

BUCKINGHAM TOWNSHIP

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BUCKINGHAM TOWNSHIP
Board of Supervisors
Work Session Agenda
January 23, 2019
6:00 p.m.

6:00 p.m. River of Life Church, Sketch Plan
3434 Durham Road, TMP 06-006-011

Manager's Items

- Agricultural Security Application (advertising expense)
- Newsletter
- Bamboo
- BAN Buckingham Advisory Network

Executive Session

Buckingham Township Board of Supervisors
Work Session
Minutes

The work session of the Buckingham Township Board of Supervisors was held January 23, 2019 in the Township Building, 4613 Hughesian Drive, Buckingham, Pennsylvania.

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

160207

The work session commenced at 6:00 p.m.

River of Life Church, Sketch Plan, 3434 Durham Road, TMP 06-006-011

Mr. Robert Welch, Pastor Craig Lauterback and Kristin Holmes of Holmes Cunningham Engineering, were present.

Mr. Welch explained he was present to assist the church in navigating the process of requesting a waiver of land development from Buckingham Township. He explained the project entails building an addition just under 1,800 square feet onto the rear of the existing sanctuary to be used for two classrooms. He said this will not increase the intensity of use as far as septage, water, cars/parking, people, but rather is to improve upon existing small, low-ceilinged rooms.

Ms. Holmes explained the project will require relief from the Zoning Hearing Board, as the current building impervious surface is above that permitted for their use in the zoning district. She said the project will also require relief from the side yard setback requirement due to a 16-foot extension of the building wall from the existing corner necessary to fit ADA accessible hallways within the addition.

Ms. Holmes said there is currently a large parking area. However as a "place of worship" use, based on gross square footage, they will need 193 spaces, as opposed to their current 91 spaces. Consequently, they will be requesting relief from the Zoning Hearing Board. Mr. Welch said as a member of the church, he has been present at both of the two Sunday morning services, and witnessed the parking lot is never more than ½ full. Mr. Forest noted during the week he has only noticed a couple of cars in the lot. Mr. Lauterback explained that is usually the church staff, himself and 3 other pastors.

Mr. Lauterback said that Mr. Gray had mentioned that when they apply the top coat on the existing asphalt, they may restripe it with smaller compact spaces.

Mr. Calderaio said he wants the church to be successful and not limit themselves. However he asked if they anticipated an increase of attendees. Mr. Welch said they did not; they anticipate having the same programs, same times, same congregation.

Pastor Lauterback explained the purpose of having 2 Sunday services is that churches have an 80% rule – when they reach 80% of their seating capacity, people tend not to return as they feel their personal space is being invaded. He said this tends to control the traffic and parking by itself. Mrs. Rash asked what time their services are. Mr. Lauterback said 9am and 11am on Sunday, and 7pm on Wednesday.

Mr. Gray suggested it would be to the church's benefit to have a better access plan in order to plan ahead for potential growth.

Mr. Forest questioned the basin on the south side of the church. Ms. Holmes said that is a large detention basin servicing the neighborhood. Mr. Lauterback explained the property was deeded to the church from the builder in the '80's. Mr. Gray noted none of the church stormwater drains into the basin, as the berm is higher than the parking lot.

Mrs. Cozza said from a staff perspective, the improvements appear to fall within a typical Land Development waiver. The Board agreed they would likely have no problem with granting the Land Development waiver request, and would consider it following results of the Zoning Hearing Board meeting.

Ms. Holmes said that given this input, they would continue the process by applying to the Zoning Hearing Board requesting relief of the side yard setback, building coverage, impervious surface coverage and parking.

Bamboo Ordinance

Mr. Smith said in response to the Boards' request, he drafted an ordinance regarding the management of bamboo in Buckingham Township.

Mr. Smith said in some ways this ordinance is not necessary, as there is case law in Pennsylvania establishing a private right of action in residential communities for bamboo trespassing from a neighbor's property. The court found that the private citizen could recover from a neighbor the cost of removing bamboo migrating from a neighboring residential property. However, he understands the Board's objective is to try and assist people, to let them know their rights, to discourage the planting of bamboo and to encourage residents to control any existing bamboo from growing onto neighboring properties.

Mr. Smith explained there are 2 categories to consider: 1) Existing bamboo, which could be restricted by setback requirements – bamboo must be cut back and maintained 40'

from the property line, right-of way, curb, cartway, stormsewer, riparian right-of-way and sanitary sewer, and 2) Future planting of bamboo (from the day after the ordinance is enacted), allowing planting with restrictions on how you plant it, i.e. requiring barriers or prohibiting all planting of bamboo. Mr. Smith advised that planting with restrictions is more legally defensible than prohibiting the planting of bamboo, and that is how he has prepared the draft ordinance.

Mr. Smith advised if regulating bamboo is made part of the zoning ordinance, under section 617 of the Municipal Planning Code, there would be a private right of enforcement. This means that if a resident believes there is a zoning violation, they can write to the township and request action. At that point if the township elects not to act within 30 days, the resident can bring a private cause of action to enforce the zoning ordinance. He said the proposed ordinance is a stand-alone ordinance, thereby avoiding the effort and expense of revising the existing zoning ordinance. Mr. Smith also explained there are elements identified in the whereas clauses at the beginning, that are intended to cast bamboo as a nuisance to warrant the ordinance and its enforcement.

Mr. Smith said the proposed ordinance is set up to say if someone violates it, the resident or the township may bring the offender to court in a civil action and if the complainant can prove that the ordinance has been violated, the ordinance may provide them with a better chance to succeed.

Mr. Smith said the ordinance applies only to residential districts and small lots (2 acres or less) in agricultural districts, based on case law establishing reasonable property sizes that a person can be expected to monitor. The case law seems to say it is unreasonable for a farmer with 100 acres to be expected to monitor all the plantings on their property.

Ms. Andrea Strout, Mill Road, said a woman who lives on Street Road came to the Buckingham Township Environmental Advisory Commission's meeting recently and talked about this problem. Ms. Strout said she is aware of several municipalities in Bucks and Montgomery Counties who have bamboo ordinances, and asked if this ordinance is based on one of them.

Mr. Smith said he had reviewed all of the ordinances and took parts of them that were appropriate for Buckingham Township, along with recognizing Buckingham has both residential and farm communities.

Ms. Strout offered the Environmental Advisory Commission's services to review the proposed ordinance if it would be helpful. Mrs. Cozza said she would email it to the chairman.

The Board felt that the ordinance should include a bamboo restriction, not a complete prohibition as that sounds unenforceable, and agreed on the residential and small lots in agricultural district restrictions. Mr. Forest clarified the ordinance will provide 3 paths, it gives the township a civil and criminal path, and gives the residents a civil path.

Mr. Smith clarified then that the draft would be provided to the Environmental Advisory Commission for review and comments, he will make the changes discussed this evening, the matter will be re-discussed at the next work session, and then the ordinance will be advertised and considered for adoption in March.

Buckingham Advisory Network (BAN)

Chief Gallagher proposed an expansion of the current BAN program which the Buckingham Township police began in 2017 by setting up an independent charitable organization (501C3) so that people who want to contribute money towards various crime prevention programs and other community involvement/participation events can do so. Chief Gallagher said people can also contribute their time to help run the programs. He said the current BAN program concentrates mostly on prevention of drug use and drug diversion, and the activities have been successful but are reaching the same audience. He said the goal is to use BAN to prevent and divert younger kids from drug using, and make it preventative in nature. He said Big Brothers / Big Sisters have expressed interest in partnering in the BAN program, BAN has assistance with the legal aspect of setting up the organization, and Our Lady of Guadalupe has offered use of their facility. Chief Gallagher said some of the expenses of setting up the organization include a \$400 newspaper advertisement fee and rental of a P.O. Box for use as an address. He said there would be an annual \$50,000 cap limit on donations/contributions.

Mrs. Cozza added this program is above, apart and beyond the Township DARE program and other community policing programs that will continue.

Mrs. Rash said she appreciated the energy going towards prevention. Mr. Calderaio and Mr. Forest also expressed their appreciation.

Ms. Shannon Sticker, Kavan Court, asked if high schools would be reached out to on this, and if it would be limited to Buckingham residents as the school lines cross outside of our township. Chief Gallagher replied yes, with the mission written up as “Buckingham Community”, with all students who attend the schools in Buckingham included.

7:10 p.m. The Board retired into Executive Session to discuss personnel matters involving police department negotiations.

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

8:45 p.m. The Work Session resumed.

Fenton’s Corner, Township File SA 2013-03

Mr. Ernie Werner and Mr. Steve Sweet, Toll Brothers, were present to request a change of the approved plan so that more of the townhomes could be designed with a side entrance, rather than a front entrance. Mr. Werner said they are experiencing an older demographic who prefer the first-floor master bedroom layout, which Toll only offers

with a side entry. Mr. Werner said it would be difficult to design a unit including a first-floor bedroom with the front door entrance as it would limit the size of the bedroom. He thanked Mr. Gray and Mrs. Rash for visiting the site, and was agreeable to their suggestion for a porch to be placed on the front of the house, with a front door from the porch into the master, thereby keeping the village feel. Mr. Werner said there would not be an entrance onto the porch from the street, so there would not be confusion over the entry location. Mr. Werner also proposed a variation in the elevations to lessen a cookie-cutter image.

Mr. Gray said they had also discussed there must be at least one dormer and one gable in each row of townhomes if they were given the ability for a front porch “feature”, adding that right now there is no such restriction.

Mr. Werner provided a site plan showing the layout of the townhomes, and Mrs. Rash specified certain locations where she would prefer the potential entrance change from front to side.

Mr. Werner explained that they are experiencing a slow market and are giving elevators away to second floor bedrooms to get sales. He said Toll is taking a hit and they want to generate sales. Mr. Werner said they may potentially finish Phase 1 and Phase 2 to get the sewer plant working, but potentially not develop Phase 3. Mr. Smith verified there are provisions in the agreements not to leave a mud hole. Mr. Gray said there is a requirement that 50% of the units have to be under construction in the first phase before they may start the next phase.

The Board agreed that, depending on what future homeowners want, there could be up to 9 additional carriage units (twins) or townhouse units that have frontage along the village greens that would be permitted to be changed from the approved front entry units to side entry units, conditioned upon all additional side entry units being provided with a “front porch feature”. This feature could include the front porch with limited access to the first-floor bedroom(s) or other alternatives acceptable to the Township. Mr. Gray said he would write up the details as discussed.

Buckingham Township Newsletter

Mrs. Cozza reported back to the Board with results of research conducted on neighboring municipalities newsletters, and shared copies of several newsletters with the Board. She said there are a variety of options, including:

- The “Hometown Press” of Perkasio – it’s free, the township writes the articles and the company gets ads to pay for the printing and mailing of the newsletter. Mr. Calderaio liked the magazine feel of the newsletter. Mrs. Rash did not care for advertisements.
- Warwick Township uses a company which offers free set up and printing, but the township has to pay for postage. Advertisements are sold at \$250 for a small ad

and \$1000 for full page ad. The township would provide the articles to the company at least 6 weeks before publication.

- Township staff can prepare the newsletter in-house and have it printed locally.

The Board debated the merits of mailing a newsletter or only publishing it online. Mrs. Rash felt a printed newsletter will let the residents know what's going on better than the website articles as all information will be in one place.

The timeframe of publication was discussed, with the idea that if printed early in May the park and recreation spring/summer programs could be included.

Swank Tract, Township File SA 2017-01

Mr. Gray explained that on January 15, 2019 the applicant requested an additional waiver as follows, "Section 9.23.I – Runoff Pollution Control Standards, to not require total phosphorus removal of 85%, total nitrogen removal of 50% and total suspended solids removal of 85%. Based on the stormwater calculations for the proposed BMP's the total phosphorus removal is 75%, the total nitrogen removal is 40% and the total suspended solids removal is 69%."

Mr. Gray noted that in completing the design of the project and trying to limit the area of disturbance, they have pushed the stormwater and house back further, and are having trouble meeting the nitrogen removal threshold requirement in the Subdivision and Land Development Ordinance.

Mr. Gray recommended that if the Board approved, the waiver could be granted officially when the plan is re-approved for recording purposes. The Board was favorable to this recommendation.

Bucks County Airport Construction Entrance, Phase 2, Township File LD 2003-02

Mr. Gray explained the airport has requested that the Township consider allowing them to relocate the construction entrance to the Phase 2 work area to Old Easton Road near the former Swayze property (now owned by the airport). He said the previously approved plans required the contractor to access Skyron Drive via the East Ramp access, which required the contractor to drive across the approach/runway area. Mr. Gray said he was in favor of this request, as the work is now limited to the areas behind the Biotech Center and near the hangers adjacent to the former Goff property, he would prefer to keep the contractor away from the runway area as much as possible.

Mr. Gray said any impact on the Old Easton Road from this use would be mitigated when Wawa completed its work and repaves that area of the road.

The Board was in favor of this request.

Stonemead – Access to Lots 2-6, Township File SA 98-05

Mr. Gray said he met with Mr. Boyd who requested a construction access lane entrance from Long Lane for lots 2-6 in Stonemead, in order to avoid driving through the completed portion of the development and risk damage to the paved road and bridge. The Board supported this request.

Mr. Gray also mentioned that the residents in the area of lots 2-6 had previously requested to allow the end of Kingfisher Lane to come out onto Long Lane so that delivery trucks, trash trucks and the school bus would have a direct route and not need to turn around to exit. Mr. Calderaio asked if there was a down side to this request. Mr. Gray said no, however the Board at the time of subdivision approval did not want a driveway onto Long Lane. Mr. Gray said one of the homeowners has offered to pay for the drive. Mr. Gray also said the lane would look like a driveway for use by the people who live there. The Board supported this request.

Windsor Square – Retention Basin (Wet Pond #4) – Township File SA 2001-03

Mr. Gray updated the board on the progress towards dedication at Windsor Square. He said Orleans has come to an agreement with the Homeowners Association for the Homeowners Association to accept the Wet Pond (#4) as constructed. Mr. Gray explained that the pond was not built exactly per the plan (basin slopes were greater than design, forebay depths were not provided) and the pond has become over run with cattails and other invasive species. Mr. Gray said the Homeowners Association has reached an agreement with Orleans to accept cash in lieu of correcting the construction. Mr. Gray said other than this item, it appears that most of the outstanding issues have been addressed, excluding landscaping items which have died since the last punchlist was issued.

All-Inclusive Playground

Mr. Calderaio said he met with the Park and Recreation Commission last week to discuss the all-inclusive playground, and they will all be meeting with a playground company to get more information. He said they are considering a 20,000 square foot playground, with a rubber surface underneath some of the equipment and other less-expensive material underneath the remainder. Mr. Calderaio suggested forming a committee of 10 persons to help plan and select the equipment for the playground. He also reported that the township manager discovered donations to the township are tax-deductible if deposited into a separate account. Mr. Calderaio said final recommendations should be made within a couple of months.

Buckingham Forest – Entrance, Township File SA 89-17

Mr. Calderaio said as a resident of Buckingham Forest, he has noticed the entrance to the subdivision is very dark and it is difficult to see where to enter onto the divided street. Mr. Gray suggested installing PennDOT standardized white fiberglass reflector signs,

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noting the ones that had been there must have been knocked down at some point. Mrs. Cozza said the road crew will address this matter.

Board of Supervisor's February Meeting Schedule

The Board agreed to cancel the February 13th Work Session and Regular Business Meeting. The next meetings will take place on February 27th, 2019.

10:05 p.m. The Board retired into executive session to discuss acquisition of and offers for the purchase of conservation easements on certain tracts of land.


10:30 p.m. The Work Session adjourned.

Approved by the Board of Supervisors on the 27th day of February, 2019.

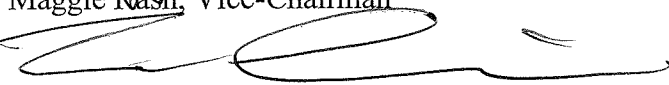
Buckingham Township Board of Supervisors



 Jon Forest, Chairman




 Maggie Rash, Vice-Chairman



 Paul Calderaio, Member

Attest:



 Dana S. Cozza, Secretary

Minutes respectfully submitted by Lori Wicen.