Township was willing to waive lot dimensional requirements and take dedication. Otherwise they would be dedicated to the Homeowners Association (HA). Solicitor Smith asked if Toll would create them as lots if the Township was accepting dedication. Mr. Harris responded that they were not prepared to make them in F1 conforming lots. If the Township just wanted lines drawn around them, then they could do that. Solicitor Smith noted that the plans indicated that the sewage facilities would be dedicated to the Township. Mr. Harris responded that if the Township position was that they would not accept them unless they were on conforming F1 lots, then they would be dedicated to the HA. Solicitor Smith noted that this was another point of disagreement. Mr. Harris felt there was not a disagreement but instead that the Township wanted something he argued they were not entitled to according to the zoning ordinance.

c. Mr. Harris noted that Toll Brothers was in disagreement with Mr. Gray and the Bucks County Planning Commission (BCPC) position and took the position that there was no requirement for fencing between "common" open space and individual lots. Solicitor Smith asked Mr. Harris if he agreed that there was a disagreement with the interpretation of the ordinance between Toll and the Township Engineer and Bucks County Planning Commission. Mr. Harris agreed that there was a disagreement.

f. Mr. Harris commented that the applicant and Township had a disagreement on this issue. Mr. Harris explained that Toll's position was that the language of the ordinance did not require buffering and therefore the layout was correct. Discussion followed about the timing of changes to the plan. Mr. Harris asserted that the alignment was the same as on previous submission of the plans since Judge Cepparulo's order. Mr. Harris explained that revisions were made to address concerns of Mr. Gray and neighbors to the East and that now there were no little patches of open space. Discussion followed about the open space between Mechanicsville Road and the back yards. Mr. Harris noted that Toll had agreed to put in a raised berm in that open space area. Mr. Harris asserted that the lots did comply. Mr. Rowan disagreed stating that Mr. Harris's statement (about lot compliance) was an opinion and did not think it should show up in the record.

Solicitor Smith explained that Mr. Harris may have misrepresented the position of the Bucks County Planning Commission and read into the record item 2b from the Bucks County Planning Commission November 26, 2008 review letter. Mr. Harris responded that he contended it was not open space. He added that the ordinance defined the space as a buffer and so it did not need to meet the requirements of open space.

g. Mr. Harris questioned if the 100' was a DEP setback. Mr. Gray said it was. Mr. Harris explained that Toll's position was that the setback was 100' from a structure and that this item was another difference of opinion. Mr. Rowan questioned if the applicant would place a sprayfield next to a community green without adequate buffering. Mr. Harris responded that they would comply with the DEP regulations that have been established for safe separation and no more.

h. Mr. Harris reported that this issue was addressed by removing the buffer and putting it in a different location.

1.10a Mr. Harris indicated that Toll Brothers was proposing to pay a fee-in-lieu of recreation space and a portion in-kind. Mr. Harris thought it had been discussed with the Board in October and it was agreeable to the Board.

1.11 Mr. Harris explained that Toll's position was that they had asked the Township at the beginning of planning whether they could connect to the Township's sanitary sewer system and the Township said no. Mr. Harris contended that this was not an F1 use (as discussed earlier) and so that portion of the comment was not applicable. Mr. Harris noted that the highlighted comment at the end of 1.11 had been done.

2.1 Mr. Harris noted that if they received zoning relief and a waiver, they would comply. Mr. Harris noted there would be a 40' bridge. Ms. Bush questioned whether there would be a sidewalk along Mechanicsville road to the end of the property. Mr. Harris said the path would be in its place. Mr. Harris noted that it was Toll's position that sidewalks were not required under the Township Ordinances on collector roads and that they had agreed on the path. Mr. Harris noted that he did not believe the path could be put in the Texas Eastern easement but could next to it.

3.1 The applicant will remove trees.

3.2 The applicant will change lot configuration.

3.5 Toll Brothers asked to connect to the public water system and the Township said no.

3.6 Mr. Harris explained that the stormwater was designed to allow for 6,500SF of impervious per lot and their plan was to deal with it in the same manner as Smith-Pfeiffer with a chart on the plan and inclusion in the disclosure statement, the Homeowners Association and the deed. Solicitor Smith summarized that the applicant was not designing stormwater according to the maximum allowed impervious, but instead to the impervious there. Mr. Harris felt the uniformity of the impervious surface allowed would make the work of the Zoning Officer easier. Mrs. Rash questioned if there was enough impervious surface for a homeowner to build normal things and suggested that the builder take up less impervious space before the homeowner gets there.

3.7 The applicant said they will satisfy PennDOT.

3.8 Mr. Harris reiterated that it was Toll's position that sidewalks were not required. Mr. Gray commented that PennDOT did not want a crossing on 413 but they did not say they did not want the sidewalk.

4.4 Mr. Gray explained that what he wanted to see was iron pins at each change of direction rather than just along one of the boundaries. Mr. Harris responded that it was "will comply" if that was all he wanted.

6.9 Will be addressed in the future.

10.2 This is the subject of a waiver request.

16.2 According to the Applicant, this will not be an issue if Hampton Drive is removed from the plan.

31.8, 31.9 Mr. Harris explained that initial work showed that Texas Eastern did not have an easement on the driveway. Texas Eastern has asserted that they condemned the driveway. The applicant presently does not have an answer but is working to clarify this issue. Toll Brothers would get access through the interior as the valve station is adjacent to their own property.

55.3 Mr. Harris represented that the extension would require disturbance of wetlands and consequently he does not think Toll can comply. Will be addressed in PennDOT HOP. Toll Brothers will do it if township provides relief.

54.6 Mr. Harris argued that this was a final plan requirement.

56.1 Mr. Harris suggested that this was a reason to end widening. Mr. Harris indicated that they would be willing to investigate a guide rail but that it would be resolved in the PennDOT process.

57.1 Mr. Harris commented that they could not get 100% compaction. Mr. Gray said they could.

61.13 Mr. Harris noted that this was not a Federal Emergency Management Agency (FEMA) controlled area.

62.6 Mr. Harris explained that Toll believed that over time the pond would silt up.

99.1 After discussion the applicant agreed to comply.

Discussion of December 3, 2008 Landscape Review Consultants Review Letter
DECEMBER 26, 2003 COMMENTS

8. Toll Brothers will sign a conservation easement in the form the Township requires.

10. Mr. Harris indicated that he believed the details requested were shown on the plan but if they were not, that the applicant would be happy to meet with Ms. Manicone to make sure they were in agreement.

19. Mr. Harris explained that they remove the world landscape from note 32 on sheet 2 and then it would provide the requested information. If there were a dispute the applicant would meet with Ms. Manicone.

MARCH 29, 2005 COMMENTS

1. Mr. Harris explained that the calculations were done using 20% across the board rather than trying to separate forest and woodlands, which was more conservative. Toll agreed to separate out forests and woodlands if requested. The applicant will comply with the request for an updated resource protection chart in the future.

AUGUST 29, 2008 COMMENTS

2. Already discussed

3. The applicant will comply with the SALDO in effect at the time of application and nothing more.

4. Mr. Harris explained that Toll Brothers was proposing that when grading was done for a block, then the trees would be installed. After discussion Mr. Harris summarized that they would ask for a waiver and if it was not granted, then they would comply with the ordinance.

6. Mr. Harris commented that Toll Brothers felt that what was proposed was adequate. Mr. Gray noted that plant materials go in at the end of a project close to dedication and then might get eaten during the maintenance bond period. Mr. Harris indicated that this issue could be resolved and noted that he did not want to have stabilization of plant material hold up dedication.

DECEMBER 3, 2008 COMMENTS

2. The applicant will field verify and resolve.

Discussion of December 2, 2008 Castle Valley Consultants Plan Review Letter DETAILED COMMENTS – SITE PLAN REVIEW

1. The applicant will request a waiver. Mr. Harris explained that because Toll Brothers was not connecting to the public water system, they did not think there was a reason to run the line. Mr. Kelso responded that it would allow for future improvements. Mr. Harris indicated that if the Township did not grant a waiver, then they would comply.

Discussion of December 2, 2008 Castle Valley Consultants Act 537 Review Letter

Mr. Harris noted that the items in this letter had already been discussed. He added that it needed to be advertised and that he was scheduled the following Thursday night in front of the Water & Sewer Commission for a discussion.

Mr. Harris reiterated that Toll Brothers was requesting an extension so that the outstanding issues could be addressed.

Public Comment

Mr. Joel Nace asked for the procedure when a homeowner violates the impervious surface limitation and questioned why the development was being designed to such a low standard. Mr. Harris responded that no matter what limit is set, it will be violated. Mr. Nace suggested designing the stormwater system for 7,500 SF of impervious but allowing for only 6,500SF. Mr. Harris responded that he has yet to see detention basins fill up.

Mr. Robert Schaaf asked what impervious surface number was used for stormwater calculations. Mr. Harris responded that it was 6,500SF.

Mr. Paul Martissa expressed concern about the sustainability of this proposed development and whether it fit the character of the village. Mr. Martissa did not feel Toll Brothers was willing to work with the community.

Mr. Joel Nace asked the Board not to grant the extension.

Mr. Robert Schaaf asked if 89 homes could be supported on this land. Mr. Harris responded that based on studies there was more than adequate water, but there was disagreement about which model to use.

Mr. George Michel asked Toll Brothers to consider reducing the footprint and construction cost and give buyers more room for add-ons.

Mr. Rowan explained that taking into account that the plan originated in 2003 and at the time of the prior rejection the applicant acknowledged that the plan could not have been approved and the fact that it went before the courts and was remanded by the Judge to be revisited and that there have been 11 months to do that and the Judge was expecting due diligence on the part of the applicant to move the project forward quickly and the Planning Commission expressed disappointment that very little had changed and that Mr. Harris requested that the Planning Commission (at their September 3, 2008 meeting) send the plan onto the Board of Supervisors and that it has been the applicant who has requested the meeting dates scheduled to meet their time frame and considering that there are still outstanding zoning and SALDO issues that the applicant will not comply with, Mr. Rowan made a motion, seconded by Mr. Forest to reject 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 based on the following consultant review letters: December 8, 2008 (revised December 9, 2008) Knight Engineering Review Letter, December 5, 2008 Knight Engineering Review Letter, December 2, 2008 Castle Valley Consultants Review Letters,

December 3, 2008 Landscape Review Consultants Review Letter and the November 26, 2008 BCPC Review Letter with the comments therein forming the basis of the rejection. Mr. Rowan added that the Township and residents had committed a lot of time to the project and he was disappointed that the applicant approached it as if it was a sham.

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.

Upon recommendation of Mr. Tom Kelso, the Board found the Act 537 plan incomplete and did not act on it.

5. Consideration of approving Revised Preliminary/Final Minor Subdivision Plan (plan dated 10/15/08) of the “Soroka Tract”, submitted by Gilmore & Associates, Inc., on behalf of DeLuca Enterprises, Township File SA 2008-02, T.P. 6-23-55-1, Durham Road (Route 413) and Pineville Road, 10+ acres, 2 lots, in the AG-1 Zoning District. The review period’s 1st extension expires December 31, 2008.

And

Consideration of approving Resolution No. ____ Act 537 Plan Revision for the “Soroka Tract”, Township File SA 2008-02.

Representing the applicant was Mr. Ed Murphy, Attorney and Mr. Greg Glitzer, Project Engineer. Mr. Murphy provided an overview of the process to date and explained that based on the November 13, 2008 Knight Engineering review and the issuance of permits, the plan was ready for consideration for final approval. Solicitor Smith noted this project was part of the Sugarmill transaction.

Mr. Tom Kelso noted that one of the isolation distances on Lot 1 extends 34 feet onto the adjoining property (greenhouse). Mr. Glitzer explained that the justification on the waiver was that if both properties were developed, then both properties would have 50’ buffers and by default have the 100’ distance. Mr. Kelso noted that he recommend granting the waiver because he did not think the neighboring property was affected in a significant way.

Mr. Gray suggested that Ms. Manicone and himself approve the fence (temporary berm) installation as pointed out in Ms. Manicone’s review letter. Mr. Glitzer agreed to put a note on the plan to hand install.

Mrs. Rash made a motion, seconded by Mr. Forest to grant final approval to Revised Preliminary/Final Minor Subdivision Plan (plan dated 10/15/08) of the “Soroka Tract”, submitted by Gilmore & Associates, Inc., on behalf of DeLuca Enterprises, Township File SA 2008-02, T.P. 6-23-55-1, Durham Road (Route 413) and Pineville Road, 10+ acres, 2 lots, in the AG-1 Zoning District and grant all waivers from the August 13, 2008 waiver request letter subject to compliance with all issues raised in the December 3, 2008 Castle

Valley Consultants review letter (isolation distances waiver supported by engineer), the November 17, 2008 Bucks County Planning Commission review letter, the November 13, 2008 Knight Engineering review letter, the November 14, 2008 Landscape Review Consultants review letter, (item 5.5 from Knight Engineering and 1 from Landscape Review Consultants specify that installation of the temporary berm is subject to engineer and landscape consultant approval).

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

Mr. George Michel asked if the driveway at Pineville Road had changed since August. Mr. Glitzer responded it had not. Mr. Michel commented that this development was keeping in the character of sustainability.

The motion carried unanimously.

Mrs. Rash made a motion, seconded by Mr. Forest to approve the Act 537 Plan Revision for the "Soroka Tract", Township File SA 2008-02. The motion carried unanimously.

Ms. Cozza noted that the applicant owed monies and agreed to provide notice.

6. Consideration of accepting Request for Extension to the allowable review time under the provisions of the PA Municipalities Planning Code to June 30, 2009, as submitted by Edward Murphy of McBride and Murphy, for "First Savings Bank" (previously known as "Doan-Kirkbride"), Township File LD 2007-01.

Mrs. Rash made a motion, seconded by Mr. Forest to grant the Request for Extension to the allowable review time under the provisions of the PA Municipalities Planning Code to June 30, 2009, as submitted by Edward Murphy of McBride and Murphy, for "First Savings Bank" (previously known as "Doan-Kirkbride"), Township File LD 2007-01. The motion carried unanimously.

7. Consideration of approving Revised Preliminary Plan of Land Development (plan dated rev. 11/5/08) submitted by Gilmore & Associates on behalf of First Savings Bank of Perkasio, "First Savings Bank of Perkasio" (Pooles Corner), Township File LD 2008-01, T.P. 6-8-54-2, Route 202 and Route 313, .610 acres, in the R-1 Zoning District, with a 90-day review period expiration date of December 30, 2008.

Representing the applicant was Mr. Ed Murphy, Attorney and Mr. Greg Glitzer, Project Engineer.

December 8, 2008 Knight Engineering Review Letter

The applicant will comply with all issues raised other than those discussed below.

1.1 Mr. Murphy explained that they would provide the relevant provisions of the agreement between First Savings Bank and Exxon regarding the ongoing monitoring of the site. He explained that Exxon remained responsible for monitoring and remediation of the site conditions and that the applicant would provide copies of all relevant testing, subject to any confidentiality issues.

1.2 Bike trail along Route 202 frontage. Discussion followed about PennDOT improvements to the Poole's corner intersection and the applicant's plans to accommodate the improvement. Mr. Rowan asked if the PennDOT plan showed any bike paths. Mr. Glitzer responded it did not. Mr. Rowan explained that the original discussion had been about how to connect the bike path from the parkway through to the existing Route 202 so he was surprised that it was not included. Mr. Rowan suggested that the Applicant shall install depressed curbs at each of the driveways to allow for future installation of bike trails if PennDOT provided the bike path. The applicant agreed to this recommendation.

Mr. Murphy commented that starting on page 3 there were several issues that would be resolved by the engineers.

2.9 Solicitor Smith suggested that 2.9 be changed to say that, "The intersection ultimate right of way lines shall be revised to show a radius with a minimum setback of 1 foot behind the final proposed curb." Mr. Murphy indicated that the plan shows that now.

5.14 on page 4 Mr. Murphy commented that there were no off site property owners whose properties would be affected by extending water line across Swamp Road.

7.5 Issue will be resolved between engineers.

1.1 and 1.2 and 3.1 Mr. Gray noted that there was reduced impervious area on the site and that the applicant had installed two shallow rain gardens. Mr. Gray noted that they were complying with the intent of the ordinance. The applicant has asked for a waiver.

There were no new issues raised in the November 14, 2008 Landscape Review Consultants review letter or the December 2, 2008 Bucks County Planning Commission review letter.

December 2, 2008 Castle Valley Consultants Review Letter

1-3 The applicant will comply.

4. After discussion, it was determined that this was not an issue.

5. Mr. Murphy noted that there was already a holding tank permitted and installed. Mr. Kelso commented that the Township needed to update its ordinances to be consistent with the State. Mr. Kelso added that the preexisting holding tank was suitable for the proposed property.

Mr. Murphy noted that the waiver requests had been previously reviewed.

Mr. Rowan inquired about signage. Mr. Murphy responded that it conformed to the requirements of the Zoning Hearing Board (ZHB) decision and that the ZHB had approved the signage. Mr. Rowan asked if the Board could see the Buckingham Township sign prior to fabrication. The applicant agreed.

Mr. Murphy requested that the Board consider the granting of preliminary and final approval. Mr. Murphy acknowledged that the Board did not normally grant approval without PennDOT approval; however, in this case they needed a permit to close. *Mrs. Rash made a motion, seconded by Mr. Forest to grant preliminary/final approval to Revised Preliminary Plan of Land Development (plan dated rev. 11/5/08) submitted by Gilmore & Associates on behalf of First Savings Bank of Perkasio, "First Savings Bank of Perkasio" (Pooles Corner), Township File LD 2008-01, T.P. 6-8-54-2, Route 202 and Route 313, .610 acres, in the R-1 Zoning District contingent upon compliance with all issues raised in the December 8, 2008 Knight Engineering review letter (with 2.9 to be modified as specified above, 7.5 to be addressed to the engineer's satisfaction, 1.2 and 3.1 the Township Engineer felt the applicant was complying with the intent of the ordinance), the December 2, 2008 Castle Valley Consultants review letter (it was noted that 4 was not an issue and 5 was grandfathered), the November 14, 2008 Landscape Review Consultants review letter and the December 2, 2008 BCPC review letter and Mrs. Rash moved to approve all waiver requests.. Mrs. Rash thanked the applicant for inquiring about PennDOT future plans.*

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

Mr. Rowan commented that the only reason to approve this plan as a preliminary/final was because it was a closure rather than an opening and therefore did not set a precedent because it was considerably different.

The motion carried unanimously.

Ms. Cozza noted that the applicant owed monies and agreed to provide notice.

8. Consideration of accepting Request for Extension to the allowable review time under the provisions of the PA Municipalities Planning Code to June 30, 2009, as submitted by Jessica Rice of Fox Rothschild LLP, for the "Lindenmeyr Tract aka Sotter Hill", Township File SA 2006-05.

AND

Consideration of approving Act 537 Plan Revision for the "Lindenmeyr Tract", Township File SA 2006-05.

Mrs. Rash made a motion, seconded by Mr. Rowan to accept the Request for Extension to the allowable review time under the provisions of the PA Municipalities Planning Code to June 30, 2009, as submitted by Jessica Rice of Fox Rothschild LLP, for the

“Lindenmeyr Tract aka Sotter Hill”, Township File SA 2006-05. The motion carried unanimously.

Mrs. Rash made a motion, seconded by Mr. Rowan to approve the Act 537 Plan Revision for the “Lindenmeyr Tract”, Township File SA 2006-05 as recommended by Castle Valley Consultants. The motion carried unanimously.

9. Consideration of accepting the Agreement to Extend the Residential Development Contract and Tripartite Escrow Agreement to January 12, 2010 covering “Amberleigh”, Township File SA 2001-11.

Mrs. Rash made a motion, seconded by Mr. Rowan to accept the Agreement to Extend the Residential Development Contract and Tripartite Escrow Agreement to January 12, 2010 covering “Amberleigh”, Township File SA 2001-11. The motion carried unanimously.

10. Consideration of accepting the Agreement to Extend the Land Development Contract to January 14, 2010 covering “Bucks County Airport Authority”, Township File LD 2001-03A.

Mrs. Rash made a motion, seconded by Mr. Forest to accept the agreement to extend the Land Development Contract to January 14, 2010 covering “Bucks County Airport Authority”, Township File LD 2001-03A pending receipt of the executed document. The motion carried unanimously.

11. Consideration of accepting the Agreement to Extend the Residential Development Contract and Tripartite Escrow Agreement to January 23, 2010 covering “Quarry Valley Farm”, Township File SA 2000-06.

Solicitor Smith noted that they had reached an agreement that would put the basin in open space and should alleviate some stormwater problems. Ms. Cozza noted that the Homeowners’ Association was supposed to put the agreement into writing. *Mrs. Rash made a motion, seconded by Mr. Forest to accept the Agreement to Extend the Residential Development Contract and Tripartite Escrow Agreement to January 23, 2010 covering “Quarry Valley Farm”, Township File SA 2000-06. The motion carried unanimously.*

12. Consideration of release of the Maintenance Bond for “TIME II – Texas Eastern Incremental Market Expansion Project”, with an expiration date of January 1, 2009.

Mr. Rowan made a motion, seconded by Mrs. Rash to release the Maintenance Bond for “TIME II – Texas Eastern Incremental Market Expansion Project”, with an expiration date of January 1, 2009, pending receipt of \$2000. The motion carried unanimously.

13. Consideration of accepting Dedication of “Lookaway Golf Club, Phase II and III”, Township File SA 96-18 & LD 96-05.

Solicitor Smith summarized that this project had come before the Board a year ago and residents of Lookaway Court had come forward because they wanted the Township to accept dedication of their street. The residents were advised to come before the Board and plead their case; they had not done so. Ms. Cozza noted that the residents were contacted and made aware of the agenda item. Solicitor Smith added that the Board was being asked if they would let the maintenance period relate back to when the developer posted the maintenance bond. Mr. Gray advised that he did not see any reason to extend the maintenance bond. *Mrs. Rash made a motion, seconded by Mr. Forest to accept Dedication of "Lookaway Golf Club, Phase II and III", Township File SA 96-18 & LD 96-05 subject to Resolution (to be appropriately numbered by the staff). The motion carried unanimously.*

14. Consideration of accepting Snow Plowing Proposal/Contracts for the 2008-2009 winter season per the Township Roadmaster's recommendation.

Mrs. Rash made a motion, seconded by Mr. Forest to accept the Snow Plowing Proposal/Contracts for the 2008-2009 winter season per the Township Roadmaster's recommendation. The motion carried unanimously.

15. Consideration of awarding the "Buckingham WWTP – Effluent Pump Replacement, Contract No. BT-08-04" bid to MGK Industries, Inc. of Pottstown, PA in the amount of \$489,000.00.

Mrs. Rash made a motion, seconded by Mr. Rowan to award the "Buckingham WWTP – Effluent Pump Replacement, Contract No. BT-08-04" bid to MGK Industries, Inc. of Pottstown, PA in the amount of \$489,000.00 per the Castle Valley Consultant recommendation. The motion carried unanimously.

RELEASE OF FUNDS

ESCROW RELEASES:

Lindquist Settlement Agreement	Escrow Release #5	\$55,000.00 recommended for release
"Brentwood" aka Sanders Tract, Township File SA 2001-01	Site, Escrow Release #6	\$32,008.00 total recommended for release, with \$14,758.97 to be paid directly to Buckingham Township for outstanding fees owed
"Stonemead", Township File SA 98-05	Site, ER #17	\$15,895.41 to be paid directly to Buckingham Township for outstanding fees owed
"Hyde Park", Township File LD 91-02	Phase 4, Site, ER #7	\$12,480.64 to be paid directly to Buckingham

		Township for outstanding fees owed
"Hyde Park", Township File LD 91-02	Phase 6, Site, ER #3	\$3,449.89 to be paid directly to Buckingham Township for outstanding fees owed

Mrs. Rash made a motion, seconded by Mr. Forest to approve the above listed escrow releases pending receipt of outstanding fees where indicated. The motion carried unanimously.

ADDITIONAL BUSINESS / MANAGER'S ITEMS

1. Appointment to Water & Sewer Commission and Agricultural Security Area Advisory Committee

Mrs. Rash made a motion, seconded by Mr. Forest to appoint Mr. Joe Jagelka to the Buckingham Township Water & Sewer Planning Commission and to the Buckingham Township Agricultural Security Area Advisory Committee with terms expiring January 2011. The motion carried unanimously.

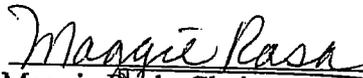
2. Doylestown Athletic Association (DAA) Temporary Sign Permit Fee Waiver

Ms. Cozza asked that the Board not waive the sign escrows. Mrs. Rash made a motion, seconded by Mr. Forest to waive the Temporary Sign Permit Fee, but not the escrows. The motion carried unanimously.

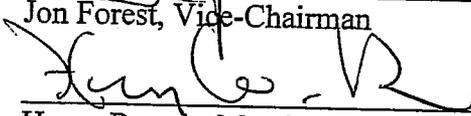
Mrs. Rash made a motion, seconded by Mr. Forest to adjourn the meeting at 1:35am on December 11, 2008. The motion carried unanimously.

Approved by the Board of Supervisors on the 14th day of January, 2009.

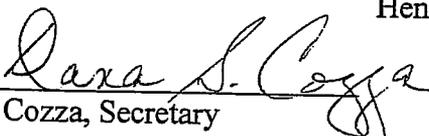
Buckingham Township Board of Supervisors


 Maggie Rash, Chairman


 Jon Forest, Vice-Chairman


 Henry Rowan, Member

Attest:


 Dana S. Cozza, Secretary