

# **Warrington Township Planning Commission Minutes for October 7, 2010 Meeting**

The regular meeting of the Warrington Township Planning Commission was held at 7:30 pm. October 7, 2010 at Tamanend Middle School at 1492 Stuckert Road, Warrington, PA 18976. The members present were as follows:

Douglas E. Skinner	Chairman
Shirley Yannich	Vice-Chair
Steven Tiberio	Secretary
Frank Gonser	Member
Joseph Balent, Jr.	Member
Michael Murphy	Member
Michael Mrozinski	Director of Planning and Development
Richard Wieland	Carroll Engineering
Andrew Brown	Carroll Engineering – Traffic

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

The meeting opened with the Pledge of Allegiance

## **3. Public Comments:**

Mike Kelly stated that he had been at a meeting of the Bucks County Planning Commission and it was his impression that they did not feel that the zoning change previously requested by tonight's applicant was appropriate for Warrington Township. .

## **4. New Business:**

### **CONTINUATION -**

**Consideration of the Preliminary Land Development Plan TEVA Pharmaceuticals  
Limekiln Pike, Lower State and County Line Roads, 161.73 Acres:  
TMP 50-004-085, 96, 89, 90, 94 & 92; Zoned: PI-1, PI-2, PRD, C-1 & Q**

This application was represented this evening by:

Robert Gundlach, Attorney  
Bonnie Hill, TEVA  
Ed Klimek, Architect. KSS Architects  
Keith Lieberman, Engineer, T+M Engineers  
Casey Moore, Traffic, McMahan Engineering  
Ken Amey – Fiscal and Land Planning

Ed Klimek reviewed the by right plan specifying the storage building and distribution building as well as the setbacks and the use of the topography to shield for noise and aesthetics. Also was the truck entrance exclusively off Lower State Rd and the use of the overburden pile for added buffering.

The applicant will comply with the Warrington Township Fire Marshal's letter, dated October 5, 2010.

Keith Lieberman reviewed the storm water facilities and indicated the location of the basins with the

primary basin in the area where the overburden pile is now.

Sidewalks and curbs are planned for the Lower State Rd frontage and continuing along to County Line Rd, as well as along the spur road on both sides and along TEVA's side of Limekiln to the Pal's building site. It was requested that they extend the sidewalk and curbing from the northerly side of the Pal's Building, to the entrance of Muirfield Development. Mr. Lieberman said that would not be a problem.

The reason for the height of 85 ft for the buildings is for operational reasons. With this type of storage facility, it becomes inefficient below that height. This is not a typical rack storage system.

### **Carroll Engineering Letter, 9/30/10**

This is the second review letter for this plan and mostly contains technical issues

#### **Zoning**

- 1) The buffering dimensions are to be shown
- 2) Fencing details are to be provided. The applicant stated that all improvements would be inside the fencing. Black steel or aluminum would be used in visible areas and chain link in the back areas. In some places it would be on top of a retaining wall already required. They would also adhere to the ordinance requirement of a maximum height of 8ft, and no use of barbed wire

#### **SALDO**

1-8) these items referenced the spur road and were all will comply. They were mostly comments and PADOT standards.

All basins will be maintained by TEVA with access allowed to the township for inspection purposes as required.

They are waiting for the review by the Army Corp of Engineers.

There is a minimum of 50ft buffer around all wetland areas as required by Warrington Township.

#### **SALDO Waivers Requested.**

Detention Basin side slopes – they wish to have a 3:1 slope rather than a 5:1

Detention Basin depth – they wish to have a basin that is more than 5 ft.

Detention Basin bottom grade – they wish to have a greater than 2% grade to the bottom of the basins

The Warrington Planning Commission did not have a problem with any of these waivers as they are conducive to the current best management practices for storm water.

Sidewalks- they are requesting a partial waiver from installing sidewalks along the frontage of the property along Limekiln Pk. This was acceptable, but they were asked to extend what was being installed up to the Muirfield development.

#### **Water & Sewer**

This facility will have public water and sewer.

An acoustical study will be done prior to final plan approval. Any items of concern will have to be mitigated.

Traffic

Mr. Moore reviewed the McMahon response letter of 10/4/10.

He stated that the sound walls proposed are part of PADOT's WD2 project.

The traffic from the release of a new drug will have to be mitigated. There will have to be something in place to plan for this.

Andrew Brown from Carroll Engineering stated tonight and as he had in the review letter of 9/24/10, that all items from the traffic review have been resolved.

**Tom Inglese, 3211 Riding Ct**

Mr. Inglese asked why the township wanted the sidewalks. He was informed that this is required by Warrington Township ordinance. He did not see the reason for all the sidewalks.

He also asked about if there were possible public bus routes being discussed since there are currently bus routes near some of their other facilities. He was concerned about the added traffic and pollution. This avenue has not been addressed at this time.

**Betty Hejna, 3506 Limekiln Pike**

Ms. Hejna said a study of the intersections of County Line and Folly Rd/Chestnut Ln needs to be done. She said the trucks will use this route and will go as they please. They will take the easiest path and that is not what is being presented. It was presented that a post build analysis will be done and any follow up mitigation will be required.

**Paul Fricker, 2486 Orchard Pl**

Mr. Fricker is a truck driver and he said they will not be able to control the truck routes. If there is a problem, they will use their GPS however it takes them.

He wanted to know if police would have access to the property at all times to track down the truckers who have been reported as having harmed property.

Where are the trucks going to go in case of a detour or road closures?

Is TEVA working with are colleges and helping the area kids acquire a better education?

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

Mr. Meyerson felt their responses to the noise and unsightly facilities were unacceptable. He also felt that there is already enough traffic and their study did not present a realistic picture at all.

**Curt Wise, 2707 Harvard Dr**

Mr. Wise asked if any study was done if Street Rd was used, which there had not. This should be considered. He asked if barriers and signage could be used to keep the trucks away from using Street Rd

Mr. Wise asked what would happen if the noise ordinance was exceeded. They would be cited was the response.

**Nick Weremeychik, 138 Morning Walk Dr**

Mr. Weremeychik questioned the basin capacity and the ability of the pumps at the quarry to handle the runoff. He stated he would like to see the report and calculations for the basins; Mr. Skinner said he would make sure it was forwarded to him.

He questioned if there would be a “green roof” - no

Mr. Weremeychik asked if the parking area was going to be impervious. He was informed that it will not be due to the soil conditions.

**Roxanne Filipe, 14 Kulp Rd E**

She asked again if they would provide the names of the trucking companies they use. The response was they do change regularly and no they would not provide that information.

**Jeff Cameron, 110 Muirfield Ln**

Mr. Cameron asked where the trucks were to be weighed. The trucks are not weighed was the response.

**Michael Shi, Riding Ct**

Mr. Shi asked about the release of a new drug and the mass exodus of trucks at midnight on the release date. This is to be coordinated with the local police to avoid any problems.

Mr. Shi inquired of the construction time line.

Mr. Shi felt the need for a 3<sup>rd</sup> party traffic assessment.

**Betty Hejna, 3506 Limekiln Pike**

Ms. Hejna inquired if the Fire Company had a ladder high enough to top these buildings if necessary.

Ms. Hejna also inquired of trucks on the spur and Limekiln Pk. There would be no access to the site for trucks from there and there would be signage to that effect.

**Nancy Wright, 1104 Fieldcrest Ct**

Ms. Wright asked how the noise was to be mitigated. Distance and mass are the best mitigation and will be used for onsite noise. Off site there will be efforts to at least prohibit Jake brakes.

Air Quality was also a concern. Idle times will be restricted and they will have to be able to demonstrate they are compliant to federal air quality regulations.

**Krista McDemas, 1007 Linden Way**

Mrs. McDemas asked about the sprinklers for the buildings and they were explained. It was stated that there was no need for the fire company since these buildings are completely sprinkled and due to the nature and value of the product, insurance makes it necessary for them to have an extinguish system rather than a suppression system.

Mrs. McDemas questioned the timing of the environmental impact study and that she has seen a wide variety of wildlife on this site. Also she questioned the removal of the trees. It was explained that they

could remove up to 50% of the trees. There are 40 acres of woodlands and they are only disturbing 19 of them. They are in compliance with the ordinance.

Mrs. McDemas also stated that the pollutants in the storm water due to the paving and vehicles needed to be considered. How is the storm water going to be cleaned?

She stated it seemed to her that only the economic issues are being considered and not the social and environmental ones as well. It was responded that the architects are a "green" firm and plan to use as much green technology as possible. They will use many of the LEEDS guideline, but it is not know at this time if they will seek LEEDS certification.

**Mike Kelly, 135 Muirfield Ln**

If a traffic study showing the hypothetical 50/50 directional split on County Line Road was done and the same guidelines were used, how was it completed so fast since the other study took so long to complete? He also stated that County Line and Titus Rd needs to be looked at because of the potential to increase the traffic there. It was said PADOT has stated that intersection is the responsibility of US Realty to improve since they control the land at the corner and will be adding traffic to that area.

What will happen if 202 Parkway is shutdown for any reason? Detour will be up to local emergency management officials.

The traffic information seems to have changed in the traffic study. A new study is needed.

Mr. Kelly asked about the hours of construction and when they are set. They are set with the developers' agreement prior to the final approval.

If the buildings are 50 ft off Limekiln, what is going to shield them from view? There will be berming in place there. The rezoning was to have moved them further into the site.

**Mary Bachman, Buckboard Cir**

Will they purchase a new ladder truck for the fire company if the reach of the current ladder is not sufficient?

There will not be a grass roof as Ms. Bachman asked as that would be too heavy for the size of the building. However, the roof will be white to reflect the heat.

They could not use pervious paving due to poor soil in the area. Also, there will be too much traffic for such paving material.

**Ivy Ross, 3577 Gray Fox Dr**

The environmental impact study meets Warrington Township code, but Warrington Township code is weak.

Ms. Ross stated the onsite noise mitigation seems adequate, but off site is still a concern. Noise walls are not pretty. This is an attractive site and they will not help that issue at all.

There are not that many natural resources left in this area. A **PANHEPT** study would help recognize the secondary impacts that are not being addressed now.

**Diane Dunbar, 1008 Linden Way**

Air pollution is a dangerous factor, both on and off site. Numerous articles stating health issues as a result of exposure to traffic pollution were cited.

**Eric Ross, 3577 Gray Fox Dr**

Mr. Ross inquired if there was to be flammable liquid storage. None was know at this time, if that became an issue renovations would be needed to meet storage guidelines

Mr. Ross inquired on the building height with the utilities. The buildings are to be 85 ft with 6-8 ft on top for air and climate units. The buildings cannot be lowered due to bedrock.

The original traffic study numbers were for 202 to be a 4 lane road, but nothing changed when the adjustment was made for it to be a 2 lane road. The capacity was stated to be there regardless since this was still a limited access road.

**Ken Foladare, 3185 Fox Dr**

Mr. Foladare said the trucks will try to take Bradley Rd when there is traffic. This is a gravel road and he has seen large trucks there already. What is being done to keep the trucks off Bradley Rd.? There will be set truck routes, they are adjusting the turn onto Lower State to make the left turn difficult for large vehicles, there will be signage and police enforcement.

Mr. Foladare would like to see proof of air quality control.

Mr. Foladare wanted to know why the affidavit he had requested last meeting had not been addressed. It was stated that this had gone to the solicitor and with no response yet.

**Steve Filipe, 14 Kulp Rd E**

The agreement from PADOT has not been signed and returned at this point.

Mr. Filipe inquired on the variances and the differences between a variance and a waiver and the significance of this being a by-right plan.

**Jackie Gualtieri, 3591 Gray Fox Dr**

Has anyone considered the effects on Camp America? This could really hurt their business. It is a great program, but she will not be bringing her child back if this project goes ahead because of the noise and pollution.

Mr. Skinner reviewed the process from here on for the audience.

Open statements made from the audience.

This will be regulated by the Federal mandates for noise and air quality – correct  
The fiscal impact study was relevant to the rezoning which is currently on hold.

In a motion made by Ms. Yannich, seconded by Mr. Tiberio, the Warrington Township Planning Commission recommends to the Warrington Township Board of Supervisors preliminary plan approval for the land development plan for TEVA Pharmaceuticals, located at Limekiln Pike, Lower State and County Line Roads, 161.73 Acres, TMP 50-004-085, 96, 89, 90, 94 & 92. This plan was review by the PC in meetings on December 3, 2009, January 7, June 3, June 24, September 3, September 24, and October 7, 2010. This plan was originally submitted 5/11/10 and revised 9/3/10

The following conditions will apply:

1. They will comply with Carroll Engineering review letter of 10/5/10, as well as their response letter of 10/5/10
2. They will comply with the 10/7/10 review letter from Warrington Township Fire Marshal.
3. They will comply with Carroll Engineering Traffic review letter of 10/4/10 and abide by their response from the McMahan Associates
4. They will comply with the review by the Army Corp of Engineers letter when it is received.
5. Fencing details will be submitted for approval prior to final submission.
6. Sound studies will be done and submitted before final approval.
7. The waiver for the sidewalks will be partially amended and sidewalks will be installed along Lower State Rd and extending to Muirfield Ln along Limekiln Pike
8. The 3 requested waivers for the storm water basins are recommended.

Mr. Skinner amended the conditions to include:

9. The applicant has agreed to work with the township to mitigate the noise, particularly in the night and evening hours.
10. They will follow LEEDS standards as appropriate for this project.

The vote passed 6-0

Mr. Balent - Yes

Ms Yannich - Yes

Mr. Tiberio - Yes

Mr. Gonser - Yes

Ms. Murphy - Yes

Mr. Skinner - Yes

### **8. Adjournment:**

Ms. Yannich moved to adjourn with a second by Mr. Gonser. The meeting adjourned at 11:20 with a vote of 6-0.

Recorder: Amy Organek