

**BOARD OF SUPERVISORS  
MEETING MINUTES  
October 27, 2008**

A regular meeting of the New Britain Township Board of Supervisors was held on October 27, 2008 at the Township Administration Building, 207 Park Avenue, New Britain Township, PA, beginning at 7:00 p.m. Present were Supervisors: A. James Scanzillo, Chair; Robert V. Cotton, Vice-Chair; and members John A. Bodden, Sr.; Helen B. Haun and William B. Jones. Also present were: Eileen Bradley, Township Manager; Wayne Fultz, Superintendent Public Works; Randal Teschner, Code Enforcement Officer; Beth Burke, Administrative Assistant; John B. Rice, Solicitor; and Craig Kennard, Township Engineer.

1. **Call to Order:** Mr. Scanzillo called the meeting to order at 7:00 PM.
2. **Pledge of Allegiance:** Mr. Scanzillo led the Board and audience in the Pledge of Allegiance.
3. **Announcements from the Chair:** Mr. Scanzillo announced that there had been a serious accident on Callowhill Road and the audience may need an alternate route to get home.
4. **Public Comment:** There was no public comment.
5. **Approval of Minutes of the October 13, 2008 Board of Supervisor meeting:**

**MOTION:** Upon motion by Mrs. Haun and seconded by Mr. Jones, the Board unanimously approved the minutes of the October 13, 2008 meeting as written.

**6. Departmental Reports**

**6.1. Public Works:** Mr. Fultz presented the Public Works report for the month of September 2008. He noted there had been a street sign vandal that removed all the signs on New Galena and King Roads. All but one was recovered and was replaced.

**6.2. Police:** This agenda item was tabled as Chief Scafidi had been called to an accident in the township.

**6.3. Code Enforcement and Fire Marshal:** Mr. Teschner presented the Code Enforcement and Fire Marshal report for the month of September 2008. Mrs. Haun questioned Mr. Teschner if he reviews permit requests for signs. Mr. Teschner replied that he does.

**7. Consideration of Old Business:** None

**7. Consideration of New Business:**

**8.1. Amended Final Subdivision Plan; D'Orazio Tract; TMP# 26-3-76:** Tony D'Orazio and his engineer William McNaney, P.E., of Van Cleef Engineering, were present for the discussion. Mr. McNaney reviewed the plan and discussion by the Planning Commission. He requested a reduction of fee in lieu of capital improvements from \$25,000.00 to \$5,000.00. Mr. Kennard noted that the applicant must comply with the prior approval conditions; however, he supported the reduction. Mr. Rice also stated the conditions of the December 18, 2003 approval letter must remain with the change noted in Gilmore & Associates approval letter of September 3, 2008.

**MOTION:** Upon motion by Mr. Bodden, seconded by Mr. Jones and unanimously carried, the Board approved the amended final subdivision plan, D'Orazio Tract, TMP# 26-3-76 subject to conditions in Gilmore & Associates review letter dated September 30, 2008 and payment of the following fees: Capital Improvements Fee of \$20,000.00, Stormwater Maintenance Fee of \$1,135.00 and Park and Recreation Fee of \$5,000.00.

**8.2. Proposed sidewalks along Upper State Road:** Mr. & Mrs. Schmidt were present and expressed their desire to have sidewalks removed from the proposed road improvement project along Upper State Road. They voiced their concerns with possible damage to their property if the sidewalks are installed. Mr. Kennard noted that the proposed right-of-way to be acquired will be reduced from 40' to 25'. He recommended installation of the sidewalk and a 3' grass strip. There was further discussion on the need for sidewalks and responsibility of upkeep and safety issues.

**MOTION:** Upon motion by Mrs. Haun and seconded by Mr. Jones, the Board approved installation of the sidewalk and reduction of the grass strip to 3'.

**8.3. County Line/New Britain Realty, L.P. Commercial Development; Conditional Preliminary/Final Land Development Plan; TMP's #26-6-100 & 26-6-101, 102, 103, 104 & 105:** John VanLuvanee, Esquire and Bill Rearden of Bohler Engineering were present for the discussion. Mr. VanLuvanee reviewed the plan and noted that they would comply with Gilmore & Associates review letter dated October 17, 2008. There was discussion on the pedestrian access between the proposed WaWa and Walgreens. Mr. VanLuvanee agreed that the recommendation by Mr. Kennard was acceptable. There was further discussion on shifting the Wawa and Walgreens closer to Route 202 to remove excess parking and create more space to improve internal circulation. Mr. Kennard noted he will work with Bohler Engineering to resolve these issues.

Tim Baker, of Midtown Road inquired about where retention basins would be and how runoff issues would be addressed. Mr. Rearden noted the water would discharge to County Line Road.

Linda Cummings, of Airy Avenue, asked what and where buffering would be for lights, noise and traffic. Mr. Rearden reported there is a 45' tree buffer which included existing trees and will include extensive landscaping.

Scott McNair, Clemons, Richter, Walsh & Reiss, representing Mr. & Mrs. Presti, owners of Bonnie's Flower Shop inquired how the traffic light installation would affect the existing businesses along Route 202 and if the cartway widening would be extended in front of Bonnie's. Mr. Rearden replied the cartway would be widened in front of Bonnie's but was unsure if there would be a retaining wall. Mr. Presti noted that he had concerns with access to his business and would be in favor of rear access to his property provided he did not lose parking spaces. Mr. McNair asked the Board to waive the imposition of maintenance fees for the new egress.

**MOTION:** Being no further discussion and upon motion by Mr. Jones, seconded by Mr. Bodden, the Board unanimously approved Preliminary/Final Land Development Plan Approval for County Line/New Britain Realty, L.P., TMP# 26-6-100 & 26-6-101, 102, 103, 104 & 105 subject to the following conditions.

1. Compliance with the Conditional Use Adjudication approved by the Board of Supervisors on September 29, 2008;
2. Compliance with the review comments set forth in the Gilmore & Associates, Inc., correspondence dated October 17, 2008, including all comments with respect to the conditional Use Adjudication set forth in Paragraph IV.A. All comments set forth with respect to the zoning Ordinance in Paragraph IV.B. and all Subdivision and Land Development Ordinance comments set forth in Paragraph IV.C., except that those SALDO requirements identified in Paragraph IV.C.14. with respect to grading, retaining walls, ADA compliance, erosion and sediment control, stormwater management, landscaping, lighting and utilities shall be reviewed and approved by the Township prior to the signing and recording of record plans;
3. Any and all requested modifications from the Subdivision and Land Development Ordinance shall be submitted in writing to the Township Engineer, and reviewed and approved by the Board of supervisors prior to the release and recording of record plans;
4. Compliance with the review letter of the Fire Marshal dated October 20, 2008;
5. Submission, review and approval by the Township of all architectural renderings, lighting, and landscaping;
6. The Applicant shall provide benches at proposed green areas and/or walking areas at a location and number to be approved by the Township;
7. The Applicant shall provide a direct pedestrian access between the proposed pharmacy facility and the proposed service station facility;
8. The Applicant shall modify the plan after review and consultation with the Township Engineer, and eliminate parking spaces, if feasible, in order to provide increased safe internal circulation around the proposed service station and pharmacy uses.
9. Execution of Development and Financial Security Agreements in a form to be approved by the Township Solicitor; and
10. Compliance with all other applicable Township ordinances and State and Federal rules, regulations and statutes; including all outstanding Township fees.

**8.4. Michael Meister; Discussion of concept Plan; Rt. 313 & New Galena Road:** John VanLuvanee, Esquire, Michael Meister of New Britain Developers and Kevin Reilly from Langan Engineering were present and gave a brief overview of the proposed concept plan development of the Stout Family Trust Tract located at Route 313 and New Galena Road. Mr. Meister would like to explore the possibility of developing the tract under the Office Park zoning. There was discussion on the proposed PADOT widening of Rt. 313 and existing OP uses. Mr. Meister was looking to see if the Board was interested in working with him to develop this tract in a manner such as Fountainville Center and possibly including uses not currently permitted in the OP Zoning District such as J1 Retail Store, J3 Service Business, J6 Eating Place, J7 Drive-In and Other Eating Places, J19 Service Station or Car Wash and J22 Automobile Accessories. Mr. Meister would commit to installing a road linking King Road to a signalized intersection at Curley Hill Road and Route 313.

Leslie Bilotta of Beechwood Drive questioned the proposed traffic signal at Rt. 313 & Curley Hill Road and stated she didn't feel it was a good idea.

Susan Gross of Upper Church Road, asked if the light would be coordinated with other lights on Rt. 313. Mr. Reilly responded that coordination would be required by PADOT.

Mr. VanLuvanee asked the Board if they were interested in the new road and changing the OP District uses. The board questioned Mr. Meister about the septic system and the capacity of the spray field. Mr. Cotton questioned new traffic patterns on Curley Hill Road with closing off King and New Galena Roads.

Walter Shuman of New Britain Borough asked if anyone had talked to Plumstead Township concerning development across Rt. 313 in this area.

Sharon Vogt of New Galena Road, noted that neighbors were against development in this area and would prefer it be kept rural. She noted that if the traffic signal was installed it would create more traffic with people cutting through New Galena Road to use the signal. She also voiced concerns with a gas station being too close to the Neshaminy Creek and Hardiaken Creek. She further voiced concern with trash being carried from this area into Peace Valley Park.

Bob Malcher of New Galena Road, stated he was concerned about well water and there not being enough water for additional uses.

Deb Rendon from the Planning Commission noted there were large groups of neighbors at the PC meetings and heated discussions took place on this issue. She stated the OP Zoning needs to be reviewed for environmental concerns. Plumstead Township has not slated this area for commercial development. Ms. Rendon further noted that Rt. 313 was a dangerous road and there were numerous accidents during rush hour.

Ms. Gross questioned how much of the corner would be taken up by a service station. Mr. VanLuvanee replied that any service station would be adjacent to the recycling center. Mrs. Haun asked about tree buffering and how many additional uses Mr. Meister was considering. Mr. Meister replied there would be two existing and two new uses. All residential uses would be vacated. Ms. Gross inquired about the groundwater contamination from the WaWa in Plumstead. Mr. Rice replied that it had been remediated and it was determined that Wawa was not the source of the contamination. Ms. Gross also noted the recycling center was an eyesore.

Ms. Vogt asked the Board what they envisioned Rt. 313 to look like.

Mr. Meister noted that his due diligence was almost up. Further, acceptable uses according to the OP Zoning District could be worse than what he was proposing.

Ms. Rendon requested the Board review the OP Zoning District uses as soon as possible. Mr. Kennard recommended Mr. Meister return to a work session of the Board in two weeks for further discussion. Mr. Scanzillo noted the realignment of the roads and traffic signal would be good for the township.

Cathy Birkenstock of E. Peace Valley Road, noted that neighbors would be unable to attend meetings held during the day.

**8.5. Deed of Easement Agreement with CNBTJSA; TMP# 26-27-6:** Ms. Bradley presented the Deed of Easement between New Britain Township and the Chalfont-New Britain Joint Sewer Authority for an easement off Sellersville Road and noted that the Township Engineer reviewed it. She requested the Board authorize her to execute the agreement.

**MOTION:** Upon motion by Mrs. Haun, seconded by Mr. Jones and unanimously carried, the Board authorized Ms. Bradley to execute the Deed of Easement Agreement with CNBTJSA for TMP# 26-27-6.

#### **9. Consent Agenda:**

- Merck Sharp & Dohme FCU 18 Maintenance Escrow Release
- Borden Farm, Lot #7 Escrow Release #4 (final), \$22,770.00
- Borden Farm Subdivision, Release #2

**MOTION:** Upon motion by Mr. Cotton, seconded by Mr. Jones and unanimously carried the Board approved the Consent Agenda.

**10. Board of Supervisors Comments:** Mr. Cotton informed the Board and audience that he attended a seminar by the Bucks County TMA on Compressed Natural Gas. He also reported that he attended a Rt. 202 executive committee meeting in King of Prussia to review all the 202 projects from sections 100 to 700. Construction on Section 701 will begin within a month and Sections 711 and 721 will be awarded in April or May 2009.

**11. Township Administration Comments:** None

**12. Solicitor & Engineer Comments:** None

**13. Other Business:**

**14. Payment of Bills:**

**MOTION:** Upon motion by Mr. Jones, seconded by Mr. Cotton the Board unanimously approved the bills list dated October 21, 2008 in the amount of \$61,202.22

**15. Public Comment**

Ms. Gross thanked Mrs. Haun for her attendance at the Central Bucks School Board meeting and her support in not building another stadium.

**14. Adjournment:**

**MOTION:** Upon motion by Mr. Cotton, seconded by Mr. Jones, and approved, the Board adjourned at 8:45 PM.

**NEW BRITAIN TOWNSHIP BOARD OF SUPERVISORS**

\_\_\_\_\_  
A. James Scanzillo, Chair

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Robert V. Cotton, Vice-Chair

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John A. Bodden, Sr., Member

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Helen B. Haun, Member

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William B. Jones, Member

Attest: \_\_\_\_\_  
Eileen M. Bradley  
Township Manager/Secretary

Minutes approved on: \_\_\_\_\_