

BUCKINGHAM TOWNSHIP

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BUCKINGHAM TOWNSHIP Board of Supervisors Work Session Agenda September 28, 2022 5:30 p.m.

5:30 p.m. Executive Session

6:30 p.m. Manager's Items

7:00 p.m. "McKee Development", Township File SA 2020-01

Buckingham Township Board of Supervisors
Work Session
Minutes

The work session of the Buckingham Township Board of Supervisors was held on September 28, 2022 in the Township Building, 4613 Hughesian Drive, Buckingham, Pennsylvania.

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

The Work Session commenced at 5:30 p.m. with Executive Session to discuss police personnel matters and to discuss potential litigation against a security holder.

“Total Skills, LLC”, Township File LD 2021-04, Tax Map Parcel 6-4-15-1

Mr. Smith provided an update on the wastewater service option for the “Total Skills, LLC” project, saying that the applicant’s attorney had provided a letter from Bucks County Water & Sewer Authority stating that they had available collection, conveyance and treatment capacity to connect the project to public sewer. Mr. Smith said the letter stated that Buckingham Township must use 20 of their 39 allocated remaining emergency EDUs to service this project, and Mr. Smith asked the Board of Supervisors if they would be agreeable to release the Township’s emergency EDUs to benefit Total Skill’s development.

Mr. Gray said there may be alternate wastewater treatment possibilities available by creating a small community system for multiple parcels in the same area as planned for in the township’s Act 537 plan.

Mr. Forest stated the wastewater service option is not an emergency requiring relinquishment of service to Bucks County Water & Sewer Authority at this time, therefore alternate options should continue to be studied. Chairman Calderaio and Mrs. Rash agreed.

5832 Village Lane – Proposed Sewage System Repair Plan

Mr. Smith explained the owners of 5832 Village Lane have a failing wastewater treatment system, and have requested to install a new septic disposal field in the stormwater management easement on the lot that serves the development, claiming there is not another available location on the property. Mr. Gray noted the system would be

entirely within the easement area, as the back 1/3 of the property is stormwater management, including a basin.

Mr. Smith advised that since the stormwater easement is part of the approved development plan, that technically the Township cannot unilaterally grant permission to build a disposal area in the easement. Rather, the property owner would have to get the consent of all other property owners in the development to do so. If the Township were inclined to allow the property owner to have the system installed within the easement with solely the township's approval, the township should have the property owner sign an indemnity agreement stating the property owner shall be solely responsible for the future management of the basin and eased area and if any claim is brought against the Township the property owner will defend the township and pay any judgment or claim against the township that the neighbors may bring for any future stormwater issues.

The Board agreed that the property owner should continue testing for another location on the property, however if there is not one available, the township will require an indemnification agreement.

Church School Road – Curtilege/Driveway Placement on Preserved Property, TMP 06-004-074

Mr. Smith said that in response to a meeting with Kellie McGowan, Esq., Supervisor Rash and township staff, he had received a revised plan relocating the previously proposed site of the house from the center of the preserved property towards the corner of the property in order to provide more available farmland. The Board was in favor of the revised house curtilage location, however Mrs. Rash noted the driveway, as shown on the plan, had not been moved to the agreed upon location along the property line so as not to shine in the neighbor's house across the street. Mr. Smith said he would convey this information to Ms. McGowan.

Trail Construction – Deschamps Property Easement

Mrs. Cozza provided the Board with an update that preparation has started for the trail construction, and that neighbors' concerns had been addressed.

“McKee Development”, Township File SA 2020-01

Ed Murphy, Esquire, Mr. Greg Glitzer and Mr. Ron Monkres of Gilmore & Associates, and Mr. Kevin McLaughlin of The McKee Group, were present to discuss the proposed plan. Several neighbors of the property were also in attendance.

Mr. Murphy explained they were present to provide an update on some very specific items as discussed when last before the Board. He said they were working on a full set of revised plans to submit most likely in time for the Board of Supervisor's November meeting.

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Mr. Glitzer explained that after staking the property line along Buckingham Springs, and meeting onsite to discuss buffering, they found many encroachments. Following the discovery that the survey was not consistent with pins within the property, they did a full boundary retracing and revision, with restaking in the field to mark the boundary, and are back on track to have a field meeting and discuss details of the buffer plan. Mr. Murphy explained that some of the residents in Buckingham Springs did not want too much of buffer as it would obscure their view of little Buckingham Mountain. The developer is working to accommodate their requests while maintaining the required farmable area. Mr. Gray suggested if the Board was in favor of eliminating the buffer along the Buckingham Springs properties, the buffer could be moved up close to the development with a heavy buffer placed along the back of the development's lots, while retaining the farmable area.

Ms. Jan Sutton, Acorn Court, said the concern was that the buffer as originally designed may increase the stormwater drainage onto the Bent Pine Road properties. Mr. Glitzer explained the buffer/berm plantings have been designed on a gentle berm to run parallel to the properties and existing drainage easement, redirecting the stormwater and resolving the existing drainage issues as voiced by the residents.

Mr. Glitzer said they had inventoried the mature trees on the property and discussed them with the township's landscape consultant, Carol Manicone. He said that several of the trees were in bad shape and not worth saving, especially near the old house / compound and the driveway near Durham Road. Mr. Glitzer said there is one healthy oak tree that is of a diameter that requires saving, and its location forced revisions to the design block scheme, going from a larger single at the corner to a 3-packed town and smaller singles in that area, and also requiring alley revisions. Mr. Monkres said the preserved tree is noted on the plan; adding that there were also trees that affected the plumbing to and from the lagoons.

Mr. Glitzer explained the wastewater lagoon had been revised to incorporate a three cell configuration (as per Buckingham Township Wastewater Standards), which resulted in an update to site density and open space calculations. He said the revised configuration forced the lagoon to be longer and 10' wider, and will catch more rain so they will need to provide more spray irrigation. Mr. Glitzer explained the original design had two cells, with a flexible liner that could be adjusted as needed. He explained both designs include an earthen embankment.

Mr. Glitzer said that following tonight's discussion they would clean up the remaining stormwater management items, and submit a revised plan in anticipation of being scheduled for review during the Board of Supervisors November meeting. Mr. Murphy confirmed that there are no changes proposed to the significant design schematic, such as the units being located along Route 413 with access points onto Durham Road.

Mr. Forest confirmed that the Durham Road widening continued to be on the McKee Tract side; and Mr. Glitzer replied "yes", with a left turn lane entering from northbound,

and a slower turning lane when entering from southbound, and a gore striped area across the intersection.

Ms. Patricia Eagle, Bent Pine Circle, said there are several clearly marked trees on the property she rents, and she wondered what will happen to them and who is responsible for their maintenance. Mr. Glitzer said those trees are marked for protection, and the Homeowners' Association of the new development will be responsible for their maintenance if they are on the development property. Ms. Eagle was concerned as they are large Oak trees with many dead branches that appeared to be on the proposed development side according to the boundary stakes. Mr. Glitzer said the intent is for that area to be farmed, however added that if the branches present a danger the tree could be pruned before construction begins. Mr. Gray suggested Ms. Eagle write her concerns to the current development property owner, McKee. Mr. Kevin McLaughlin of McKee Development confirmed she should inform the office of her concerns.

Ms. Patricia Salmon, Goldenrod Crossing, asked if there was a relocation area for the 8-10 RV's and campers that are presently stored at the old farmhouse. She said residents of Buckingham Springs currently rent the spaces from McKee to store the RVs. Mr. Glitzer said the RVs are located on future lots that will be sold as part of the development. Mr. McLaughlin replied that Ms. Salmon should notify the Buckingham Springs office of her concerns, and added that they would work with them toward a resolution.

Ms. Sue Wark, Bent Pine Circle, said there are stakes on the properties behind their houses, with a farmer's field there now, and then grass to their homes. She said there is an area 2 feet from the end of the field into her property. Ms. Wark said they have lived there 9 years and always maintained the grass, and wondered who should maintain that 2 foot area? Mr. Glitzer said depending on the buffer, berm, farming line, and drainage, there will be a change of cover in that area that the homeowners' association will need to maintain. Ms. Wark said their mowing contractor was told not to go into certain areas or they would be fined. Mr. McLaughlin said nobody will mind if they continue the same mowing practices until further notice when the future homeowners' association takes over. He asked her to let the office know if she has issues or concerns.

Ms. Jan Sutton asked if they had received permission from the state to have the entrance onto Route 413. Mr. Glitzer said they do not yet have the permit for construction, however PennDOT had reviewed the layout study and configuration. Ms. Sutton asked if PennDOT would require a traffic light, and Mr. Glitzer replied "no".

Ms. Sue Wark asked when the construction would begin. Mr. Glitzer said with the number of permits required by PADEP, PennDOT and Buckingham Township, probably a year from now at the earliest. He said this is still a preliminary plan, and once the preliminary plan is approved, they will need to return with the final plan for the township's review.

Dr. Barrie Barr, Creek Road, asked that since the lagoon has to be enlarged, could it be moved in further from Creek Road. Mr. Glitzer replied no, that there is a very limited

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envelope due to required setbacks from other structures and woodland. Dr. Barr asked why the township was requiring it to be bigger, and Mr. Gray replied the standard of Buckingham Township is a three lagoon treatment system. Mr. Calderaio explained that Buckingham Township has the most environmentally friendly wastewater system there is, with the wastewater being treated in the lagoons, becoming gray water which is then sprayed and returned to the ground. He said there is a larger picture than just proximate aesthetics as this method assures more of the land is free of buildings and remains as fields; moreover, this treatment is environmentally friendly returning ground water to the aquifer.

Mrs. Rash asked what they planned for the 1.652 acre common area along Creek Road. Mr. Glitzer said they would call it “open space”; however the zoning ordinance doesn’t allow that unless it’s a minimum of 4 acres and 200’ wide. He said the area could be farmed for row crops, or could be a meadow. Dr. Barr asked for confirmation that it would not be used for a path. Mr. Forest confirmed it will be open space.

Dr. Barr asked if landscaping would be installed along Creek Road to block the lagoon. Mr. Murphy said the lagoon will be set back 200’ from Creek Road. Mr. Forest said Buckingham Township specifications require a large berm; adding it will look like a hill.

Mrs. Rash said the lagoons in established developments are like wildlife sanctuaries. She asked if these will get to that point. Mr. Glitzer replied yes, they are just like stormwater ponds; natural looking water features.

Mr. Murphy summarized they would continue working on the plans, and return at a future date for plan review.

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

8:25 p.m. The Work Session continued.

1009 Swamp Road, TMP 06-022-017-001, Proposed Development on Preserved Property

Mr. Lou Bodine, Prime Custom Builders, was present along with the potential property purchasers, to discuss proposed development of the property. Mr. Bodine said the property is under Act 319, so they understand the property must be used as a farm with a designated two acre curtilage allowing one house to be built, and the remaining property to be used within the agricultural realm.

Mr. Smith noted this property is additionally subject to a conservation easement with specific restrictions for use on the property. Mr. Forest noted a conservation easement is different than Act 319. Mr. Bodine said they are trying to stay within the spirit of the deed restrictions. Mr. Smith said they must stay within the letter of the easement, not just its spirit.

Mr. Bodine asked if they are going to install horse stables, riding ring, and a house, can they plan to have the septic area outside of the 2 acre curtilage. He said he asked because he saw that a previous septic system was approved by the Bucks County Department of Health in the back corner of the property, however they also saw that the two acre curtilage is in the front of the property off Smith Road. Mr. Gray said the Bucks County Department of Health approvals have expired. Mr. Bodine asked if they included the septic in the two acre curtilage, could they install an additional septic system elsewhere on the property? Mr. Smith said he did not believe so unless the additional system served agricultural uses on the property.

Mr. Forest noted that while indoor barns for horses are allowed on preserved property, they would still need to install stormwater management improvements. Mr. Gray added they would need to meet zoning requirements by applying for a zoning permit and a stormwater management permit. Mr. Bodine acknowledged this.

Mr. Smith asked if the stormwater management would be basins, which would take up agricultural lands, and Mr. Gray said yes, if they were above ground. Mr. Gray said riding rings, and the considerable amount of gravel driveway proposed, would be considered impervious surface. Mr. Gray explained that the soil mapping shows hybrid soils in the wooded area with dead ash trees, adding that the area is likely to have elevated groundwater which may present a challenging stormwater management situation.

Mr. Gray stated that the people who live in the house on the property, must be actively involved in farming activities on the property. Mr. Bodine confirmed the proposed owners were present with him, and would live on the property and have a training facility for horses.

Mr. Gray asked how they would get from the house to the facility, and the proposed owner said they would drive around on Smith and Swamp Roads. Mr. Forest suggested they would need a driveway crossing the farmland to the facility as they will not want to drive around each time.

Mr. Forest advised the driveways will need to be in safe locations. Mrs. Cozza pointed out that Swamp Road is state PennDOT Road, and Smith Road is a township road.

Mr. Bodine asked if they could share the septic between the house and the barn, and Mr. Smith replied that perhaps it could be engineered with pipes running between. Mr. Smith said the proposed location of the septic in the rear corner previously received opposition from the neighbor, Mr. Yavoroski, who is a beneficiary to the easement and owner of the primary property; adding that Mr. Yavoroski has the right to object to any change in the easement.

Mr. Yavoroski, Swamp Road, was present, and stated that in 2017 the property owner wanted to build a significant house and this exact conversation was held. Mr. Yavoroski said that owner had wanted to ignore the conservation easement, and the Board of

Supervisors decided with legal consultation, that because he owns the original homestead, that any changes to the conservation easement must be approved by him.

Mr. Bodine confirmed there was no issue with the proposed property use or other buildings, and said he understood it needed to be stormwater engineered. Mr. Smith said the stormwater management will be expensive. Mr. Gray repeated the improvements have to meet zoning; that at this stage there was nothing to review as far as a layout for setbacks, impervious surface or any potential stormwater issues. Mr. Forest noted they will need a fenced in area for the horses that is not within the muddy stormwater areas.

The potential property owner asked if there was any way to have a second septic system for the barn. Mr. Forest said no, it must be in the two acre curtilage area, and design and approved by the Bucks County Department of Health. Mr. Gray noted if it was just a convenience bathroom in the barn, not including shower stalls, they would probably not need a secondary system.

Mr. Gray asked if Mr. Bodine had a copy of the conservation easement and the first or second amendment. Mr. Bodine said he had the conservation easement, and had completed a right-to-know request for property information, but was not sure if the amendments were provided.

Board of Supervisor's Fall/Winter Meeting Schedule

Mrs. Cozza confirmed the following fall/winter meeting dates:

- October 12, 2022 Budget Work Session beginning at 12:00pm (lunch included)
- October 26, 2022 Work Session to possibly begin early at 4:30pm, and then the Regular Board of Supervisor's business meeting at 7:30pm
- November 2, 2022 Reserved if needed for budget work session
- November 16, 2022 Regular Work Session and Regular Business Meeting (propose budget)
- December 14, 2022 Regular Work Session and Regular Business Meeting (adopt budget) – last meeting of the year

The Board agreed to the meeting schedule.

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

Approved by the Board of Supervisors on the 26th day of October, 2022.


Buckingham Township Board of Supervisors



Paul Calderaio, Chairman




Jon Forest, Vice-Chairman



Maggie Rash, Member

Attest:



Dana S. Cozza, Secretary

Minutes respectfully submitted by Lori Wicen.