



## **WARRINGTON TOWNSHIP BOARD OF SUPERVISORS MINUTES FOR MARCH 22, 2011**

The regular meeting of the Warrington Township Board of Supervisors was held on March 22, 2011, 7:30 p.m., at the Township Building located at 852 Easton Road, Warrington, PA 18976, followed by the pledge of allegiance. The members present were as follows:

### **ATTENDANCE:**

John Paul, Chairperson; Gerald Anderson, Vice Chairperson; Marianne Achenbach, Secretary; Michael W. Lamond, Jr., Assistant Secretary; and Paul Plotnick, Member. Staff Present were Timothy J. Tieperman, Township Manager; William R. Casey, Esq., Township Solicitor; Richard Wieland, P.E., Township Engineer; Vivian S. Bell, Township Treasurer; and Barbara Livrone, Executive Assistant to the Township Manager.

### **EXECUTIVE SESSION REPORT**

Mr. Casey reported that he had no executive session report.

### **APPROVAL OF BILL LIST:**

#### **1. March 8, 2011 to March 22, 2011 - \$526,690.63**

Mr. Anderson motioned, seconded by Mr. Plotnick, to approve the bill list from 3/8/11 to 3/22/11 totaling \$526,690.63. This motion passed by a roll call vote of 5-0.

### **APPROVAL OF MINUTES:**

#### **2. February 22, 2011**

Mr. Anderson motioned, seconded by Mr. Lamond, to approve the February 22, 2011 Meeting Minutes. The motion passed by a vote of 5-0.

### **MINUTES FOR POSTING:**

#### **3. March 8, 2011**

Mr. Anderson motioned, seconded by Mr. Lamond, to approve the posting of the March 8, 2011 Meeting Minutes. The motion passed by a vote of 5-0.

### **PUBLIC COMMENT**

The following individuals offered public comment:

- Ida Zimmer (2014 Greyhorse Drive) regarding poor conditions at Palomino Basin
- Ingaborg Schwarts (1076 Connemara Circe) regarding poor conditions at Palomino Basin
- Marlene Azeff (1214 Meridian Boulevard) regard Katz bankruptcy and status of escrow monies
- Mike Kelly (135 Muirfield Lane) regarding industrial zone height restrictions
- Stan Schwartzman (604 Guilford) regarding rubbish concerns at Street & Phillips Roads
- Shawn McCollum (534 Center Street) regarding paving issues and paper streets
- Cogan Cameron (110 Muirfield Lane) regarding poor conditions along Mill Creek Road

Mr. Anderson motioned, seconded by Mr. Lamond, to adjourn this meeting at 8:05 p.m. to convene some advertised public hearings.

4. **PUBLIC HEARINGS:** Chairman Paul opened the public hearing(s) at 8:08 p.m.

- a. Review and consider hearing on the proposed transfer of a Pennsylvania liquor license from Crystal Real Estate Corporation – Roasted Pepper Restaurant in Chalfont to Mi Tierra Restaurant/Diner located at 1111 Easton Road, Warrington, PA in Warrington Pavilion Shopping Center.

Mr. Anderson motioned, seconded by Mrs. Achenbach to approve the proposed transfer of a Pennsylvania liquor license from Crystal Real Estate Corporation – Roasted Pepper Restaurant in Chalfont to Mi Tierra Restaurant/Diner located at 1111 Easton Road, Warrington in the Warrington Pavilion Shopping Center. This motion passed unanimously.

Mr. Lamond motioned, seconded by Mr. Plotnick to close the public hearing.

- b. Review and consider amending the official Zoning Map of Warrington Township for the zoning classification of Tax Parcel 50-031-033-011 consisting of 2.83 acres from Planned Industrial (“PI-1”) District classification to the Central Business District classification (“CBD”) classification.

William Benner, Esq. the applicant’s counsel, summarized the legal issues necessitating a zoning ordinance amendment to the Township CBD (Central Business District) Zone. He stated the change would permit the development of sixty (60) acres for a mixed-use development, containing no less than 1500 linear feet of arterial highway frontage.

Metro representatives Mike Grasso and Jack Schneider augmented Mr. Benner’s presentation, giving an historical context of the project’s evolution over the past few months. They focused on the residential component, consisting of 81 townhouse dwelling units to be located on 20 acres. These units would not be age-restricted. Mr. Drew Reiser, representing Pulte Homes, provided a conceptual overview of the types of homes planned for this development.

Frank Shelly, speaking in his capacity on the Zoning Hearing Board, raised no objections to the PI District being changed to CBD. He cautioned the Board to be cognizant over any unintended impact this change might have on other matters such as billboards.

Other individuals offered comments as part of this public hearing:

- Mary Doyle Roth (President, Warrington Historical Society regarding plans for the Penrose House);
- Robert Ziker (107 Hickory Hollow Circle) regarding the development’s proximity to his house;

Mr. Anderson motioned, seconded by Mr. Plotnick, to close the public hearing.

Mr. Anderson motioned, seconded by Mr. Plotnick, to amend the official Warrington Township Zoning Map to reclassify Tax Parcel 50-031-033-011 (2.83 acres) from Planned Industrial (PI-1) to Central Business District (CBD) classification. This motion passed by a vote of 4-1. Mr. Lamond voted no. Mr. Lamond voted no because the residential use is used in other zoning districts within the township.

- c. Review and consider amending Section 1603 and Section 1604.3 of Chapter 27 to permit a Townhouse Village Development as a conditional use of the Mixed Use Development in the Central Business District (“CBD”).

Mr. Anderson motioned, seconded by Mrs. Achenbach, to amend Section 1603 and Section 1604.3 of Chapter 27 to permit a Townhouse Village Development as a conditional use of the Mixed Use Development in the Central Business District (“CBD”) and include the amendment as outlined in the three sections of the Warrington Township Planning Commission report dated 3/14/11. The motion passed by a vote of 3-2. Mr. Plotnick and Mr. Lamond voted no.

Frank Shelly suggested that the Board make available the proposed new Ordinance before the whole process is approved.

Mr. Anderson motioned, seconded by Mrs. Achenbach to close the public hearing.

- d. Review and consider a zoning map change to amend the zoning ordinance to rezone thirty four (34) parcels in the Neshaminy Gardens located between Bradford Avenue, Grady Avenue, Street Road and Tohickon Lane from R2 Medium Density Residential to R2-I Residential Infill.

Mr. Anderson motioned, seconded by Mrs. Achenbach, to table the zoning map change for the rezoning of thirty four (34) parcels in the Neshaminy Gardens area (located between Bradford Avenue, Grady Avenue, Street Road and Tohickon Lane) from R2 Medium Density Residential to R2-I Residential Infill. This motion passed unanimously.

Mr. Anderson motioned, seconded by Mrs. Achenbach to close the public hearing.

Chairman Paul reconvened the regular Board meeting at 9:40 p.m.

## 5. **MANAGER’S REPORT:**

Mr. Tieperman highlighted the following bulleted item in his report:

- a. **Consent Item:** Swim Club Steering Committee Recommendations and Updates.

Mr. Anderson motioned, seconded by Mrs. Achenbach, to accept the recommendation of the Swim Club Steering Committee to manage the swim club concession stand, with the caveat that the Solicitor review and approve any necessary contractual details for concession operations. This motion passed by a vote of 4-1. Mr. Plotnick voted no.

- b. **Consent Item:** Neshaminy Valley Stop Signs.

Mr. Plotnick motioned, seconded by Mr. Anderson, to authorize the township engineer to prepare a minimal study on the Neshaminy Valley Stop signs to determine whether or not it is feasible to proceed in having the installation of a stop sign and report back to the Board. The motion passed unanimously.

- c. **Consent Item:** Authorize advertisement for Timber Lane drainage bid.

Mr. Anderson motioned, seconded by Mr. Plotnick, to authorize the advertisement for the Timber Lane drainage bid. The motion passed unanimously.

- d. **Consent Item**: Authorize advertisement for 2011 Lawn Fertilization and Broadleaf Control Bid.

Mr. Anderson motioned, seconded by Mr. Plotnick to authorize the advertisement for the 2011 Lawn Fertilization and Broadleaf Control Bid. The motion passed unanimously.

- e. **Consent Item**: Authorize advertisement for 2011 Lawn Bid.

Mr. Anderson motioned, seconded by Mr. Plotnick to authorize the advertisement for the 2011 Lawn Bid. The motion passed unanimously.

#### **NEW BUSINESS (ACTION/DISCUSSION ITEMS):**

6. **Consider following reports from Warrington Ambulance.**

- a. Waiver of land development for new EMS Building.

Mr. Anderson motioned, seconded by Mr. Plotnick to approve the waiver of land development for the Ambulance Corps Building. This motion passed unanimously.

Mr. Plotnick motioned, seconded by Mr. Anderson to approve the first installation of the Warrington Ambulance Corps 2011 EMS Tax Allocation in the amount of \$100,000. The motion passed unanimously.

7. **Presentation by the Schlechter family to refurbish the Old Warrington School House located at 10 Folly Road.**

Gary Schlechter, grandson of the original owner of the Olde Warrington School House (10 Folly Road), appeared before the Board to express his family's interest in buying back the property, renovating it and then restoring it to a 1-room schoolhouse. His family's proposing entering into a 99-year lease agreement with the Township. It was noted that the property has been vacant for sometime and is in deteriorating condition ever since it was acquired from the Cutler Group as part of an open space donation in 1988.

Mr. Paul stated there are legal issues that the Solicitor needs to investigate, especially whether the Township has the legal authority to deed over or lease open space to a third party. It was mentioned that the historic building on the Penrose property was considered for preservation by prior site developers. Board members were in unanimous agreement of the leasing concept but agreed that that the Solicitor needs time to research an appropriate legal approach to make this happen. Mr. Casey agreed to have a report at the next regularly scheduled meeting.

8. **Review and consider adoption of Resolution approving Dempsey minor subdivision plan located at 785 Stump Road, southwest of Pickertown Road.**

Mr. Lamond motioned, seconded by Mr. Plotnick, to adopt a Resolution approving the Dempsey minor subdivision plan, located at 785 Stump Road in Warrington. It was noted that this minor subdivision was required as part of the Township's planned open space purchase of the 6.578 remaining open space acres from Michael Dempsey. This motion passed by a vote of 4-1. Mr. Anderson abstained.

#### **OLD BUSINESS (ACTION/DISCUSSION ITEMS):**

9. **Review and Consider Resolution for Act 537 Sewage Planning Module for the Blichasz Tract (AKA Ridings at Folly Farm) located at County Line and Folly Road.**

Mr. Anderson motioned, seconded by Mr. Lamond, to approve the Resolution for Act 537 Sewage Planning Module for the Blichasz Tract (AKA Ridings at Folly Farm) located at County Line and Folly Road. The motion passed unanimously.

#### **ESCROW AND MAINTENANCE BOND RELEASES:**

10. **Consider Certificate of Completion #4 in the amount of One Hundred Seventeen Thousand, Eight Hundred Forty One Dollars and Twenty Five Cents (\$117,841.25) for the Deer Valley Development.**

Mr. Anderson motioned, seconded by Mr. Lamond, to approve the Certificate of Completion #4 in the amount of One Hundred Seventeen Thousand Eight Hundred Forty One Dollars and Twenty Five Cents 9(\$117,841.25) for the Deer Valley Development. The motion passed unanimously.

#### **SUPERVISORS' COMMENTS**

**10 Folly Road Schoolhouse.** Mr. Anderson stated that the Township should look into applying for historical restoration grants through the County's CDBG Program. He stated that a similar grant was acquired for a similar schoolhouse project in Hulmeville Borough.

**Young Marines.** Mr. Paul received a letter from the Young Marines asking for permission to stay overnight at Lower Nike Park. This required a waiver from the Park rules, precluding overnight camping. Mr. Paul motioned, seconded by Mr. Anderson, to grant the Young Marines' request. The motion passed unanimously.

#### **ADJOURNMENT**

Mr. Anderson motioned, seconded by Mr. Lamond, to adjourn the meeting at 10:45 p.m. The motion passed unanimously.

Edited and Reviewed By:



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Timothy J. Tieperman, Township Manager