

# BUCKINGHAM TOWNSHIP

P.O. Box 413, Buckingham, Pennsylvania 18912  
Phone (215) 794-8834 • Fax (215) 794-8837

Website - [www.buckinghampa.org](http://www.buckinghampa.org)



## BUCKINGHAM TOWNSHIP Board of Supervisors Work Session Agenda May 26, 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.      **“Longland Invest LLC”** 2380 Street Road, TMP 6-16-20

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 May 26, 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 were present to continue the conversation started April 28, 2021 regarding the two plans proposed for the McKee development. He described the two plans displayed: the “January plan” with homes located on the Lower Mountain and Creek Road side of the tract, and the “April plan” with homes located on the Route 413 side, per the Planning Commission’s recommendation. Mr. Murphy said both plans have the same number of units, and the same method of sewage treatment, just different locations for the components.

Mr. Murphy said the April plan contemplates two Subdivision and Land Development Ordinance (“SALDO”) waiver requests, one for solar orientation of the homes near Route 413, and one for the setback distance of sewage treatment facilities along Creek Road. He said at this early stage the plan is not fully engineered, and once it is, the engineers expect there may be more minor SALDO waivers required.

Mr. Murphy explained the Board of Supervisors had wanted time to consider both plans at the end of the last work session, and had agreed to meet this evening to provide feedback on how to proceed with the design and engineering of the plans. He reminded the Board that the January plan is fully engineered and has been reviewed by Knight Engineering. However the April plan has not been engineered at all. He said the April plan would require Mr. Glitzer to engineer the plan, which would then be submitted to the township, reviewed by the consultants and Planning Commission, and then proceed to the Board of Supervisor’s, hopefully sometime this summer or early fall.

Mr. Forest said he would love to have seen the land preserved, but while the Township made offers to purchase a conservation easement on the property, the township never

received a response from McKee. Mr. Forest offered his view that there would be lesser impact on the township if the homes were placed near Route 413, as Creek and Lower Mountain Roads are very small.

Mr. Forest said that he believed the balance between the homes being positioned for solar orientation versus their being relocated away from Creek and Lower Mountain Roads and on 413 tipped toward the relocation. He said if the homes were positioned for solar orientation, it would divide the farmland into triangles, which would be more difficult to farm, and would bring the homes closer to Buckingham Springs. Mr. Forest asked if they had prepared a sketch of the April plan to meet solar orientation. Mr. Glitzer said they had not, however it doesn't take much imagination to picture the January layout on the April plan.

Mrs. Rash said she is a proponent of solar orientation, but in this case, it is a tradeoff. She said it is important to provide a buffer area to Buckingham Springs and to keep more contiguous usable farmland. She asked if there was any thought to building the homes with passive solar? Mr. Glitzer said that was not a part of the builder package, and Mr. McLaughlin said no.

At this point members of the public asked their questions.

**Doreen Dansky, Creek Road, asked the following questions:**

- 1) Is this a done deal already; do we only have a choice between plan A or B?
- 2) We already have one sewer in our neighborhood and it smells; now we'll have two. Is that fair? Property values will go down. What you're doing to us is not fair and will devalue our properties so they can make a profit.
- 3) What would keep this project from going through?
- 4) How many homes? And how many homes on the previous plan?
- 5) How much will these homes sell for?

**The following replies were provided:**

- 1) Mrs. Rash replied: This is just a work session, but this is what the property owner has in mind for this parcel. The Township reached out and made offers to preserve the land, but there was no interest. Neither of the plans have received any approvals at this time.
- 2) Mr. Forest replied: Buckingham Springs has creek discharge of treated sanitary sewer waste, which is not high on the Township's list of approved treatment methods. This plan proposes spray irrigation of the treated waste onsite to assure groundwater recharge.  
Mr. Calderaio replied: I've lived in communities with spray systems in Buckingham Township, and there was no smell. Spray systems replenish the water and are much safer for the environment and diminish flooding.
- 3) Mr. Calderaio replied: Them not doing it.  
Mr. Forest replied: They had to go through many hoops to design this project. Years ago, McKee had planned to develop this lot with 293 houses – just like Buckingham Springs.  
Mr. Smith continued: The township fought the 293-house development in the Pennsylvania Supreme Court and won. Mr. Smith said a few years later, another 293-house plan was submitted, the township went to court and won again. The 3<sup>rd</sup> time, 273

homes were proposed; again, the township went to court and prevailed. This time the plan complies with township ordinances, the other three did not – they were trying to build denser development than the township allowed. The Creek Road plan complies with township ordinances, and the law is if a property owner's plan complies, they have the right to build it.

4) Mrs. Rash replied this plan proposes 41 homes.

Mr. Smith replied the prior plans proposed 291, 291, and 273 homes.

Mr. Smith said: There is a concept in Pennsylvania that every township zoning ordinance must provide for every type of use. The Township ordinances were challenged in the 1970s because they then did not; particularly for mobile home parks and manufactured houses.

Mr. Forest explained that in the late 70's seven property owners in Buckingham realized the zoning ordinance had failures. This property, one on Pineville Road, and multiple properties on Cold Spring Creamery Road filed a "curative amendment" to the zoning ordinance to make it provide for mobile homes, etc., so all those properties were grandfathered in for mobile homes. They didn't build mobile home parks, but they could have. That's when the Cold Spring Creamery area got developed, and McKee built the retirement community across from my family's house, next to the current proposed development. It was all part of the curative amendment. Then McKee said all the properties were built and there was no more land zoned for mobile homes, so they filed another cure for mobile homes; three times over the last 30 years. So, at this time, they are doing what they have to do under township ordinances. The proposed development is an unconventional shape, but they need to keep a certain percentage open space. At this point our choice is to let them build near Creek Road or Route 413. I would rather have Route 413, a state road, easier to enter onto and exit off of, and the township doesn't have to maintain 413; also, the township doesn't need to make improvements to Creek and Lower Mountain Roads.

5) Mr. Forest replied: Homes like these Toll's new development in Mechanicsville sell for almost one million dollars.

Mrs. Rash said: There is a development on Mechanicsville Road and Route 413 called Fenton's Corner, with the same zoning as this one, but 71 houses, not 41. They charge a base price plus additions. It is very unlikely to bring your property values down.

**Beth Ann Rinkus, Creek Road, asked the following questions:**

- 1) What's it going to take to get a decision for the development to be on the Route 413 side? I would prefer not to develop, but know that won't happen for the greed factor. There is no way to put 120 cars: 41 homes, 3 cars to a house, 120 cars coming out Creek and Lower Mountain Roads. My preference is the Route 413 side.
- 2) Can you make Buckingham Springs change their wastewater treatment?

**The following replies were provided:**

- 1) Mr. Forest replied: The Board was not happy with the Creek Road location and asked them to reconsider and push it to the Route 413 side. We do not want to impact Creek and Lower Mountain Roads.

2) Mr. Forest said: No. When Buckingham Springs was almost completely developed, the township prioritized spray fields. McKee would love to cover the property with homes, but they can't as they need a percentage of land for the spray fields.

**Fred Prozzillo, Creek Road, shared the following concern:**

Mr. Prozzillo said he lives in the middle of Creek Road, ½ mile each way. Mr. Prozzillo shared concerns about current flooding on the road and in his cellar. He also said right now it's a nice road with lots of people from Buckingham Springs who walk there, but it is a country road, not a traffic route.

Mrs. Rash said that's why the Route 413 plan is preferable; as Creek Road will not be a cut through road.

Mr. Glitzer said they have to manage the floodwater on their property. He said the Creek Road plan had outlets and drainage towards Mill Creek and Creek Road, but with the Route 413 plan the Creek Road side of the property is left open with the exception of a lagoon, and the lagoon catches and stores all of the water that falls into them to be sprayed out over time to be absorbed in the ground.

Mr. Gray pointed out that with either of the proposed plans, the large drainage area passing in front of Mr. Prozzillo's property is much larger than the development site. He said any impact the development makes might not make any changes to the current stormwater issues.

Mr. Prozzillo also noted that Creek Road is very small, and they already have traffic issues when the trash trucks come from either direction and cannot pass one another. He is all for the Route 413 plan and said the township should put every effort into that.

**Elsie Taylor, Lower Mountain Road, shared the following concern:**

"Our back yard and the neighbors' (who have the creek), floods with every rain. It goes up about 18-20' from the creek into the pine trees at the back of my property. I think it would be so nice to put all of this into a reserve, but I know the developer is not willing to do that, despite the Township's offers. Seems like McKee is working against the residents who have lived here and are listening to their residents who just moved in and want it their way. I would like to see the water taken care of; years ago it was a normal creek, now it's flooded."

Mr. Glitzer replied they are not directly discharging to the creek. They will route the water through infiltration basins, with overflows in conventional surface basins.

Mrs. Rash replied that we are listening to you, but we don't have control over what a property owner does if they conform with the land use ordinances. Mrs. Rash explained we will use the "bully pulpit" as much as we can, as we are tonight, but there are certain property rights that we all have, and their right is to build within the confines of our zoning ordinance; that is how we got 41 houses and not 200+. She said all we can do is offer top dollar on preservation easements as we did here, but they have a right to say no.

Ms. Taylor said she has a right to say we don't want that done. Mrs. Rash explained that she is sympathetic and that we can try and influence what and how it is done, but that as Ms. Taylor does not own the property, neither she nor the Township can just say no if the landowner complies with the ordinances.

Mr. Smith explained we can't say "you can't do anything"; that is illegal property rights are explicit in the Constitution. If the Township just said no to a plan that complied with its ordinances the courts would likely then let them do whatever they want. He said this has been a 25-year fight to get down from 293 houses to 41 and to get McKee to comply with the Zoning Ordinance. Mr. Smith said this may not feel like it, but is a win for the neighbors as there will be a whole lot fewer houses than with earlier plans. He said their coming in with a compliant plan is recognition on their part that the township zoning is valid and enforceable.

**Joe Linsey, Creek Road, shared the following concern:**

Mr. Linsey had concerns about the intersection of Lower Mountain Road and Route 413, saying you take your life into your hands at that intersection with the blind curve. He thought maybe there could be a light or the intersection could be widened.

Mr. Linsey asked if the corner of Creek and Lower Mountain Road could be bermed and planted with trees to absorb some of the water, also for noise reduction. He said maybe contours could be adjusted so that water doesn't leave the field.

Mr. Forest replied that Route 413 is a state road and the township doesn't have control over it.

Mr. Smith said the applicant will have to submit a permit to PennDOT to access Route 413, and it will be reviewed. He said PennDOT evaluates "warrants" for traffic lights. Mr. Glitzer said that their traffic engineer determined a warrant is not triggered by the development added to current traffic at either of the proposed entrances along Route 413 or at the intersection of Route 413 and Lower Mountain Road.

**Tim Qualy, Lower Mountain Road, shared the following concern:**

Mr. Qualy said he is in favor of the Route 413 side, and appreciates the change. He also appreciated the solar orientation waiver.

**The Board of Supervisors made the following comments:**

Mr. Forest said this meeting was to provide input to the developer to either continue with the Creek Road plan, which the Board does not like, or the Route 413 plan, which is the lesser of two evils as it doesn't impact rural Creek and Lower Mountain Roads. Mr. Forest said he was in favor of plan with the development on the Route 413 side.

Mrs. Rash agreed, saying it's heartbreaking, but since we don't own it, we have to encourage them to do what is least injurious to the community and from what she is hearing, most of the residents present are in agreement with the April plan. She also does

not want to see Creek or Lower Mountain Road widened, which also points to moving the development to the Route 413 side.

Mr. Calderaio said he appreciated the developer working with the township and showing a level of respect for the residents. He had two concerns: 1) He would like to see the median a bit wider on Route 413 at the entrances so that people can get ½ way out onto Route 413 and wait, if necessary. He specified the median should not be concrete, but rather painted lines. 2) With regard to solar orientation, he respects the requirement, however, if you turn the development to suit the solar orientation requirements, it will cut off the ability to farm due to the shape of land. He believes it is more beneficial to encourage farming, rather than require solar orientation. He felt the Route 413 plan is the least harmful approach, all things considered, to the neighbors and the environment. Mr. Murphy said based on the comments received, they will engineer the plan with development on the Route 413 side, and submit it for review.

Mr. Rinkus, Creek Road, said the neighborhood appreciates it.

**“Longland Invest LLC” 2380 Street Road, TMP 6-16-20**

Nate Fox, Obermayer Rebmann Maxwell & Hippel LLP, Glenn Roedel and Gavin Roedel, property owners of 2380 Street Road (Longland Invest, LLC), were present.

Mr. Fox explained they received a variance from the Zoning Hearing Board, and then requested a waiver of land development from the Board of Supervisors, which was denied. He said they have decided that rather than add onto the existing barn, they would like to remove the older barn and construct a new barn and the required parking area. Mr. Fox said they are not proposing a bathroom in the barn, just a contractor’s office and storage space. Due to this, a question arose as to whether the zoning hearing board decision, granting the use variance to permit the contracting use on the property, to be located in the existing barn would preclude the replacement of the barn with a comparable structure. Mr. Fox explained they are here tonight to get the Board’s view on that question.

Mrs. Rash asked why they would go to all this trouble and not install a bathroom? Mr. Glenn Roedel said they have been using the existing barn for 20 years, had an addition drawn up, which triggered that the zoning wasn’t in compliance. He said they were under the impression if they stayed under 1500’ square feet they wouldn’t have to do Land Development, and prepared plans and a zoning application with that in mind.

Mr. Gray said staff had been concerned in review of the Land Development waiver request with significant changing of the nature of the property; adding that parking has buffer requirements and stormwater management would be different than a small project. Mr. Glenn Roedel said with this in mind, since they needed to go through land development anyway, they decided not to save the old barn, rather to knock it over and put up a more efficient pole building.

Mrs. Rash noted the Zoning Officer had issued comments saying the proposed pole barn is different from the existing barn in both the setback from the center of Street Road, and in square footage. Mr. Glenn Roedel said they decided if they were going through Land Development, they may as well move the barn away from the residences on the property. Mr. Fox displayed the plan, and pointed out the barn will be oriented in a different way, closer to Street Road.

Mr. Fox said they hope to proceed with the Land Development submission without going back to the Zoning Hearing Board.

Mr. Forest said he had no issues with their having to return to the Zoning Hearing Board, and that they may fall within the stormwater management requirements. Mr. Fox said they realize they will need to provide stormwater management review as part of the Land Development process.

Mrs. Rash asked why they would go to all this trouble and not have an amenity. Mr. Glenn Roedel said it's just for storage of materials. Mr. Forest said depending on the system in the old house, they could deal with that later on. Mr. Glenn Roedel said that this was his parents' property. Mr. Glenn Roedel said he believed they have an EDU available from when they sold property for the pump station. Mr. Fox said they have been tasked with moving this project along.

Mr. Calderaio said he had no issues. Mrs. Rash and Mr. Forest said they had no problems. Mr. Gray recommended processing the plan as a Preliminary/Final Land Development, when it is submitted.

#### **Fee Schedule – Water Meter Calibration**

Mrs. Cozza explained that currently, when residents think their water meter is broken, the township will collect it, send it away to be repaired and calibrated. She said if the meter is broken, the township pays for the repair, however if the meter is not broken, then the resident is billed for the shipping and calibration. Mrs. Cozza said the only way to test the meter is to take it out and send it away for calibrating.

Mrs. Cozza said that Steve Clark, Director of the Water and Wastewater Department, had requested that the township add a fee for staff labor in collecting and installing the new meter. She said currently the township charges approximately \$100 which only covers shipping of the meter. The Board was agreeable to the request.

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

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

#### **Leaver Cable – Lighting**

Mr. Gray said while conducting an inspection to prepare a punchlist of outstanding items, they discovered the installation of building façade lighting, which was never requested or



approved. He said that during the Land Development process, the applicant said they would not be installing the lighting, and it was not on any building permit plans. Mr. Gray said there are multiple small and very bright spotlights. Mr. Gray asked the Board to observe them if they drive by at night, and provide feedback so the matter may be addressed before the project is closed out.

Mrs. Rash said the lighting should be per the approved plan. Mr. Gray said any type of building illumination is required to be approved by the Board.

**Swamp Road / Route 263 Intersection Improvements**

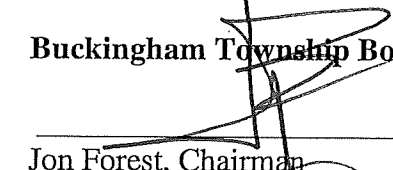
Mr. Gray updated the Board, telling them the improvements to add an additional turn lane in each direction on Route 263 have begun, and it shouldn't take too long. He said he would get prices for the motion detectors and radar, adding that Mr. Hinz, Director of Roads and Facilities Department, had requested the radar.

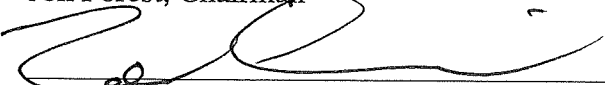
*8:30 p.m. The Board retired into Executive Session to discuss a proposed conservation easement on the Sikorski tract and continuing issues on the Snyder tract.*

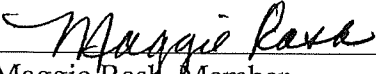
*9:45 p.m. The Work Session adjourned.*

**Approved by the Board of Supervisors on the 23<sup>rd</sup> day of June, 2021.**

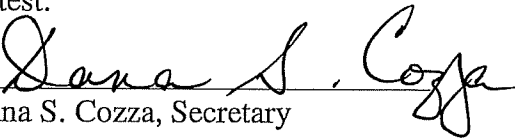
**Buckingham Township Board of Supervisors**

  
 \_\_\_\_\_  
 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.*