

**BUCKINGHAM TOWNSHIP**

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**BUCKINGHAM TOWNSHIP**  
**Board of Supervisors**  
**Work Session Agenda**  
**April 28, 2021**  
**6:00 p.m.**

This meeting will be held in the Buckingham Township Building. Please wear a facemask and observe social distancing protocols.

6:00 p.m.      **“McKee Development” Alternate Sketch of Major  
Subdivision Plan** dated 3/9/2021, Township File SA 2020-01

6:45 p.m.      Manager’s Items

Executive Session

**Buckingham Township Board of Supervisors**  
**Work Session**  
**Minutes**

The work session of the Buckingham Township Board of Supervisors was held April 28, 2021 in the Township Building, 4613 Hughesian Drive, Buckingham, Pennsylvania.

Present:	Jon Forest	Chairman
	Paul Calderaio	Vice-Chairman
	Maggie Rash	Member
	Dana S. Cozza	Township Manager
	Daniel Gray	Township Engineer
	Craig A. Smith, Esquire	Township Solicitor
Not Present:	Gary Weaver	Township Water/Wastewater Consultant
	Luke Rosanova	Bucks County Planning Commission

**“McKee Development” Alternate Sketch of Major Subdivision Plan dated 3/9/2021, Township File SA 2020-01**

Ed Murphy, Esquire and Mr. Greg Glitzer of Gilmore & Associates, were present along with Mr. Kevin McLaughlin, Senior Vice President of The McKee Group.

Mr. Murphy explained they have had a series of conversations with the Planning Commission since January regarding the original plan with development based along Lower Mountain Road and Creek Road. Based on those discussions they revised the plan to relocate the development on the Route 413 side of the properties. Mr. Murphy said the goal of this evening is to present the Board of Supervisors with the revised sketch plan and receive their feedback.

Mr. Glitzer displayed the original preliminary plan, and the revised sketch plan. He explained the original plan complied with solar orientation of the homes; however, the revised sketch plan would require a waiver from the solar orientation requirement within the Subdivision and Land Development Ordinance. Mr. Glitzer said both plans show 41 units, composed of different sized singles, townhomes and twins.

Mr. Glitzer showed where the wastewater treatment and storage lagoons would be located on the Creek Road side, with a driveway entering from Creek Road. He said the lagoon would be approximately 300' from Creek Road, and the treated effluent would be pumped to the spray irrigation site on the Route 413 side.

Mr. Glitzer explained new wells would be placed in upper corner of the woods along Route 413 for a water treatment facility with a tank placed near the homes. He explained the water tank would look like a silo, and service the development with booster pumps inside the control building. Mr. Murphy said the silo would be approximately 20' tall.

Mr. Glitzer pointed out that the revised sketch has two access points from Route 413 (both points designed for in and out traffic), and no access from Lower Mountain/Creek

Road. Mr. Murphy clarified these access points would need to be reviewed and approved by PennDOT as Route 413 is a state-maintained roadway.

Mr. Glitzer said that several residents from the Village of Buckingham Springs had discussed stormwater runoff issues during previous meetings, and the sketch plan is designed so that no increased rate or flow of stormwater heads in that direction. Mr. Glitzer said drainage from the development would be intercepted by stormwater management features surrounding the development. Mr. Glitzer explained a tributary to Mill Creek in the center parcel would be the primary outfall for the stormwater controls. He emphasized that they are obligated by township ordinances and the Pennsylvania Department of Environmental Protection to implement an aggressive stormwater plan. Mr. Glitzer said in response to the neighbors' concerns, they have discussed designing buffering near the lower left corner of the property, adjacent to Buckingham Springs, to control runoff by installing buffer plantings and an elevated earthen berm to control some of the runoff that has historically been flowing uncontrolled into that area. Mr. Murphy said they had discussed extending the elevated berm from the Route 413 frontage the full depth of the lower border of the parcel, to the woods in the corner.

Mr. Murphy said there are no zoning variances that need to be requested, however in order to place the units in the sketch plan layout, they would need to request a waiver from the solar orientation requirement of the Subdivision and Land Development Ordinance. Mr. Murphy said in order to comply, the homes would need to be rotated for the proper east/west solar orientation, which would move the lower section closer to the Village of Buckingham Springs.

Mr. Glitzer stated that Buckingham Township's wastewater standards require sewage lagoons to be located a minimum of 600' from any dwellings, and that is what drove the design of the original plan, along with the need, from a zoning perspective, for a single open space parcel for farming purposes. However, in the revised sketch plan with the lagoon placed on the Lower Mountain/Creek Road side, the Pennsylvania Department of Environmental Protections' requirements of a minimum of 250' setback from dwellings is in fact exceeded by having a design of 250' from all setback lines of adjacent properties, however this plan would require a technical waiver from the township standards.

Mr. Glitzer said the 11-acre area between Buckingham Springs and the homes on the proposed sketch plan would be leased to a farmer and cultivated in crops. He explained the Zoning Ordinance required ½ of the open space to be farmed, which the original plan showed as consolidated into one area, however, the revised sketch shows the farm areas distributed around the site.

Mr. Murphy summarized that the revised sketch plan would require two waivers, one for solar orientation from the Subdivision and Land Development Ordinance, and the other for the setback of the wastewater treatment/storage lagoons from the Buckingham Township Water and Wastewater Standards. Mr. Glitzer concurred, stating that most

plans require some technical waivers that are clarified during reviews from the township engineer and this would likely be no different.

Mr. Murphy asked Mr. Glitzer to explain what would happen next if the Board of Supervisors encouraged them to move along with the revised sketch plan. Mr. Glitzer responded they would use data from the test pits currently onsite to design the spray field, re-engineer the new plan (including integrating commentary from the neighbors regarding the stormwater management plan to address current situations), have the plan reviewed by the township consultants, and return to the Planning Commission for review. Mr. Glitzer said following a recommendation from the Planning Commission, the plan would be reviewed by the Board of Supervisors, they would request permits from the Department of Environmental Protection, PennDOT and other outside agencies, and then submit final plans which would repeat the process of Planning Commission and Board of Supervisor reviews.

At this point members of the public asked their questions.

**Mark Gonzalez, Blackberry Circle, asked the following questions:**

- 1) Have the wells in Buckingham Springs been checked to make sure they don't connect to the new wells?
- 2) Will there be a dye test?

**Mr. Glitzer responded as follows, unless noted otherwise:**

- 1) There will not be a direct connection, however there will be a hydrogeologic study on the aquifer which will be done in the process of submitting for public permits.
- 2) No, they may monitor the existing well but not perform a dye test.

**Brenda Bassard, Bent Pine Circle, asked the following questions:**

- 1) How far from the Route 413 intersections at the two drives are the houses located?
- 2) How deep to the last house? Basically, what size is the development?
- 3) In Buckingham Springs you can't drink the water – it smells like major chlorine; however, it doesn't taste bad. She assumed the aquifer would be similar for the new homes.
- 4) Will PennDOT require you to put a light at the entryway? I hope not.
- 5) Will there be a smell from the sewage plant?
- 6) Would it be more feasible given the traffic on Route 413 and the curve, to spend money to reinforce Creek Road and move back to the original plan?

**Mr. Glitzer responded as follows, unless noted otherwise:**

- 1) 250' setback from the right-of-way from Route 413 to the edge of any properties. 260' to be exact from the edge of pavement on Route 413 to the line of first houses.
- 2) 470' from the 260'.
- 3) It will be chlorinated.
- 4) Very unlikely.

Mr. Murphy added that PennDOT has a process that requires us to provide traffic counts at certain times. They incorporate counts with existing levels of traffic in the morning and afternoon. PennDOT reviews the counts to see if warrants exist for the installation of

traffic signals. Mr. Murphy said based on our own consultant, we think the warrants will not be met as traffic signals are not appropriate in that location.

5) This is a community sewer system with no smell. The lagoon is basically a pond. DEP setbacks are designed to mitigate that.

Mr. Forest said there are lagoons in Buckingham Springs right now. Ms. Bassard said yes there are, and they do not smell.

6) Mr. Murphy responded that we submitted the January plan because, in our judgement, it complies with all of the ordinances we have to honor, and required no waivers.

However, the majority of comments were to consider the April plan. Unless we get support for the April plan, we will do the January plan because we are obligated to if waivers are not granted to do the April Plan.

Mr. Forest stated he lives across Route 413, and said personally the Creek Road plan would have less impact on him, but more for the township residents as a whole. He said the Planning Commission reviewed the original plan and this is how it evolved.

**Frank Ripp, Lower Mountain Road and Creek Road, asked the following questions:**

- 1) I've been following this project since 2016 and this is the best iteration of the plan so far. My property is just across Creek Road almost the entire length. Question on lagoon and farming area – has a perc test been done?
- 2) Does the perc test support the whole site?
- 3) You've done the homework to make sure soils where you are proposing works, and the lagoon that would be needed in that design?
- 4) One of the original plans showed 60-80 units, now dropped to 40 – could you run a utility through there somehow as contiguous properties, or modify and treat, and maybe dedicate all that to the township? Or dedicate it where nothing could be done?
- 5) You've got 4.1 and 4.8 acres, I'm sure a farmer would rather farm 25 acres rather than 4 acres here and there.

**Mr. Glitzer responded as follows, unless noted otherwise:**

- 1) Yes, throughout the entire site.
- 2) Yes. Mr. Murphy added that the perc test supports both treatment and storage.
- 3) Mr. Murphy replied, "yes". Any number of permeations could happen with the lagoons.
- 4) The former plan with 62 units was a by-right zoned plan using TDR's, however the soil testing concluded spray fields could not accommodate that level. He said the current plan of 41 units is the basic zoning yield, and balanced with the application of spray field.

Mr. Gray explained that the reason why the township doesn't encourage connection to the Buckingham Springs wastewater system is because they operate by stream discharge. He explained there is hierarchy of treatment, and spray field is first; lagoons and storage allow the spray field to be used. If the sewage was pumped to The Springs, it would increase stream discharge which is on the bottom of the list of township hierarchy, or preferred methods of sewer treatment. He said The Springs wastewater system is privately owned, and this system is planned to be dedicated to the township as a community system.

Mr. Forest asked if they needed a reserve spray field? And Mr. Glitzer replied it is not currently delineated.

Mrs. Rash commented that The McKee Group has taken the township to court three times on three other plans all the way to the Supreme Court. The first two plans proposed 293 homes and the third plan 277 homes. She said the Township won all three previous challenges to its zoning and this is the first plan to actually meet the requirements of the Zoning Ordinance and Subdivision and Land Development Ordinance, with 41 homes. She said that she wanted to share some history of this process.

**George Kimbel, Blackberry Circle, asked the following questions:**

- 1) What type of houses?
- 2) Are they all for sale?
- 3) There is a rumor these people will use our swimming pool and clubhouse.
- 4) You won't make trails through Buckingham Springs for these people?
- 5) Will they be low-income houses? Let's squash the rumors right now.

**Mr. Glitzer responded as follows, unless noted otherwise:**

- 1) There will be a mix of single-family homes in 2 sizes (one wider), townhomes and twins.
- 2) Yes. The zoning ordinance regulates that we must provide a mix of units, integrated with each other.
- 3) Mr. McLaughlin said "no".

Mrs. Rash confirmed that she had talked to many people who asked the same question, and that is not the case.

- 4) Mr. McLaughlin said "no".

Mr. Forest said he wished there were trails in The Springs, adding if this Board was in place when Buckingham Springs was approved there would have been trails, but that wasn't the case in the old days. He explained Buckingham Springs was a curative amendment in the 70's because the township did not have zoning for certain classes of development. He said that 7 parcels filed to "cure" the zoning ordinance and won, getting to build whatever they wanted. All of the "cures" except the one for Buckingham Springs were built along Cold Spring Creamery Road. Mr. Forest said zoning has to provide for every use or someone can apply for a "cure", and that's why there is the density in The Springs.

- 5) Mr. McLaughlin said "no".

Mr. Forest stated that he is not in favor of any of this development, and would rather see farmland. Mrs. Rash said that she made a generous offer on behalf of the Township to preserve the property as farmland, but it wasn't even responded to. Mrs. Rash replied to Mr. Kimbel that it is unlikely this will lower the value of your home. She also said if you hear a rumor, call the township and leave a message for any of the three Board of Supervisors; her home phone and Jon's are accessible. Call us and we will call you right back.

**Don Robb, Indian Walk, shared the following:**

I am a member of the Environmental Advisory Commission, and I'm concerned about giving up the solar orientation because I see this as an opportunity for future use of the roofs for solar by the people buying the homes. We are part of the Ready for 100 group of towns here in Bucks County, and I really don't want to lose this opportunity.

**Jake Malinchak, Wildflower Court, asked the following questions:**

- 1) McKee has existing wells, never used... is there any truth to that?
- 2) I know people here 25-28 years – they always say McKee has wells never used and he is supplying Lookaway Golf Course with water.
- 3) Where is the safety exit going out? Creek Road? That's what Buckingham Springs does.
- 4) What's the story with replacing poles on Route 413 (not to do with development)?

**Replies:**

- 1) Mr. McLaughlin said "no". Mr. Murphy said "Not that we know of."
- 2) Mr. Gray responded that he did not know if that was an issue. Mr. McLaughlin said "no".
- 3) Mrs. Rash replied that's because you only have one entrance/exit. This development has two. There is no exit to Creek Road.
- 4) Mr. Forest replied we've had a lot of issues with power outages lasting more than a week, so PECO is replacing poles and wires on Route 413 so there will be fewer power outages.

**Patricia Salmon, Goldenrod Crossing, asked the following questions:**

- 1) There is no access from the proposed development into Buckingham Springs?
- 2) No walking trails?
- 3) People won't wander through?
- 4) But no trucks will be in there as a staging area?

**Replies:**

- 1) Mr. Murphy replied "correct".
- 2) Mr. Murphy replied "no".
- 3) Mr. Gray said that he believed Buckingham Springs has an access into this property where they store landscaping materials (bottom wooded area), and he has asked them to stop doing that.
- 4) Mr. Gray said "no", and drainage issues that we are looking to resolve may be in that area. He said don't expect trucks from that development to access the site. We require a big snow fence to protect you from them. A temporary fence.

Mr. Forest asked if there was a farm trail going over to the RV's, etc.? Ms. Salmon said the farmhouse is where people store lawn equipment and RV's. She then asked where will the RVs be relocated to? Mr. McLaughlin replied that he actually did not know anything about this. Ms. Salmon asked him to please let the HOA know.

Mr. Calderaio asked if they saw a need for turning lanes left/right with an extra lane in the middle on Route 413? Mr. Glitzer said that was very likely. Mr. Murphy added that they anticipate PennDOT and the township engineer will require that.

Mr. Forest asked how many trips a day does an average household use? Mr. Murphy replied 8-10 per unit, per day. Mr. Glitzer added that going out is one trip, coming back is another.

Mr. Calderaio asked if there was ever a situation where the middle lane is wider? Mr. Gray replied that it will be a 10' turning lane. Mr. Forest stated that's what they currently have at The Springs. Mr. Gray said the turning lane would be copied at each of the entrances. Mr. Glitzer added that a wider section would probably continue through the middle of the driveways for the entire area.

**Vincent Kennedy, Countryside Circle, asked the following questions:**

- 1) Will you be renting the properties to farmers?
- 2) How do they get in and out?

**Replies:**

- 1) Mr. Murphy replied yes, the farmable area.
- 2) Mr. Glitzer replied that there are cuts for farm access off Creek Road and from Route 413.

Mr. Gray added that no farmer would want to drive into The Springs to get into the farm field.

**Brenda Bassard, Bedford Circle, asked** if the farmhouse was going away, and Mr. Murphy replied "yes".

**Patricia Salmon, Goldenrod Circle, asked** where would the RV's go? Mr. Murphy said he did not know.

**Bill Wark, Bent Pine Circle, said** that he beseeched that the township or PennDOT consider a light on Route 413, especially in front of The Springs as they are senior people. He said adding this on top will worsen the congestion. Mr. Wark said a traffic light would also help slow down truckers piling down Route 413.

**Patricia Eagle, Bent Pine Circle, asked the following questions:**

- 1) In your memo to Planning Commission you mentioned moving the whole development closer to Buckingham Springs as anticipated by the LC Neighborhood variance.
- 2) I heard earlier this evening some reason to move the houses closer to Buckingham Springs?

**Replies:**

1) Mr. Murphy replied that was a question for the Planning Commission to consider, and they were not interested. He said it was not a demand. Mr. Murphy stated that the Township has developed a matrix for LC Zoning, with the anticipation of keeping development areas clustered together for single contiguous area of farming and the statement was a reference to that. Comingling amenities, bike trails, etc. – obviously this group is not in favor of that.

Mr. Forest explained that the zoning ordinance recommends farmland comes first, and development second. The hierarchy is keeping open farmland.

Ms. Eagle said she thought it was due to wetlands.



Mr. Gray replied it was a planning suggestion to consider in order to provide a greater distance of the new homes from the spray fields and wetlands.

2) Mr. Gray replied that was only if the township required them to comply with solar orientation. To comply they could swing the angle of the development and the lower homes would be closer to The Springs.

Mrs. Mehling, Buckingham Township Planning Commission Chairman said that the Planning Commission did not seriously consider moving the development down and it was not debated during any of the meetings. She added that they are aware the zoning ordinance prefers developments to be placed closer together, but they didn't consider that seriously.

**Jan Sutton, Acorn Court, asked the following questions:**

1) I'm a realtor and sell a lot of houses in The Springs. One concern is extra traffic on Route 413 coming and going, and are these going to be simple sales or land lease?

2) So once sold McKee has no responsibility?

**Replies:**

1) Mr. Murphy replied "Fee simple".

2) Mr. McLaughlin replied Yes, once sold McKee has no responsibility.

Ms. Sutton said that regarding the drainage plan, Bent Pine Circle has difficulties – rainwater runs off farmland into back of houses and undermines the homes.

Mr. Forest replied that when a new neighborhood is built, no greater amount of stormwater may leave the site than did before and there can be no greater rate of flow.

Ms. Sutton said that it is already a problem.

Mr. Gray stated that both properties are owned by the same individual. If there's a drainage issue there is no reason it couldn't have been fixed before this. He said the Township will work with McKee's engineers for a solution, and that due to the properties having the same owner, they may be able to go into some areas of The Springs and finish the job correctly.

Mr. McLaughlin said "yes".

Mr. Gray said they would partner with The McKee Group because it's their property and their responsibility as it stands now.

**Sue Wark, Bent Pine Circle,** asked how far away is the end of Bent Pine from the building of new homes? She said they are telling us homes will be directly behind them.

Mr. Glitzer replied from the southern property, 330'; to the back of the new proposed houses, probably 400'.

**Bill Hilton, Linden Court,** asked that regarding the tax parcel on the lower left-hand corner of the plan – is it owned by McKee? Does it get the same buffer protections?

Mr. Glitzer said they are required to buffer the entire property. He said that existing trees are there and they will be supplemented.

**Joan Sable, Bent Pine Circle,** asked if there will be a buffer so those 4 houses can't look out?

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Mr. Glitzer stated there will be a buffer along Buckingham Springs, and immediately behind the houses. Ms. Sable said that her home looks directly at this. Mr. Murphy replied that there would be two buffers between her property and the new homes. Mr. Gray explained that they had talked about overloading the buffer nearer the new houses so that The Springs houses would not be blocked in with landscaping and they could retain some of the farm view. He said that can be worked out with the Planning Commission in a few months.

Mr. Forest said this is a work session. He explained that the plan went through the Planning Commission and this is one of the many meetings we will have, with many chances to see Evil Plan #1 and Evil Plan #2 in the future.

Mr. Murphy said that he agreed this was the first time the Board saw this sketch, but that they cannot park the plans and take no action to advance them. Mr. Murphy said by the Board's next meeting, they would ask that the Supervisors give some direction as to whether they support waivers for the new plan or not. He said they need to proceed one way or the other.

Mr. Forest added that they could say they like neither plan and then the township could be taken to court. He explained that Fenton's Corner went to court, dragged on and on, and now they are building a zoning compliant plan; so, this makes more sense for the township to get a plan that complies with the Township's ordinance requirements and is the best design for neighboring residents. Mr. Forest added that this plan dumps onto a state road, not a township road.

Mr. Smith pointed out that it is important to know this is the first time McKee has come in with a plan that complies with all of the township ordinances. The first plans were 5-6 times the number of houses and did not comply. The Township went to court with all of them – this goes back 20 years – and won. He said it is difficult for a township to deny a plan that complies with the Township's ordinances.

Mr. Murphy requested that the Board schedule them for the May meeting (a month from now) for direction after the Board has digested what was presented tonight. He said they request to know the preference in plans so they may proceed with confidence.

*The Work Session adjourned at 7:30 p.m.*

*The Work Session recommenced at 8:31 p.m.*

### **Pool and Hot Tub Fences**

The Board discussed the zoning ordinance requirement for fencing regarding hot tubs and swimming pools. The consensus was if a hot tub has a locked cover as specified by the International Construction Code, it should not be required to also have a fence. The Board also agreed the pool fence may be shared, however shared or not, it must be a pool compliant fence.

Mr. Smith agreed to compose a letter resolving an apparent conflict in the Township's ordinances, pending a change in the Zoning Ordinance.

**Park Use**

Mrs. Cozza asked the Board their opinion on a request made by a person who asked to hold an exercise class at one of the township parks and charge people to attend. Mrs. Cozza said the township historically has only provided space to non-profit organizations. Mrs. Rash was opposed to a business using the park. Mr. Forest said he didn't mind as long as they have insurance and it doesn't take any of the fields already reserved by other groups. Mr. Smith recommended the township's insurance company could provide guidance if there is coverage for recreational items and also added the Recreational Use of Land Act may provide the Township protection for activities for which a fee was not charged. Mr. Calderaio suggested giving it a try. Mrs. Cozza said she would get more information on the topic, such as how many people and does the person live in Buckingham Township.

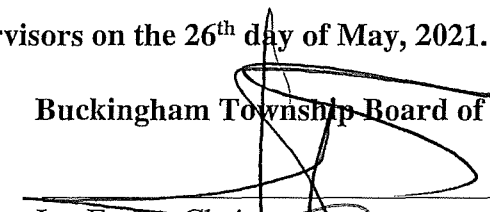
Mrs. Cozza asked the Board's opinion on a request from Kruisin' Kanines to hold a one-time event in the fall for an agility trial. The Board agreed they could use the meadow area in Holicong Park for their event.


Mr. Gray updated the Board that Cornell & Sons had returned to complete the Holicong Park Expansion and have completed almost all of the punchlist items. He said the benches are delayed due to COVID and are on backorder.

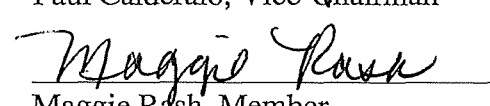
*9:00 p.m. The Work Session adjourned.*

Approved by the Board of Supervisors on the 26<sup>th</sup> day of May, 2021.

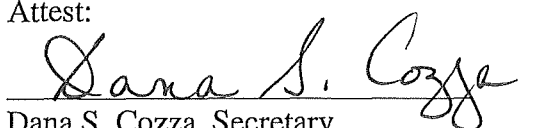
Buckingham Township Board of Supervisors

  
 \_\_\_\_\_  
 Jon Forest, Chairman

  
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 Paul Calderaio, Vice-Chairman

  
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 Maggie Rash, Member

Attest:

  
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 Dana S. Cozza, Secretary

*Minutes respectfully submitted by Lori Wicen.*