

**Minutes from
May 6, 2008
Board of Supervisors Meeting**

The Regular Meeting of the Doylestown Township Board of Supervisors was held at 7:00 p.m. on Tuesday, May 6, 2008 at the Doylestown Township Municipal Building, 425 Wells Road, Doylestown, PA. Members of the Board of Supervisors in attendance included Barbara N. Lyons, Chairman, E. Thomas Scarborough, Jr., Vice Chairman, Barbara Eisenhardt, Cynthia Philo, and Jeffrey Bennett. Others in attendance included Jeffrey Garton, Township Solicitor; Stephen J. White, Chief of Police; Mario Canales, Township Engineer and Stephanie Mason, Township Manager.

PLEDGE OF ALLEGIANCE

Ms. Lyons announced that this meeting is being recorded from various places in the meeting room.

PRESENTATION:

Carrollton Blueberry Hill Associates:

Solicitor Garton said the applicant requests relief from the zoning ordinance regarding a daycare center being permitted in the shopping center district. Mr. Gundlach is seeking a use variance to permit a daycare facility in the building to the rear of the site.

Mr. Gundlach, Attorney representing the applicant, introduced Tom Deignan, Principle owner, Brian Zappala, Bohler Engineers, and Matt Jarmel on behalf of the Learning Experience. The applicant has filed an application for a use variance to allow the daycare use as part of the shopping center use on the Blueberry Hill property. The project was approved for 35,500 sq. ft. of mixed use development. He asked the Board of Supervisors not to oppose the application to the Zoning Hearing Board for the use variance. The parking that has been constructed that is onsite and offsite is better suited for the daycare use than multiple retail tenants in that 16,000 sq. ft. building. We submitted an engineering plan where the outdoor play area could be designed and constructed and be in compliance with the zoning ordinance. Our Engineer ran the calculations to confirm that it complies with relief granted by the ZHB, and it does not exceed additional woodland disturbance and the impervious surface is under what is permitted by code.

Brian Zappala confirmed that the play area would be secured by a 3 ft. retaining wall. In addition, the parking space requirements for the daycare use occupying the 16,000 sq. ft. building has four less parking spaces that will be taken out of the reserve area.

Mr. Gundlach continued that the maximum number of students that will occupy that building is 197.

Ms. Lyons asked the applicant how they arrived at the calculation of 197 maximum children that would occupy that building.

Mr. Jarmel explained the occupancy of children is based upon the state regulation for childcare and it is a ratio of the net square footage for each individual room.

Ms. Lyons expressed that 250 children could occupy that size building.

Mr. Gundlach agreed to a condition that the maximum number of children to occupy that building would be 197.

Ms. Lyons expressed concerns about the number of cars that would increase and amount of pickups and drop offs that would increase with the size of this building, which is twice the size of any other daycare center in this area. Pennoni Associates provided calculations and, based on a comparison of the trip generation data, a daycare center would generate significantly higher amount of trips during the AM and PM peak hours on an average weekday than a shopping center use.

Mr. Jermal explained that 25% of enrollment will be parents with more than one child so we anticipate that 25% of the children will be two to a car, and the retail shops are closed during peak hours of 6:30AM – 9:30 AM.

Ms. Eisenhardt commented that daycare centers **do** belong in shopping centers, but expressed concern that the correctional facility is so close and she would like to see the Board look at this relative to our Comprehensive Plan.

Ms. Lyons asked for any public comments. There were none.

Solicitor Garton explained that the Board can leave this matter to the discretion of the ZHB; send a letter in support; or send Township Solicitor in opposition to the application.

Ms. Eisenhardt made a MOTION to leave the matter to the Zoning Hearing Board. The motion died for lack of a second.

Mr. Bennett made a MOTION to send our Township Solicitor in opposition to the Zoning Hearing Board for the Carrollton Blueberry Hill Associates' application.

Ms. Philo asked is the Board sending our Township Solicitor to the ZHB to object to the issues of parking spaces, traffic and the impervious surface.

Mr. Garton replied everything associated with the use variance.

Ms. Philo seconded the MOTION made by Mr. Bennett.

MOTION was ADOPTED 3-2. Mr. Scarborough and Ms. Eisenhardt opposed.

VISITOR/PUBLIC COMMENT:

Don Gee, Member of the Community Service and Veterans Memorial Committee, asked why two of the Supervisors are interfering with the operations of this committee?

Ms. Philo replied she asked a question of the chairman of that committee as to whom the committee selected to be recipients for the memorial awards as a follow-up to an individual who she had given as one of the military representatives who suddenly is no longer able to do it. She felt as a Supervisor, she is entitled to have those names and would not share those names with anyone. She apologized if the committee felt that it was interference.

Mr. Gee asked Ms. Philo why she needs the names that we are keeping secret.

Ms. Philo replied because she is a Supervisor, and this is a committee of the Township and she simply asked for the names.

Mr. Gee commented this committee has worked on this project for eight years with no help from anyone. He asked for the committee to be left alone.

Ms. Philo explained that her discussions were with the chairman of the committee and it had nothing to do with indicating what the committee can or cannot do.

Ms. Lyons conveyed an apology on behalf of the Board of Supervisors to Mr. Gee and his committee.

Ms. Eisenhardt explained that all of our committees have been advisory in nature in that they report to the Board of Supervisors and it should not be taken in a negative way.

Ms. Lyons announced that the Memorial Dedication, the unveiling, will be held on May 17, 2008 at 11:00 A.M. and the Board of Supervisors are invited to attend and she thanked the committee for their efforts.

ANNOUNCEMENTS:

Ms. Lyons announced that the next meeting of the Board of Supervisors is scheduled for Tuesday, May 20, 2008 and the Township Road Inspection will be held on Tuesday, May 20, 2008 at 4:00 PM.

APPROVAL OF MINUTES – April 15, 2008:

Mr. Scarborough made a MOTION, seconded by Mr. Bennett to approve the minutes of the April 15, 2008 Board of Supervisors Regular Meeting

MOTION was ADOPTED 5-0.

CORRESPONDENCE:

Telecommunications Advisory Board Resignation:

Ms. Mason announced that Fred Haeusel will be resigning from the Telecommunications Advisory Board, and we also have a letter of interest from Mr. Ebenbach. She asked the Board for their approval to advertise the opening for the position and schedule a meeting thereafter.

The Board agreed.

REPORTS:

Solicitor: None

Township Engineer: None

Police Chief:

Chief White announced that on April 23, 2008, Officer Bill Mokriski conducted the Graduation of the D.A.R.E. class at Kutz Elementary School, and he was recognized for completing 20 years that our Department has been involved with Kutz Elementary School. Our Police Department was one of five out of 42 police departments in Bucks County that was recognized by NOVA (Network of Victims Assistance) for victims in our community. On May 1, 2008, Detective Matthew O'Connor was recognized by BARC in appreciation of Matt's support, empathy and professionalism in handling a crucial investigation of their agency and was presented with a community award.

Due to the tragedy of the killing of a Philadelphia Police Officer this past weekend, the Bucks County Law Enforcement Community will be having a Police Memorial Service at St. Andrews Church in Newtown at 7:00 PM on Thursday, May 8, 2008 and he invited the community to recognize the officers participating in the ceremony along with members of the families of slain officers of Bucks County.

Ms. Lyons announced that she attended the Pennsylvania Fraternal Order of Police Memorial Service in Harrisburg, and she was able to express her gratitude to the FOP for the work they do to support families of police officers.

Chief White was on the front page of the Intelligencer Newspaper running as this Central Bucks region is considered the 5K Capital of the County because of Chief White. She thanked Chief White and his department on behalf of the Board of Supervisors, who deserve credit for all the work that they do for the community.

Township Manager:

Ms. Mason announced that the Touch-a-Truck was a wonderful event last Saturday and we estimated 500-700 people in attendance.

Supervisors:

Mr. Scarborough said he participated in a tree and shrubbery planting event on Arbor Day, April 26th along with participants from the Lenape Middle School Honor Society, EAC, and the Memorial Committee. Due to this event, we have received Tree City USA recognition for the tenth year.

Ms. Steinburg, resident, thanked Mr. Scarborough for his participation at the tree planting event.

Mr. Bennett congratulated Ms. Lyons on receiving the 2008 Pennsylvania Bar Association Annual Award in Harrisburg to honor her 27 years of service doing pro bono work. She is responsible for forming the pilot program in Bucks County for mediation, an alternative way for resolving disputes.

PUBLIC HEARING – Proposed Zoning Ordinance Amendment- L1 to C2 and C1 to C2 (Hancock)

Solicitor Garton said this matter was last discussed at a Public Hearing on April 15, 2008, and the matter was continued until this evening. The applicant is the owner of several tax parcels located at the intersection of Rt. 263 and Rt. 313. The application proposes to change the zoning of one parcel from Industrial to Commercial and change four other parcels from C-1 Commercial to C-2 Commercial.

The Board reconvened the Public Hearing at 7:43 P.M.

Michael Carr, attorney representing the applicant, introduced, Mr. Claus, Engineer, Mr. Roth, Traffic Engineer, Mr. Ebert, Water & Sewer Expert, and Mr. Kuhn and Mr. Meekum, Attorneys representing the applicant.

Since the last meeting, we addressed the provision of a declaration restricting the development of this property from any surprises. He prepared, circulated and recorded a covenant that the property is deed restricted from development that would be inconsistent with what we have represented; imposing criteria that would fulfill our commitment to mitigate any adverse impacts such as buffering; working through the SALDO with the Township to provide any abatement of any potential nuisances and to combine the number of parcels so it can be developed as a unified whole; prevent access from Rogers Road; and provide sewer and water improvements that have been discussed. A provision has been included in the declaration that, in the best interest of the community and Township, the declaration can be amended.

Ms. Lyons asked Mr. Carr if he realized that his client's dad went before Buckingham Township Supervisors to speculate on the development of a parcel adjacent to this property on the northeast

corner. There are possible water/sewer issues in that area and this could be a massive development at that corner, which could change the complete complexion of that area of Doylestown and Buckingham. Before we go any further, we need to have Buckingham Township involved in this process because what we do at that corner will impact our neighbor and regional planning cooperation is important in this matter.

Mr. Carr explained that there is a stipulation that permits a development on that site, but that development is not economically feasible. The inquiry that was made was to depart from the agreement and he understands the feedback from Buckingham Supervisors was that they would not depart from the agreement, and that piece is dead at this time.

Ms. Philo made a MOTION to TABLE this application indefinitely, seconded by Ms. Eisenhardt.

Ms. Eisenhardt commented it was discussed at the last meeting, that this facility would most likely benefit Buckingham's residents and not Doylestown residents so as a Doylestown Township Supervisor, it is her position to protect our residents and she is not ready to move forward with this project.

Mr. Kuhn, Joe Grasso's attorney, assured the Board that father and son are not working together.

Ms. Philo commented that she asked to review information regarding traffic and the financial impact of this project prior to this hearing.

MOTION was ADOPTED 5-0.

UNFINISHED BUSINESS: None

NEW BUSINESS:

Land Development – Review Extensions:

Mr. Scarborough made a MOTION, seconded by Ms. Philo to approve the extension of time for the Eastburn Tact – Preliminary Major Subdivision until August 11, 2008 and the Central Bucks YMCA – Preliminary Land Development until June 30, 2008.

MOTION was ADOPTED 5-0.

Doylestown Hospital Development Agreement:

Ms. Eisenhardt made a MOTION, seconded by Mr. Bennett to approve the Doylestown Hospital Development Agreement.

MOTION was ADOPTED 5-0.

Destination Doylestown Phase II – Engineering Contract:

Ms. Philo made a MOTION, seconded by Mr. Scarborough to approve the Agreement between Doylestown Township and Michael Baker, Jr. Inc. for Destination Doylestown Phase II – Engineering Contract.

MOTION was ADOPTED 5-0.

Donation – Gazebo for Turk Park:

Mr. John noted the Township received an offer of a donation of a gazebo, which is four years old and, after inspection, he found that it is in excellent condition. The Park & Recreation Board

looked at it and decided they want to use it in Turk Park II. The cost to move and install it is less than \$1,000.

Mr. Scarborough asked for the type of foundation it will be placed on.

Mr. John replied a blacktop pad.

Mr. Scarborough made a MOTION, seconded by Ms. Eisenhardt to accept the donation of a gazebo in accordance with the memorandum by Mr. John.

Mr. Bennett suggested including in the motion that the money be allocated according to Mr. John's proposal rather than including it in the revised budget at the end of the year.

Mr. Scarborough AMENDED the MOTION to include Mr. Bennett's proposal, seconded by Ms. Eisenhardt.

Ms. Philo asked for the cost of the annual maintenance for the gazebo.

Mr. John replied less than \$100 a year.

MOTION as AMENDED PASSED 5-0.

Declaration of Obsolete Equipment – Public Works:

Mr. Scarborough made a MOTION, seconded by Ms. Philo to approve declaring the following landscape equipment obsolete: Landpride Grading box w/3 point hitch; Jacobsen aerator with pull hitch and the equipment will be sent to auction as soon as possible in 2008.

MOTION was ADOPTED 5-0.

ANNOUNCEMENTS:

Ms. Lyons announced the next meeting of the Board of Supervisors is scheduled for Tuesday, May 20, 2008 and the Township Road Inspection will be held on Tuesday, May 20, 2008 at 4:00 P.M.

ADJOURNMENT: 8:01 P.M.

Respectfully submitted,

Stephanie Mason, Township Secretary

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