

## **Warrington Township Planning Commission Minutes for June 24, 2010 Meeting**

The regular meeting of the Warrington Township Planning Commission was held at 7:31 pm. June 24, 2010 at Central Bucks High School South located at 1100 Folly Road, Warrington, PA 18976. The members present were as follows:

Douglas E. Skinner	Chairman
Shirley Yannich	Vice-Chair
Steven Tiberio	Secretary
Frank Gonser	Member
Roy Rieder	Carroll Engineering
Michael Mrozinski	Director of Planning and Development

### **2. Call to Order/ Pledge of Allegiance:**

The meeting opened with the Pledge of Allegiance

### **3. Public Comments:**

None

### **4. New Business:**

Review of the Zoning Change and Comprehensive Plan Amendment for TEVA Pharmaceuticals, Lower State Rd, Limekiln Pk and Mill Creek Rd, 161.73 Acres.

Mr. Skinner reviewed the process for the evening. The Planning Commission is just an advisory board appointed by the Board of Supervisors. Their purpose is to review the submissions based on the technical aspects in the zoning ordinances and comprehensive plan and to make recommendations to the Board of Supervisors.

There are two petitions being reviewed:

- 7.1.to amend the comprehensive plan
- 7.2.to amend the zoning map in the Eureka area

Per the zoning ordinances and with interpretation by the township's solicitor, the Planning Commission has 30 days from the date of submission to make its recommendation or it will be presumed that the Planning Commission approves the proposed petitions. The date of submission is May 28, 2010, therefore the recommendation must be made by June 28, 2010.

Mr. Jordan Yeager spoke out questioning the 30 day deadline and the submission date. He stated that is not how the zoning ordinances read and the submission was not complete on May 28, 2010. The completed traffic study was not submitted until June 3, 2010. Mr. Yeager was referred to the township's solicitor.

Robert Gundlach summarized the project and introduced the others present for this project. He also reviewed these proposed amendments to the zoning map and comprehensive plan.

The others present this evening were:

**Bruce Murry, Vice-President Distribution, TEVA**

**Casey More, McMahon Associates, Traffic Engineer**

**Ed Klimek, KSS Architects**

Mr. Klimek briefly reviewed the differences between and the benefits for the by right versus the preferred plan which requires the zoning change. The spur road that is planned would be the split between the two zoning areas.

The Planning Commission asked questions of the applicants at this time.

It was asked if either the applicant or Eureka had any intentions of developing this area as residential; neither party did.

It was commented that the comprehensive plan was for future land use and already was not consistent with the current zoning map.

The rezoning will not cause the roadway improvements, but it will help make the project easier. The connector road is thought to be part of the solution for the traffic in the area. It would bisect this parcel, and, if rezoned, it would provide a good boundary between the two zoning areas.

It was determined that to eliminate the residential zoning in the area was a benefit and appropriate.

It was stated they are not asking for any expanded or changing any of the uses or standard in the proposed rezoned area. The applicants will comply with all the regulations per the zoning ordinances.

It was stated that the taxpayers would not be paying for any of the right of way acquisition or construction of the spur road. TEVA would be footing those costs.

TEVA is prepared to move ahead, regardless if these changes are done, but they would prefer the changes be made to make the plan work better for all parties. It was stated the changes would make it more efficient for TEVA and screened better for the community.

There are not other buildings planned for this site and no manufacturing.

It was stated that they are waiting for PENNDOT to provide written assurance of their commitment to provide the remaining funds necessary to complete WD-2 with the improvements planned by TEVA.

In a motion made by Ms. Yannich, and seconded by Mr. Tiberio, the Warrington Township Planning Commission recommends to the Warrington Township Board of Supervisors approval of the "Petition for Amendment to Comprehensive Plan, "dated 4/21/2010.

The floor was then opened to the residents present.

**Sharon Jackson, 227 Pointer Ct.**

Ms. Jackson was concerned that while they agreed to put some money toward the spur, she wanted to know where the money will come from to repair our roads after their trucks destroy them.

**Kristin Mcdemas, 1007 Linden Way**

Ms. Mcdemas does not believe that the traffic study was done for the max usage for the zoning, as is or as requested.

She was also concerned that all the improvements would not be ready in time for the opening of the facility. Also, that the bulk of the trucks would be at the same peak hours as now during rush hours and bus times.

The height restrictions need to be put in place to protect for the future.

**Tom Inglese, 3211 Riding Ct**

Mr. Inglese wanted to know if we could put height restrictions with the rezoning. In response, it was stated that the zoning could be amended, but because of when this was submitted, they would be exempt from the restrictions.

As to the question for the rezoning “who wants to live next to industrial areas?” He is there, and does not want the industrial use there.

**Chris Mcdemas, 1007 Linden Way**

Mr. Mcdemas was dismayed at the “choreography” of these proceeding. The Warrington Township Planning Commission is not representing the public and have ignored the residents and the Bucks County Planning Commission.

**Mitch Meyerson, 12 Langhorne Rd, Chalfont**

Mr. Meyerson does not believe the money from PENNDOT will become available based on history. Mr. Skinner responded that any road improvements along County Line Rd he has seen in the past have been as a result of developers, not PENNDOT.

Mr. Meyerson was also concerned that this will only move the bottleneck somewhere else to feed into this area.

**Ken Foladare, 3185 Fox Dr**

Mr. Foladare questioned if the funds were available yet, and no they are not.

He asked if these improvements would happen without the state funding. The other improvements than the spur road as funded by PENNDOT are hopefully to be funded, with written confirmation, by 2014

He was concerned about the pollution concerns and wanted to know about environmental studies.

Additional environmental impact studies are in progress now.

He commented that the Bucks County Planning Commission is the professionals and we should listen to them.

**Lee Fein, 2060 Dapple Dr**

Mr. Fein said there are already two quarries in the area and this has always been zoned industrial. He congratulated the Warrington Township Planning Commission on their efforts to preserve the zoning and the land.

**Mike Kelly, 135 Muirfield Ln**

Mr. Kelly asked if we could not move on the height restrictions for the industrial zoning. No we cannot at this time was the response.

He inquired if there was any interest in rezoning the PRD zoning across Lower State Rd.

He questioned why the traffic study was irrelevant to this meeting.

He asked why change the other section to C1 which could add more traffic. It was to match the existing surrounding zoning

He also questioned that the procedures were not being followed just as Mr. Yeager had asked earlier. He was referred to the solicitor for the interpretation.

**Coogen Cameron, 110 Muirfield Ln**

Mr. Coogen commented that the Planning Commission had all asked good questions.

He questioned if there was to be truck access onto Limekiln Pk. And if there is any recourse or means to control access once these changes are made. The decision is mostly in PENNDOT's hand because they must apply for a Highway Occupancy Permit for the access.

**Nancy Wright, 1104 Fieldcrest Ct**

Ms. Wright asked if this had to go through the Montgomery County Planning Commission.

Copies were sent to them, as well as Horsham and Montgomery townships and Central Bucks, Horsham and North Penn School Districts. They are welcome to comment, but none have been received yet.

Ms. Wright asked why here and what is the benefit to us.

She asked if they would be able to control the noise without the additional buffering. They believed they could.

**Lee Fein, 2060 Dapple Dr**

Mr. Fein stated there is very little land left to develop and they can restrict certain traffic on certain roads.

**Earl Guertler, 406 Mill Creek Rd**

He was dismayed that there was no dissent on the Planning Commission regarding the petition.

**Tom Inglese, 3211 Riding Ct**

Mr. Inglese asked if there were any traffic studies by the township, so to be unbiased. The study done by TEVA's traffic engineer must be validated by the township's engineer, but no study of this area in particular is being done.

**Gerre Davis, 3547 Limekiln Pike**

She believed that a vote tonight would be premature and asked if there were any objections by TEVA to withdrawal the petition and resubmit giving more time for reviews. TEVA was not agreeable to this suggestion. She felt the Planning Commission and TEVA were not receptive to the community.

**Louis Davidson, Stump Rd**

Ms. Davidson wanted to know if why they needed to rezone and could the spur road still be done without the rezoning

She asked for more details on the fencing planned for the site.

She still has noise and hazardous material concerns for the petition; particularly, if the blasting by the quarry has been taken into account.

**Luca, Lucas Pizza, Limekiln Pike**

He was concerned regarding the closing of Limekiln Pike after the spur road was put in. He was fearful for his business.

**Jordan Yeager, Attorney for the Warrington Coalition**

Mr. Yeager stated that this project does not conform to the comprehensive plan.

Mr. Yeager encouraged the Planning Commission to look to the best interests of the community as a whole, not just this one group. Heavy industrial uses in a residential area are not a good mix.

Mr. Yeager asked when this traffic study was completed and was a review completed. The study was just submitted to the township yesterday afternoon, so no review has been completed. The review letter from the Bucks County Planning Commission was also just received this afternoon.

He asked if any uses had been proposed for the C1, and there have not been any submissions.

He stated it seemed as if TEVA is pushing the township. Mr. Skinner assured him there would be a complete review of any and all submissions.

Mr. Yeager questioned the time constraints required by the township's ordinances for this submission. It was believed to be a 30 day deadline, but this may only be for residential submissions. This will be confirmed with the township's solicitor.

The location change was in issue in that there was not enough notification for the residents.

**Tim Formica, 1312 Fernwood Ct**

Mr. Formica said the balloon study was good idea has anyone done it. He also asked if any of the Planning Commission had visited a building of this size. He has been in several and you need to see something of this size to comprehend it. He also stated that buildings of this size cannot be buffered successfully.

He does not believe this should have gotten this far, the submission should not have been made because it is not right for this area.

The vote was called and passed 4-0

Mr. Gonser – Aye, Mr. Tiberio – Aye, Ms. Yannich – Aye, Mr. Skinner – Aye

In a motion made by Mr. Tiberio, and seconded by Mr. Gonser, the Warrington Township Planning Commission recommended to the Warrington Township Board of Supervisors approval of the “Petition for Amendment to Zoning Map” Dated 4/21/2010.

The floor was reopened, but no one chose to speak.

The vote was called and passed 4-0

Mr. Gonser – Aye, Mr. Tiberio – Aye, Ms. Yannich – Aye, Mr. Skinner – Aye

**7. Adjournment:**

With no further business to discuss, the meeting adjourned at 10:35, with a motion by Mr. Skinner, and seconded by Mr. Goner, with a vote of 4-0

Recorder: Amy Organek