



WARRINGTON TOWNSHIP BOARD OF SUPERVISORS MINUTES FOR MAY 28, 2013

The regular meeting of the Warrington Township Board of Supervisors was held on May 28, 2013, 7:30 p.m., at the Township Building located at 852 Easton Road, Warrington, PA 18976. The members present were as follows:

ATTENDANCE:

Gerald B. Anderson, Chairperson, John R. Paul, Vice Chairperson; Marianne Achenbach, Secretary/Treasurer; Matthew W. Hallowell, Sr., and Shirley A. Yannich, members. Staff present was Timothy J. Tieperman, Township Manager; William R. Casey, Esq., Township Solicitor; Thomas A. Gockowski, Township Engineer; and Barbara Livrone, Executive Assistant to the Township Manager.

MOMENT OF SILENCE

Mr. Anderson asked for a moment of silence.

PLEDGE OF ALLEGIANCE

The meeting opened with a pledge to the flag.

EXECUTIVE SESSION REPORT

Mr. Anderson reported that there was no executive session held.

RECOGNITION OF HERB KAHL SCHOLARSHIP RECIPIENTS

Mr. Anderson spoke about the history of the Herb Kahl Scholarship Fund and introduced Mrs. Bobby Kahl. Mrs. Kahl presented scholarship awards to five (5) Warrington Township recipients. The awards were presented to Anthony Formicola (\$1750.00); Chantal King (\$1750.00); Daniel Corney (\$1,000.00); Erin Ross (\$1,000.00) and Susanna Trost (\$500.00).

50TH ANNIVERSARY COMMEMORATION – ST. ANNE’S UKRAINIAN CHURCH

Mrs. Achenbach read Proclamation Resolution 2013-R-24 recognizing the 50th anniversary of St. Anne’s Ukrainian Church. The Board presented Reverend Vasil Bunik with a plaque and extended their congratulations to the church for celebrating fifty (50) years of service.

PROMOTION AND SWEARING IN OF SGT. DANIEL FRIEL TO RANK OF LIEUTENANT

Chairperson Gerald B. Anderson swore in Daniel Friel as Lieutenant in the Warrington Township Police Department to rank effective the first day of June, 2013.

APPROVAL OF BILL LIST:1. **May 14, 2013 – May 28, 2013** **\$885,533.86**

Mrs. Achenbach motioned, seconded by Mr. Hallowell, to approve the bill list from 05/14/13 to 05/28/13 totaling \$885,533.86 less \$8621.00 for a final approval bill list total of \$876,912.86. Two bill list items were tabled until more background information is obtained. This motion passed by a roll call vote of 5-0.

APPROVAL OF MINUTES:2. **April 9, 2013**

Mr. Paul motioned, seconded by Mr. Hallowell, to approve the April 9, 2013 Meeting Minutes. The motion passed unanimously.

3. **April 30, 2013 (Work Session)**

Mr. Paul motioned, seconded by Mrs. Achenbach, to approve the April 30, 2013 Work Session Meeting Minutes. The motion passed unanimously.

MINUTES FOR POSTING:4. **May 14, 2013**

Mr. Paul motioned, seconded by Mrs. Achenbach, to approve the posting of the May 14, 2013 Meeting Minutes. The motion passed unanimously.

PUBLIC COMMENT:

There was no public comment.

PUBLIC HEARING: None.

OLD BUSINESS: None.

NEW BUSINESS (ACTION/DISCUSSION ITEMS):5. **Consider amendment to Chapter 27 (Zoning), Parts 2 and 9B (Assisted Living Facilities and Personal Care Facilities) of the Warrington Township Code.**

Mr. Paul motioned, seconded by Mrs. Yannich, to approve the amendment to Chapter 27 (Zoning), Parts 2 and 9B (Assisted Living Facilities and Personal Care Facilities) of the Warrington Township Code. The motion passed unanimously. *(See Attachment A)*

6. **Consider adoption of Resolution approving preliminary/final plans for Joe Bound Beverages (308 Easton Road)**

Mr. Paul motioned, seconded by Mrs. Yannich, to approve the preliminary/final plans for Joe Bound Beverages (308 Easton Road) with the addition of two (2) items annexed to the Resolution. The motion passed unanimously. *(See attachment B)*

7. **Consider adoption of Resolution approving preliminary plan for Illg Subdivision**

Mr. Paul motioned, seconded by Mr. Hallowell, to approve the preliminary plan for the Illg subdivision with the addition of two (2) items annexed to the Resolution. The motion passed unanimously. *(See Attachment C)*

After a five (5) minute break, the meeting reconvened at 9:20 PM.

8. **MANAGER'S REPORT:**

a. **Amendment to Oak Creek Development Agreement**

Mr. Paul motioned, seconded by Mrs. Achenbach, to approve the amendment to the Oak Creek Development Agreement. The motion passed unanimously. *(See attachment D)*

b. **Open Space Budget Transfer (Lower Nike Trees)**

Mr. Paul motioned, seconded by Mr. Hallowell, to authorize a \$12,210 budget transfer from the open space bond proceeds to replenish the Public Woks Operating Account. This amount reflects the actual incurred costs for the transporting and transplanting the trees at Lower Nike Park which were donated by John Pileggi. The motion passed unanimously.

9. **CHAIRMAN'S REPORT:**

Mr. Anderson stated the Emergency Services Committee will discuss 202 Parkway issues with PennDOT.

10. **ENGINEER'S REPORT:** None.

11. **SOLICITOR'S REPORT:** None

12. **ESCROW AND MAINTENANCE BOND RELEASES:** None

13. **EXTENSION REQUESTS:** None

14. **DEDICATION REQUESTS:** None

SUPERVISOR COMMENTS:

Mrs. Yannich mentioned the zoning hearing board minutes are regulated by the Sunshine Law and therefore required to be made available to the public.

Mr. Paul noted the dirt pile at Phillips Avenue has not been removed.

Mr. Paul was informed by Mr. Casey that he is waiting for a legal decision for Malcolm's.

Mrs. Achenbach requested a lawn cutting schedule and number of cuts from staff.

The second test of the Granicus web streaming of board meetings was completed at this meeting.

ADJOURNMENT

Mr. Paul motioned, seconded by Mrs. Achenbach, to adjourn the meeting at 9:37 p.m. The motion passed unanimously.

Edited and Reviewed By:



Timothy J. Tieperman, Township Manager

ATTACHMENT “A”



ORDINANCE NO. 2013 - 0- 08

**AN ORDINANCE AMENDING
THE WARRINGTON TOWNSHIP ZONING ORDINANCE
ASSISTED LIVING and PERSONAL CARE FACILITIES**

WHEREAS, the Board of Supervisors of Warrington has deemed it advisable to approve the following amendments to the Warrington Township Zoning Ordinance; and

NOW THEREFORE, be it ENACTED and ORDAINED and IT IS HEREBY ENACTED and ORDAINED, that the Board of Supervisors of Warrington Township, Bucks County, Pennsylvania, hereby amends the Assisted Living and Personal Care Facility Sections of the Warrington Township Zoning Ordinances as follows:

Delete the definition of ASSISTED LIVING Section 202, Glossary of Terms, in its entirety and replace it with the following text:

ASSISTED LIVING FACILITY—A premise, licensed by the Commonwealth of Pennsylvania, in which food, shelter, assisted living services, assistance or supervision and supplemental health care services are provided for a period exceeding 24-hours for four or more adults who are not relatives of the operator, who require assistance or supervision in matters such as dressing, bathing, diet, financial management, evacuation from the residence in the event of an emergency or medication prescribed for self-administration.

Add the following definition of **PERSONAL CARE FACILITY** to Section 202, Glossary of Terms.

PERSONAL CARE FACILITY - A premise, licensed by the Commonwealth of Pennsylvania, in which food, shelter, and personal assistance or supervision are provided for a period exceeding 24 hours, for four or more adults who are not relatives of the operator, who do not require the services in or of a licensed long-term care facility, but who do require assistance or supervision in activities of daily living or instrumental activities of daily living.

Revise Section 902-B.A to read: Age qualified townhouse/courtyard with a garage in combination with assisted living facilities or personal care facilities.

Revise Section 903-B.1.A to read: Maximum density: six units per acre of gross site area for age qualified townhouse/courtyard with a garage and not to exceed 30 beds per acre for assisted living facilities or personal care facilities.

Revise Section 903-B.1.B to read: Minimum tract area: 25 acres for age qualified townhouse/courtyard with a garage and three acres for assisted living facilities or personal care facilities.

Revise the last sentence of Section 903-B.1.D, Open Space, to read: No less than 50 square feet per bed shall be provided exclusive of buffers and setbacks for an assisted living facility or personal care home.

Revise Section 903-B.1.F (1) to read as follows: Age qualified townhouse/courtyard with garage, assisted living facilities, and personal care facilities: 35 feet from any property line.

Revise the first sentence of Section 903-B.1.I(2) to read as follows: One parking space per three beds plus one parking space for each employee working on the largest shift for assisted living facilities or personal care facilities shall be provided.

Revise Section 906-B.1.A to read as follows: Use: age qualified townhouse or courtyard dwelling, and assisted living facility or personal care home.

ORDAINED and ENACTED this 28th day of May, 2013.

WARRINGTON TOWNSHIP BOARD OF SUPERVISORS

ATTEST:



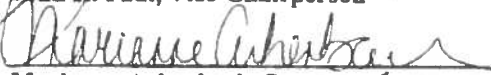
Timothy J. Tieperman
Township Manager



Gerald B. Anderson, Chairperson



John R. Paul, Vice-Chairperson



Marianne Achenbach, Secretary-Treasurer



Matthew W. Hallowell, Sr., Member



Shirley A. Yannich, Member

ATTACHMENT “B”



RESOLUTION 2013-R- 26

PRELIMINARY/FINAL PLAN APPROVAL

JOE BOUND COMMERCIAL BUILDING

WHEREAS, 308 EASTON ROAD, L.P., (hereinafter the "Applicant"), has submitted preliminary/final plans to construct a 19,928 square foot commercial building on a 2.3 acre parcel at the Easton Road and Titus Road intersection (Tax Map Parcel Number 50-31-19 and 50-31-19-2) within the C-2 Commercial District. The project will be serviced by public water and sewer. The Applicant will comply with the variances approved by the Zoning Hearing Board for the parking setback, tree removal and a planting strip as approved on July 17, 2012.

WHEREAS, the Applicant has submitted Preliminary/ Final Plans of the project, as prepared by ProTract Engineering Inc., dated April 30, 2012, and last revised April 9, 2013 (the "Plans") consisting of fourteen (14) sheets.

NOW, THEREFORE, be it, and it is hereby RESOLVED by the Board of Supervisors of Warrington Township, Bucks County, Pennsylvania, that the Plans are hereby approved as Preliminary/Final Plans, subject to the following conditions with which the Applicant agrees:


- 1.** Prior to the signing of the final plans and their being recorded, the Applicant shall comply with the comments set forth in a letter dated April 25, 2013 from Carroll Engineering Corp. ("Engineer's Letter") pertaining to the Project, except as may be modified herein, which is attached hereto as Exhibit "A" and incorporated herein.
- 2.** The Board of Supervisors hereby grants the following waivers from the Warrington Township Land and Subdivision Ordinance:

- (a) Section 319.2.c (4)(b) – to permit less than one foot of freeboard from the emergency spillway.
 - (b) Section 330.4.D – To allow parking within twenty-five (25) feet of the right-of-way.
- 3. Prior to the signing of the final plans and their being recorded, the Applicant shall document all approvals, permits, certificates and the like necessary to complete the Project, and to make all required submittals to any State and Federal agency that must issue such approvals, permits, certificates and the like related to the Project.
- 4. Prior to signing of the final plans and their being recorded, all necessary documents shall have been prepared and executed by the appropriate parties as are referenced in the engineer's letter and Applicant agrees to execute a development agreement with escrow as determined by the Township engineer, to provide financial security for the installation of necessary improvements.
- 5. The Applicant shall comply with the approval of the Warrington Township Planning Commission dated May 2, 2013, which is attached hereto as Exhibit "B".
- 6. The Applicant shall comply with the approval of the Warrington Township Zoning Hearing Board Decision, dated July 12, 2012, which is attached hereto as Exhibit "C" and incorporated herein by reference. The Township is also in receipt of the Bucks County Planning Commission review letter dated January 16, 2013.
- 7. The Applicant agrees to cooperate with the Township in the future should a connection to neighboring properties become advisable.
- 8. The Applicant agrees to give access to the building by the Warrington Township Historic Commission and Historical Society to evaluate the contents of the building for historical purposes prior to demolition.

RESOLVED this 28th day of May, 2013.

BOARD OF SUPERVISORS OF WARRINGTON TOWNSHIP

ATTEST:



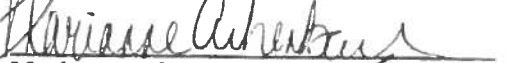
Timothy J. Tieperman
Township Manager



Gerald B. Anderson, Chairperson



John R. Paul, Vice-Chairperson



Marianne Achenbach, Secretary/Treasurer



Matthew W. Hallowell, Sr., Member



Shirley A. Yannich, Member

EXHIBIT "A"



Carroll Engineering Corporation

April 25, 2013

Timothy J. Tieperman, Township Manager
Warrington Township
852 Easton Road
Warrington, PA 18976

Dear Mr. Tieperman:

Subject: Joe Bound – Preliminary/Final Land Development Plans (TMPs 50-31-19 & 50-31-19-2)

We have reviewed revised preliminary/final plans of land development for the above referenced project and offer the following comments for consideration by the Warrington Township Board of Supervisors:

I. SUBMISSION

- A. Preliminary/Final Land Development Plans, as prepared by ProTract Engineering, Inc., consisting of fourteen (14) sheets dated April 30, 2012 and last revised April 9, 2013.

II. GENERAL

The site consists of tax parcels 50-31-19 and 50-31-19-2 which is zoned C-2 (Commercial District). The site has frontage along Easton Road (S.R. 0611) an arterial street and Titus Avenue a primary street. The site currently contains a single building (the former Neshaminy Hotel) which is to be demolished and paved parking area which is to be removed. The plan proposes the construction of a retail sales building containing 19,928 square feet for three (3) separate retail uses with associated parking areas and access drives. The proposed buildings are to take access from a single driveway intersecting Easton Road (S.R. 0611) and a single driveway intersecting Titus Avenue. The proposed retail building will be served by public water and sanitary sewer. Proposed stormwater management BMPs include an underground basin, a rain garden, and a vegetated swale.

Today's Commitment to Tomorrow's Challenges

Corporate Office
949 Easton Road
Warrington, PA 18976
215.343.5700

630 Freedom Business Center
Third Floor
King of Prussia, PA 19408
610.489.5100

101 Lindenwood Drive
Suite 225
Malvern, PA 19355
484.875.3075

106 Raider Boulevard
Suite 206
Hillsborough, NJ 08844
908.874.7500

III. REVIEW COMMENTS

A. Zoning Ordinance Variances Granted

The applicant has been granted a variance from the requirements and provisions from the following section of the current Warrington Township Zoning Ordinance.

1. Section 2101.15 – To allow parking setback distances of less than the required minimum of ten (10) feet from buildings for twenty-five (25) of the proposed parking spaces.
2. Section 2105.A – To allow a planting strip along the property lines of ten (10) feet, instead of the required twenty (20) feet.
3. Section 2322.1 – To allow the removal of nine (9) trees with a diameter of 10” or greater on the subject property upon appropriate permitting.

B. Zoning Ordinance Comments

This application satisfies all of the requirements and provisions of the current Warrington Township Zoning Ordinance.

C. Subdivision and Land Development Ordinance Waivers Requested

The applicant is requesting a waiver from the requirements and provisions from the following sections of the current Warrington Township Subdivision and Land Development Ordinance.

1. Section 319.2.C(4)(b) – To permit less than one foot of freeboard from the emergency spillway located within the outlet structure for the underground stormwater management facility. The applicant states that the spillway is in an enclosed space, and as configured will pass more than twice the required design flow and that adequate spare storage capacity is available. The proposed spillway freeboard is 0.5 feet.
2. Section 330.4.D – To allow parking within twenty-five (25) feet of the right-of-way. The plans propose a parking setback fifteen (15) feet from the right-of-way. The proposed fifteen (15) foot setback is in compliance with Zoning Ordinance Section 2101.15 which requires a fifteen (15) foot setback from the right-of-way. Therefore, the setback conforms to the Zoning Ordinance but violates the subdivision and Land Development Ordinance.

D. Subdivision and Land Development Ordinance Comments

This application satisfies all of the requirements and provisions of the current Warrington Township Subdivision and Land Development Ordinance.

E. Stormwater Management Ordinance Comments

This application satisfies all of the requirements and provisions of the current Warrington Township Stormwater Management Ordinance.

F. Traffic

1. As the proposed development requires access to a state highway (Easton Road S.R. 0511), PennDOT will require a Highway Occupancy Permit (HOP) for the driveway access. Additionally, the Township reminds the applicant that a Permit to modify traffic signals must be obtained from PennDOT. The Township requests the opportunity to review all HOP plans prior to submission to PennDOT; as well as be given the opportunity to attend all meetings with PennDOT and carbon copied on all correspondence regarding the same.
2. The parking blocks provide sufficient separation between the pedestrian accessible route (PAR) and the vehicular surface. As such, DWS should only be provided in areas that lack this separation such as adjacent to the gored markings for van accessible parking stalls. Additionally, DWS must be provided along the northerly corner of the sidewalk adjacent to the one-way driveway and the northern-most parking stall.

G. Water and Sanitary Sewer

1. An additional 6" inline gate valve should be provided on the water main after the fire hydrant tee at the property line.
2. The sampling manhole should be provided with a 2" drop across the manhole; revise the invert elevation and slope information accordingly. The cleanout location near the building should be adjusted so there is adequate separation from the roof drain to allow for future maintenance or repair.

Timothy J. Tieperman, Township Manager
Page Four
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IV. OTHER APPROVALS

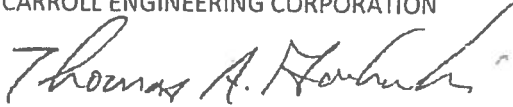
- A. Bucks County Conservation District
- B. Township Fire Marshal
- C. DEP - Planning Module
- D. DEP - NPDES
- E. PennDOT
- F. Township Lighting Consultant

V. RECOMMENDATION

Carroll Engineering Corporation recommends this application be revised to address the above comments to the satisfaction of the Warrington Township Board of Supervisors.

Very truly yours,

CARROLL ENGINEERING CORPORATION



Thomas A. Gockowski, P.E.
Executive Vice President

TAG:cam

cc: William H.R. Casey, Esquire
K. Frederick Achenbach Jr., Manager, WTW&S Dept.
Roy Rieder, P.E., Director of Planning & Development, Warrington Township
308 (Three) Easton Rd, L.P.
Nicholas T. Rose, P.E., ProTract Engineering, Inc.
Thomas Hecker, Esquire, Begley, Carlin, & Mandio
Martin Kepner, P.E., CEC
Andrew Brown, P.E., CEC

EXHIBIT "B"

Warrington Township Planning Commission Minutes for May 2, 2013 Meeting

The regular meeting of the Warrington Township Planning Commission was held at 7:30 pm. May 2, 2013 at the Township Building located at 852 Easton Road, Warrington, PA 18976. The members present were as follows:

Fred Gaines	Chairperson-excused
Dennis Gordon	Vice-Chair
Madeline Sturm	Secretary - excused
Ted Piotrowicz	Member
Ben Redd	Member
Richard Rycharski	Member
Vince Evans	Member
Tom Gockowski	Carroll Engineering
Roy Rieder	Codes, Inspections, and Emergency Services

1 & 2 Call to Order/ Pledge of Allegiance:

The meeting opened with the Pledge of Allegiance

3. Public Comment- None

4. Old Business - none

5. New Business

a. **Review and, if appropriate, recommend preliminary and final plan approval for Joe Bound, 308 Easton Rd**

Tom Hecker, attorney, & Nick Rose, Protract Engineering, were present this evening. The architect was also present this evening. This is the third submission of these plans, but they have not been here since July 19, 2012. At the last submission, there was a lengthy review letter which they wanted to clear before their next submission. Tonight's submission is a much cleaner plan and renderings are provided.

This is a plan for a 20000 sq. ft. building divided into three units: 13,500 sq. ft. and two at just over 3000 sq. ft. They have agreed to install a right turn lane from southbound Easton Rd onto Titus Ave. The access to the property would be a right in/right out from Easton Rd and a full access from Titus Ave. Parking will be in the front of the building for the most part with additional parking for employees and loading in the rear. The proposed rain garden will be maintained by the property owner.

Carroll Engineering Letter 4/25/13

There were three zoning variances granted by the Zoning Hearing Board.

A motion was made by Mr. Piotrowicz, seconded by Mr. Evans, to recommend to the Board of Supervisors approval of the waivers requested. These were waivers for the inlet for the underground detention basin and the setback for the parking from Easton Rd. The motion passed 5-0

Mr. Piotrowicz - yes	Mr. Redd - yes	Mr. Gordon - yes
Mr. Rycharski - yes	Mr. Evans - yes	

A motion was made by Mr. Evans, seconded by Mr. Piotrowicz, to recommend to the Board of Supervisors preliminary plan approval with the requested waivers for the Joe Bound project, 308 Easton Rd. The motion passed 5-0

Mr. Piotrowicz - yes Mr. Redd – yes Mr. Gordon – yes
Mr. Rycharski - yes Mr. Evans - yes

A motion was made by Mr. Redd, seconded by Mr. Piotrowicz, to recommend to the Board of Supervisors final plan approval for the Joe Bound project at 308 Easton Rd. The motion passed 5-0

Mr. Piotrowicz - yes Mr. Redd – yes Mr. Gordon – yes
Mr. Rycharski - yes Mr. Evans - yes

b. Review and, if appropriate, recommend final plan approval for Warrington Glen Subdivision, Phases II and III

Richard McBride, Attorney was present this evening for this application. There was one modification to preliminary plan which was the removal of cul-de-sac to make the road a gentle curve and more open space was created behind the properties.

Carroll Engineering letter 4/25/13

All items will comply

All waivers are from the preliminary approval with no changes

Lots backing onto open space will be marked with sections of split rail fence.

The preservation of additional trees has been included in the modifications for this plan at the request of the Arbor Ridge residents. This was discussed and reviewed with the residents to both parties satisfaction. Plan being recorded reflects the additional measures of preservation.

Rich Guziewicz, 125 Arbor Ridge Dr

- He had made contact with Mr. McBride's office and thanked them for the tree preservation efforts.
- Is this 20 Ft. buffer part of the community open space or the property? This will be looked into to keep the trees existing – ownership and lines of demarcation.
- How is this marked to keep them protected during construction? Before clearing, orange fencing needs to be placed to protect the area.

A motion was made by Mr. Redd, seconded by Mr. Evans, to recommend to the Warrington Township Board of Supervisors the amended plan for approval with the following conditions.

Compliance with:

Carroll Engineering letter of 4/25/13

The amended map of the area for the additional trees to be preserved

Bucks County Planning Commission letter

Clarification on the calculation of the impervious surface

Determination on the management of the conservation of the trees (deed restriction or easement)

The motion passed 5-0

Mr. Piotrowicz - yes Mr. Redd – yes Mr. Gordon – yes
Mr. Rycharski - yes Mr. Evans - yes

A motion was made by Mr. Evans, seconded by Mr. Piotrowicz, to recommend to the Board of Supervisors final plan approval. The motion passed 5-0

Mr. Piotrowicz - yes Mr. Redd – yes Mr. Gordon – yes
Mr. Rycharski - yes Mr. Evans - yes

6. Subcommittee Reports

There were no comments from the EAC.

Mr. Redd made a motion to approve the last draft as reviewed by the Planning Commission and to send it to the Board of Supervisors. Mr. Rycharski seconded. The motion passed 5-0

Mr. Piotrowicz - yes Mr. Redd – yes Mr. Gordon – yes
Mr. Rycharski - yes Mr. Evans - yes

7. Approval of Minutes

a. March 21, 2013

On a motion made by Mr. Gordon, seconded by Mr. Evans, the Warrington Township Planning Commission voted to approve the minutes of March 21, 2013. This motion passed by a vote of 5-0.

Mr. Piotrowicz - yes Mr. Redd – yes Mr. Gordon – yes
Mr. Rycharski - yes Mr. Evans - yes

8. Posting of Minutes

a. April 18, 2013

On a motion made by Mr. Gordon, seconded by Mr. Piotrowicz, the Warrington Township Planning Commission voted to post the minutes of April 18, 2013. This motion passed by a vote of 5-0.

Mr. Piotrowicz - yes Mr. Redd – yes Mr. Gordon – yes
Mr. Rycharski - yes Mr. Evans - yes

9. Forward Agenda Items

10. Adjournment

Mr. Gordon adjourned the meeting at 8:45.

Recorder: Amy Organek

EXHIBIT "C"

**ZONING HEARING BOARD OF WARRINGTON TOWNSHIP
BUCKS COUNTY, PENNSYLVANIA**

Applicant: 308 (Three) Easton Rd, LP
2544 Bristol Pike
Bensalem, PA 19020

Owner: Same

Subject Property: Tax Parcel Nos. 50-31-19 and 50-31-19-2, which are collectively located at 308 Easton Road in Warrington Township.

Requested Relief: The Applicant desires to renovate the subject property and, in order to do so, requests variances from the Warrington Township Zoning Ordinance ("Ordinance"), as follows:

1. from §2101.15 to allow a parking setback distance of less than the required minimum of ten (10) feet;
2. from §2105.A to allow a planting strip along property lines and roadways of less than the required twenty (20) feet; and
3. from §2321.1 to allow the removal of trees on the property.

Hearing History: The application was filed in Warrington Township on May 24, 2012. The hearing was held on June 25, 2012 at the Warrington Township Building, 852 Easton Road, Warrington, PA 18976.

Appearances: Applicants by: Thomas R. Hecker, Esq.
Begley, Carlin & Mandio, LLP
680 Middletown Boulevard
Langhorne, PA 19047-0308

Issuance Date: July 17, 2012

DECISION

FINDINGS OF FACT:

1. The Zoning Hearing Board of Warrington Township met the requirements of the Zoning Ordinance, the Municipalities Planning Code, and other relevant statutes as to legal notice of the hearing held.
2. The Applicant is the Owner of the subject property and is therefore possessed of the requisite standing to make application to this Board.
3. The subject property is located in the C-2, Commercial Zoning District of Warrington Township. It is approximately two (2) acres in size (88,495 square feet).
4. The subject property accommodates a two-story structure as depicted on Exhibit "B-1.d", a set of photographs of it.
5. The structure is located on the southeast portion of the subject property and is located at nonconforming setback distances from its fronting streets of Easton Road (SR 611) and Titus Avenue.
6. The Applicant purchased the subject property in 2008. The structure on it has been vacant since that time. Prior to the Applicant's purchase, the structure and property had been used as an "Adult Entertainment Cabaret" as defined at Ordinance §1304.1.B. That use preceded the enactment of the Ordinance and has existed on the subject property as a lawful nonconforming use until abandoned by its then owner prior to its purchase by the Applicant.
7. The Applicant proposes to demolish the existing structure on the property and construct a building, approximately 20,000 square feet in size, to be divided into three (3) units, as depicted on Exhibit "B-1.c", a land development plan prepared by Pro Tract Engineering, Inc., dated 5/16/12.
8. Units A and B will be rented out to tenants whose uses will conform with Ordinance requirements. Unit C, which is approximately 13,038 square feet in size, will be occupied by a beer distributorship to be operated by the Applicant's principal, Joseph Bound, or members of his family.
9. Mr. Bound testified that he and his family presently operate three (3) beer distributorships in Bucks County, one of which is located at 2544 Bristol Pike, Bensalem, PA, operated by Mr. Bound's family for approximately sixty-five (65) years.
10. The Applicant intends to close that beer distributorship and replace it with the one proposed for Unit C on the subject property. The beer distributorship use is permitted by right in the C-2 District.

11. Bound further testified that the structure will have a "Bucks County" look, consistent with Township wishes, that will contain a brick veneer front and earth tone colors.

12. Bound testified that he has submitted many different sketch plans for review by Township officials and that the plan submitted with this application, represents consideration of Township concerns and requests which included a request that the structure on the property be "pushed back" as far from the fronting streets as possible.

13. Bound has significant experience in the operation of a beer distributorship and credibly testified that a significant number of parking spaces must be located close to the beer distributorship's entranceway as customers routinely carry heavy loads from the store to their cars.

14. Bound testified that his experience dictates that this type of business is subject to high customer counts, particularly on holidays. Accordingly, the Applicant proposes the construction of eighty-one (81) off-street parking spaces even though only sixty-five (65) are required by the Ordinance. The credible evidence indicates that the number of parking spaces proposed, are necessary for this high volume use.

15. Further, Bound testified that although drive aisle widths are required to be only twenty-two (22) feet wide under the Ordinance, the Applicant proposes a 25.5 foot wide driveway width, because of the frequency with which customers back their cars out of parking spaces. Bound's experience tells him that a wider drive aisle results in much fewer "fender bender" type of accidents.

16. The result of the building being located as far from fronting streets as possible, the requirement for additional parking spaces and a wider drive aisle, requires a need for two (2) dimensional variances from the Ordinance in order to develop the property as proposed.

17. §2101.15 of the Ordinance requires a separation distance of ten (10) feet between the building and its parking spaces.

18. While most of the parking spaces on the subject property conform to this requirement, nineteen (19) of the proposed parking spaces adjacent to the building along its frontage on Easton Road are proposed to be located at a setback distance of 6.5 feet. Additionally, six (6) of the nine (9) parking spaces adjacent to the building's frontage on Titus Avenue will be located at distances varying from 6' 2" to 8' 9".

19. The width of the walkway proposed between the building and these parking spaces is 6.5 feet. The Applicant will further install "bumper blocks", at a distance of 2.5 to 3 feet from the edge of the proposed sidewalk to that vehicles will not protrude onto it.

20. The Applicant's engineer credibly established that although a ten (10) foot separation distance is required under the Ordinance, there is no requirement for "bumper blocks" hence cars parking at a ten (10) foot setback distance would protrude 2.5 to 3 feet onto that sidewalk.

21. Ordinance §2105.A requires that all non-residential parking areas shall be separated from the paving edge of a public thoroughfare or adjoining property lines by a planting strip no less than twenty (20) feet in depth, in non-residential districts.

22. The parking areas proposed by the Applicant in Exhibit "B-1.c" shall accommodate the required planting strip along the public thoroughfares that border the subject property. However, a ten (10) feet planting strip is proposed upon the property's northern, western and northwestern boundaries, as depicted on Exhibit "B-1.c". Again, the necessity for this variance results from the Applicant's respect for Township wishes and its desire to construct more parking spaces with a wider drive aisle than required in order to provide safe vehicular circulation and adequate parking.

23. Although the subject property presently accommodates, in addition to the structure, a large parking field with uncontrolled access from the two (2) streets, a number of non-native, invasive trees have grown on the property.

24. According to the credible evidence, nine (9) of those trees exceed ten (10) inches in diameter and cannot be removed from the subject property if compliance with Ordinance §2322.1 is required.

25. The evidence indicates that there is nothing about those trees that requires their preservation and that their removal will not be noticeable by surrounding property owners.

26. Warrington Township took no position with regard to this application.

CONCLUSIONS OF LAW:

1. The application proposes the elimination of an undesirable, but lawfully nonconforming use of the subject property and its replacement with uses conforming to Ordinance requirements.

2. The development of the property as proposed by the Applicant will significantly improve its appearance and use and eliminate a number of negative impacts on surrounding properties and uses result from its previous nonconforming use.

3. The two (2) dimensional variances sought are necessary to allow the responsible and safe development of the subject property with sufficient parking spaces and drive aisle widths to accommodate its intended use.

4. The Board specifically finds that the number of parking spaces proposed, although greater than required, are necessary to accommodate the parking needs of the beer distributorship.

5. Further, the drive aisle width proposed will eliminate a significant safety hazard that would exist with a conforming twenty-two (22) foot wide drive aisle width.

6. The Applicant's attempts to honor Township wishes as to the location of the structure on the property resulted in the necessity of the dimensional variances sought.

7. The Applicant further indicated that although the northern, western and northwestern boundary lines will only have a planting strip of ten (10) feet between those lines and parking spaces, that ten (10) feet will be densely vegetated with buffer materials, resulting in no negative impact upon surrounding properties or uses.

8. The Applicant's respect for the twenty (20) foot planting strip along the fronting roadways satisfied the Board that the Applicant is making good faith efforts to minimize the variance necessary to permit the proposed development.

9. Although there is not a ten (10) foot wide separation distance between the building and some of the parking spaces, as noted in the Findings of Fact, the Board concludes that it is necessary to locate parking spaces as close to the store's access as possible, due to the heavy loads that will be carried by its customers.

10. The installation of the bumper blocks at parking spaces effectively provides a safe and secure width for the walkway proposed.

11. Lastly, strict compliance with Ordinance §2233.1 would preclude the development of the subject property as there are nine (9) trees, exceeding 10" in diameter, which must be removed to allow conforming development. The Board concludes that these trees are not significant contributors to the environment and do not deserve protection.

12. The Board concludes that the request for the variance from §2233.1 is de minimis in nature, therefore its finding of a legal hardship is not necessary.

13. The Applicant has presented evidence of sufficient factors to warrant the grant of the dimensional variances requested.

8. Accordingly, the Warrington Township Zoning Hearing Board determined, unanimously, to grant the Applicant's request for relief as set forth hereafter.

WHEREFORE, the Zoning Hearing Board of Warrington Township hereby GRANTS the following variances from the Warrington Township Zoning Ordinance:

1. from §2101.15 to allow parking setback distances of less than the required minimum of ten (10) feet for twenty-five (25) of the proposed parking spaces as depicted on Exhibit "B-1.c";
2. from §2105.A to allow a planting strip along the property lines, as depicted on Exhibit "B-1.c" of ten (10) feet, instead of the required twenty (20) feet; and
3. from §2322.1 to allow the removal of nine (9) trees with a diameter of 10" or greater on the subject property upon appropriate permitting pursuant to the Ordinance. The relief herein granted is subject to compliance with all other applicable

governmental ordinances and regulations and the condition that the tax parcels that compose the subject property be merged by consolidation at the time of land development approval.

**ZONING HEARING BOARD OF
WARRINGTON TOWNSHIP**

By: Frank Shelly, Isl
Frank Shelly, Chairman

Janice DeVito, Isl
Janice DeVito, Vice Chairperson

Kevin Lawlor, Isl
Kevin Lawlor

Wayne Bullock, Isl
Wayne Bullock

Carol Facenda, Isl
Carol Facenda

IMPORTANT NOTE: Pursuant to §175-136 and §175-137 of the Warrington Township Zoning Ordinance, the relief granted herein shall expire five (5) years from the date of this decision.

ATTACHMENT “C”



RESOLUTION 2013-R- 27

PRELIMINARY PLAN APPROVAL

ILLG TRACT

WHEREAS, The Cutler Group, Inc. (hereinafter the “Applicant”) has submitted preliminary plans to subdivide an 74.94 acre parcel located on the eastern side of Folly Road in the RA Residential Agricultural District, into ninety five (95) single family detached dwelling lots as a Subdivision with fifty nine (59) Transferable Development Rights (TDR’s) Plan. An existing complex of dwellings, farms and retail store will be removed and approximately 15.3 acres of open space will be provided. Public water and sewer will serve the lots; and

WHEREAS, the submission includes:

- A. Preliminary Plans of Subdivision, as prepared by S.T.A. Engineering, Inc., consisting of fifty three (53) sheets dated January 30, 2007 and last revised March 18, 2013.
- B. Post-Construction Stormwater Management & Plan Narrative, as prepared by S.T.A. Engineering, Inc., dated January 2007 and last revised March 18, 2013.
- C. 100-Year Floodwater Profile HEC-RAS Analysis of an Unnamed Tributary to the Little Neshaminy, as prepared by S.T.A. Engineering, Inc., dated January, 2007 and revised January 21, 2013 and last revised March 18, 2013.

NOW THEREFORE, be it and it is hereby Resolved by the Board of Supervisors of Warrington Township, Bucks County, Pennsylvania, that the Plans are hereby approved as Preliminary Plans, subject to the following conditions with which the Applicant agrees:

- 1. Prior to the signing of the final plan and it being recorded, Applicant shall comply with the requirements of the review letter from Carroll Engineering Corporation, dated May 7, 2013, a copy of which is incorporated herein as Exhibit “A”.

2. The Board of Supervisors hereby grants the following waivers from the Warrington Township Land and Subdivision Ordinance:
 - a. From Section 302.10 and 312.3 to allow the installation of Belgian Block Curbing in lieu of concrete curbing for all interior roads outside of the Folly Road right-of-way.
 - b. From Section 319.2 requiring basin bottoms have a slope of two percent (2%). One percent (1%) is requested as a BMP/Water quality feature.
 - c. From Section 318.2.E to permit grading in certain isolated areas to be closer than five (5) feet from property lines.
 - d. From Section 319.2.C. (9) to permit less than the minimum three (3) feet of cover over storm sewer piping.
 - e. From Section 319.2.D. (12) to permit basin embankment slopes to be graded at 3:1 rather than the required 5:1 slope.
3. Prior to the signing of the final plans and their being recorded, Applicant shall comply with the requirements of the Warrington Township Planning Commission report dated May 23, 2013. A copy of which is attached as Exhibit "B".
4. Prior to the signing of the final plans and their being recorded, Applicant shall document all approvals, permits, certificates and the like necessary to complete the Project, and to make all required submittals to any State and Federal agencies that issue such approvals, permits, certificates and the like relate to the Project.
5. Prior to the recordation of the final plans, all necessary documents shall have been prepared and executed by the appropriate parties as are referenced in the engineer's letter and Applicant agrees to execute a development agreement with escrow as determined by the Township engineer, to provide financial security for the installation of necessary improvements.
6. The Township is in receipt of a review letter from the Bucks County Planning Commission, dated March 1, 2013.
7. The Applicant shall prepare residential disclosure statements in a form satisfactory to the Township solicitor to be given to prospective buyers prior to the execution of an agreement of sale for any residence.
8. The Applicant agrees to determine the final location of the emergency access within the

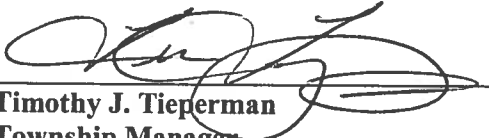
Lower Nike Park with the Township engineer prior to final approval.

9. The Township engineer shall meet if requested by Eric Thompson, owner of the property on the opposite side of the Lower Nike Park access drive from the Illg property, to review with him the manner in which the seven issues raised by Mr. Thompson have been addressed in the preliminary plans and stormwater management narrative and materials referenced at items A, B and C hereinabove.

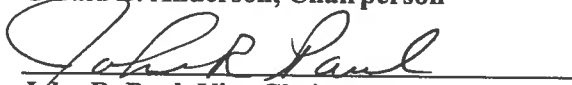
RESOLVED, this 28th day of May, 2013.

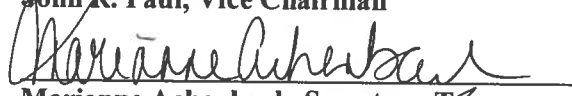
BOARD OF SUPERVISORS OF WARRINGTON TOWNSHIP

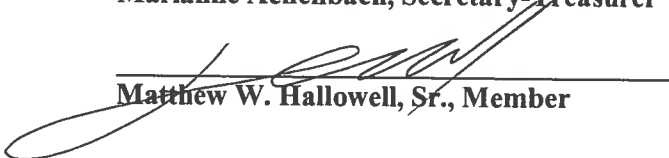
ATTEST:


Timothy J. Tieperman
Township Manager


Gerald B. Anderson, Chairperson


John R. Paul, Vice Chairman


Marianne Achenbach, Secretary-Treasurer


Matthew W. Hallowell, Sr., Member


Shirley A. Yannich, Member



Carroll Engineering Corporation

May 7, 2013

Timothy J. Tieperman, Township Manager
Warrington Township
852 Easton Road
Warrington, PA 18976

Subject: Illg Tract – Preliminary Plan (TMP 50-10-12, 50-10-13 & 50-10-13-1)

Dear Mr. Tieperman:

We have reviewed the preliminary plans of land development for the above referenced project and offer the following comments for consideration by the Warrington Township Board of Supervisors:

I. SUBMISSION

- A. Preliminary Subdivision Plans, as prepared by S.T.A. Engineering, Inc., consisting of fifty three (53) sheets dated January 30, 2007, and last revised March 18, 2013.
- B. Post-Construction Stormwater Management Plan Narrative, as prepared by S.T.A. Engineering, Inc., dated January, 2007, and last revised March 18, 2013.
- C. 100-Year Floodwater Profile HEC-RAS Analysis of an Unnamed Tributary to the Little Neshaminy, as prepared by S.T.A. Engineering, Inc., dated January, 2007, and last revised January 21, 2013 last revised March 18, 2013.

II. GENERAL

This preliminary plan application proposes the subdivision that contains three (3) tax parcels totaling 74.94 acres ±. The site is located on the eastern side of Folly Road, approximately 1,300 feet south of Street Road. The site currently contains a retail meat store, farm fields, brush, meadow and wooded areas. In addition, the site contains wetland areas and a Type 1 stream which flows through the western portion of the site. The applicant proposes to develop the site as a subdivision with TDRs, in accordance with the provisions of Section 411 of the Warrington Township Zoning Ordinance and the Stipulation and Agreement signed on February 18, 1997. The proposed subdivision is to consist of ninety five (95) single family detached building lots with associated roadways. The subdivision will take access from Folly Road (a collector street) by means of two (2) access roads. The site is located in the RA, Residential Agricultural Zoning District and will utilize fifty nine (59) TDR's to obtain the proposed ninety five building lots. Stormwater management is to be controlled by means of three (3) proposed detention basins located within open space areas. The site is to be served by public water and sanitary sewer.

Today's Commitment to Tomorrow's Challenges

Corporate Office:
949 Easton Road
Warrington, PA 18976
215.343.5700

630 Freedom Business Center
Third Floor
King of Prussia, PA 19406
610.489.5100

101 Lindenwood Drive
Suite 225
Malvern, PA 19355
484.875.3075

105 Raider Boulevard
Suite 206
Hillsborough, NJ 08844
908.874.7500

Per the Stipulation Agreement governing the use of TDR's on this property, the dimensional requirements contained in that Agreement and the ordinance in effect at the time of the Agreement are the basis for this review. The plans as submitted are in compliance with the zoning criteria, subdivision and land development criteria and other provisions outlined in the above referenced Stipulation and Agreement of 1997.

III. REVIEW COMMENTS

A. Zoning Ordinance Comments

This application satisfied all requirements and provisions of the applicable Warrington Township Zoning Ordinances in effect at the time of original preliminary plan submission with the following exceptions:

1. Section 305.3 – The wetland area on Lot 22 is to be considered totally unusable land and shall be one hundred (100) percent restricted and designated as common open space. For clarity the plans should be revised to delineate with metes and bounds and label this required deed restricted area of Lot 22 and any area within the deed restricted removed from the gross lot area to establish a net lot area. The plans list a net area for this lot but it is not clear as to how it was calculated.
2. Section 411.G.(2) – The applicant should submit documentation to the Township verifying the possession of the 59 TDRs that are to be utilized in conjunction with the development of this site.

B. Subdivision and Land Development Ordinance Waivers Requested

1. Section 302.10 & 312.3 – Requiring that all curbing be constructed in accordance with PennDOT Form 408, i.e. concrete curb. A waiver is being requested to allow the use of Belgian block curbing on all internal roadways outside of the Folly Road right-of-way.
2. Section 318.2.E – Requires that all grading be setback five (5) feet from property lines. A waiver is being requested for grading at certain isolated locations due to the Township requested trail and roadway connections and necessary connections to existing off-site utilities.
3. Section 319.2 – Requires that basin bottoms have a slope of 2%. A waiver is being requested to construct basin bottoms at 1% as a BMP/water quality feature.
4. Section 319.2.C.9 – Requires that a minimum of three (3) feet of cover be provided over storm sewer piping. A waiver is being requested in certain areas due to existing site drainage features and to avoid excessive cuts and fills in isolated locations. The applicant proposes the use of Class 5 reinforced concrete pipe in location with less than three (3) feet of cover.

5. Section 319.2.D.12 – Requires that stormwater basins be graded at 5:1 slopes. A waiver is being requested to allow basins to be graded at 3:1 slopes with naturalized plantings. The applicant states that “The stormwater management analysis of the watersheds impacting this site requires volume control from four (4) basins having 5:1 slopes. The waiver would reduce the required number of basins controlling the same volume to three (3) basins”. The advantage of this is there will be less earth disturbance.

C. Subdivision and Land Development Ordinance Comments

This application satisfies all requirements and provisions of the applicable Warrington Township Subdivision and Land Development Ordinance in effect at the time of the original preliminary plan submission, with the following exceptions:

1. Section 303.5 – Proposed Street names are to be submitted to the Township for review.
2. Section 318.2 – We have the following comment concerning the proposed site grading:
 - a. The proposed 294.04 elevation on the driveway at the right-of-way line on Lot 40 will create a low spot as the surrounding area will be higher making it impossible to drain stormwater runoff.
3. Section 319.2.D.(9) – The 100-year peak inflow for Basin B listed on Page A-637 of the stormwater management report is not consistent with the peak inflow listed on Pages A-398 and A-436. Also, the 100-year peak inflow for Basin C listed on Page A-642 of the stormwater management report is not consistent with the peak inflow listed on Pages A-461 and A-496. These discrepancies should be resolved. However, the emergency spillway length listed for both basins is adequate using the corrected peak flow data.
4. Section 322 – An interconnection between the proposed internal walkway system and the adjacent Lower Nike Park should be provided at the end of the cul-de-sac bulb on Road “G”. All applicable notes and details for a proposed paved interconnection should be provided on the plans.

D. Stormwater Management Ordinance Comments

The site is located in the 100% Stormwater Runoff Peak Rate District which requires the post-development stormwater peak runoff rate from the site to be equal to or less than the pre-development peak runoff rate. In order to comply with this requirement the applicant proposes the construction of three (3) detention basins that negate the effects of increased flows from the proposed development, redirecting all or a portion of an existing drainage watershed into another watershed area so that the portion of the area which remains tributary to the point of influence generates no more runoff after development than the entire original area did in its pre-development condition and by capturing and controlling routed outflows from offsite, upstream areas.

This application satisfies all requirements and provisions of the applicable Warrington Township Stormwater Management Ordinance in effect at the time of original preliminary plan submission.

E. Traffic

1. Please provide detailed ADA ramp grading plans with a scale no greater than 1"=10'. Additionally, provide a CS-4401 form for all ramps, internal to the site, for review.
2. There are ADA ramps that look to be at an angle greater than 45° with the crosswalk. An additional 4'x4' "level" turning area must be provided in the roadway when the angle between the ramp and crosswalk exceeds 45°. Please rotate the ramps to better align with each other or provide a level turning area in front of the ramps. The township recommends relocating the ramps along the radius of the curb to provide a better alignment.
3. The analysis of County Line Road (S.R. 2038) and Folly Road in the TIS shows an increased delay time. For the SB Folly Road approach, the 2020 PM No-build shows a LOS E with a 75.9 second delay and the 2020 PM Full Build shows a LOS F with an 84.3 second delay. This additional delay is a result of the intersection being "over capacity". The proposed Traffic signal timing revisions will result in marginal increases in delay for virtually all approaches and an increase in overall intersection delay from 99.8 seconds to 111.7 seconds. Although still considered deficient, it appears that the proposed timing changes will mitigate the traffic issues, to the extent possible, for the Illg Development.
4. We concur that the addition of the Illg traffic will only marginally affect the v/c ratio and that significant geometric revisions would be necessary to increase the overall intersection capacity.
5. Please provide the Synchro analysis and supporting documentation, along with revised signal plans for our review. Additionally, please submit the Signal Permit Plans to PennDOT for their concurrent review.

F. Water and Sanitary Sewer

1. This project is located within Warrington Township's Sewage Management Area No. 1 served by the Warminster Municipal Authority Wastewater Treatment Plant. Act 537 Sewage Facilities Planning must be approved by PADEP.
2. The proposed fire hydrant locations must be approved by the Township Fire Marshal.
3. Clarify Note 8 on the Record Plans to indicate which water and sanitary sewer facilities are to be dedicated and which are to remain private.

4. Utility easements, with metes and bounds, should be shown on the record plans over the water and sanitary sewer facilities in Open Space A and the sanitary sewer in Open Space C.
5. A minimum of 5' of separation should be provided between all water services and sanitary sewer laterals, along their entire length, to allow for future maintenance. In addition, the services for Lots 2, 15, 22, 27, 40, 42, 47, 55, 58, 61, 83, and 86 are shown crossing; their alignments should be revised or switched.
6. The water main terminus in Road "G" ends with an 8"x6" reducer, 6" gate valve, fire hydrant, and thrust block. A water schedule identifier should be added to the plans to describe this configuration and should be shown at this location. In addition, an additional thrust block should be added to identifiers 5 & 6; one thrust block is required for the tee and one for the fire hydrant.
7. On Sheet 16, clarify the line type of the proposed water main in the Road "G" cul-de-sac.
8. Revise the location of proposed street trees or water & sewer service alignments to provide adequate clearance between the services and plantings for Lots 2, 3, 14, 15, 17, 18, 30, 32, 41, and 61.
9. The proposed fences in Open Space C between Lots 29 and 30 should be moved to the edges of the easement.
10. On Sheets 30 and 31, clarify the following along Road A:
 - a. Consider realigning the water main to eliminate the horizontal offset between Stations 1+74 and 3+14. The sanitary sewer could then also be realigned along the centerline between E1 and E3 by moving E2 in the vicinity of Station 1+65.
 - b. Clarify the location of the label for the 11.25° bend on the water main at Sta. 1+20.
 - c. Lower the water main between approximate Stations 5+25 and 6+15 to eliminate the vertical offset and high spot. It will also provide additional clearance between the water services and storm sewer. Also, consider slightly lowering the water main between Stations 18+50 and 19+75 to eliminate the high spot. The sanitary manhole C6 should also be lowered slightly to maintain the required clearance.
11. On Sheet 32, clarify the following along Road B:

- a. It appears there will be less than the required 18" of clearance between the sanitary lateral and water main for Lots 47 and 48. The run from D3 to D2 should be lowered.
 - b. The water main alignment should be moved a minimum of 5 feet away from the box culvert / Keystone Wall to allow for future maintenance or repair. Proposed concrete encasement under the stream should be shown on the plans.
 - c. Revise the labeling on the existing sewer to indicate 12" diameter pipe.
12. On Sheet 34, clarify the following along Road C:
- a. Consider realigning the water main between approximate Stations 10+53 and 14+50 to keep the alignment along the inside curb. The sanitary sewer would also need to be realigned between B4 and B1. Installing an additional manhole around Station 14+25 would allow the sewer to be kept near the centerline of the road eliminating multiple crossings.
 - b. There appears to be a conflict between the sanitary sewer lateral and the storm sewer for Lots 76, 77, and 78.
 - c. Clarify the length of the sanitary sewer from B1.2 to B1.3 in the Sanitary Sewer Lateral Locations chart.
13. On Sheet 35, clarify the following along Road D:
- a. There appears to be a conflict between the sanitary sewer lateral and the water main for Lots 74 and 85.
 - b. There appears to be a conflict between the storm sewer and the fire hydrant lateral at Station 8+67 of Road "D". Consider placing the fire hydrant on the opposite side of the street to avoid the conflict.
 - c. Clarify the length of the sanitary sewer from C6.1 to C6.2 in the Sanitary Sewer Lateral Locations chart.
14. On Sheet 36, clarify the 8" sanitary sewer main and 4" lateral elevations given in the Lot 21 and Lot 22 Lateral Profiles. The information given for the 8" main does not agree with what is shown in the Road "C" profile. Revise the elevations and slopes accordingly. In addition, one of the cleanouts on the Lot 22 lateral is missing in the profile view and should be shown.
15. On Sheet 38, clarify the following along Folly Road:

- a. Show the location of the proposed fire hydrant in the profile view, approximate Station 3+70. To minimize the depth, revise the location so it is not within the vertical offset.
 - b. The sanitary reach between MH 2 and existing MH 1, can be revised to 8" diameter to allow for additional clearance between it and the storm sewer.
 - c. Since the water main is to be lowered at the intersection of Road "B", a 12"x12"x8" tee and 8" gate valve should be installed instead of using a tapping sleeve and valve.
 - d. The vertical bends on the water main offset at Road "B" should be labeled in the profile.
16. On Sheet 46, Manholes A5 and A8, in the C2 – A5 and B1 – A8 profiles, should be shown as existing. Verify that as-built elevation information has been provided. In addition, revise the size of the sanitary sewer noted in profile "Exist. MH to D1" to indicate 12" diameter main.
17. The "Blow-off" detail should be deleted and the Township's standard detail for "Standard Manhole Frame & Cover" should be added.

G. General Comments

1. Page A-406 of the stormwater management report listing the pond volume equations for Basin C was erroneously placed with the Basin B data and should be relocated.
2. The sediment basin emergency spillway elevations and spillway lengths listed in the table for Standard Construction Detail #7-13 on Sheet 29 are not consistent with the information listed for the sediment basins on the E & S plans.
3. Recording Note 26 should be revised to remove any reference to Lots 41 & 42 as these lots have been reconfigured to exclude wetland and associated setback area.
4. Recording Note 18 should be revised to reference Sheet 47 of 53.
5. General Construction Note 7 on Sheets 8, 9, 10 & 11 states that any water from roof drains and sump pumps may discharge into the proposed storm sewer system. However, Storm Sewer Note 7 states that roof drains and sump pumps shall discharge into natural watercourses or graded swales. In addition, Sheet 47 indicates that rooftop disconnection is a proposed Best Management Practice (BMP#4) for the site.

Timothy J. Tieperman, Township Manager
Page Eight
May 7, 2013

IV. OTHER APPROVALS

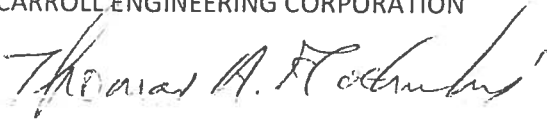
- A. Bucks County Conservation District
- B. Township Fire Marshal
- C. DEP – Planning Module
- D. DEP – NPDES
- E. Township Lighting Consultant

V. RECOMMENDATION

Carroll Engineering Corporation recommends this application be revised to address the above comments to the satisfaction of the Warrington Township Board of Supervisors.

Very truly yours,

CARROLL ENGINEERING CORPORATION



Thomas A. Gockowski, P.E.
Executive Vice President

TAG:cam

cc: William H. R. Casey, Esquire

K. Frederick Achenbach Jr., Warrington Township Water & Sewer Department

Roy Rieder, P.E., Warrington Township

The Cutler Group

Richard P. McBride, Esquire, McBride & Murphy

Susan A Rice, P.E., S.T.A. Engineering, Inc.

Andrew Brown, P.E., CEC

Kenneth R. Yerger Jr., P.E., P.L.S., CEC

Martin L. Kepner, P.E., CEC

Exhibit "B"



MEMORANDUM

To: Timothy Tieperman, Township Manager

From: Fred Gaines Chairman, Warrington Township Planning Commission –

Date: May23, 2013

Re: Illeg Subdivision

Cc: Roy Rieder, Director, Planning and Special Projects

The Warrington Township Planning Commission (PC) conditionally approved Preliminary Plans for the Illeg sub-division with the following special conditions. All waivers were granted as indicated. A formal record of our decision is being prepared by the PC Secretary. The submission agreed with all requirements of the zoning ordinance as modified by Stipulation and Agreement signed February 18, 1997. There will be 39 TDRs submitted.

The review was based upon letters from Carroll Engineering Corporation (CEC) dated May 7, 2013 and the Bucks County Planning Commission (BCPC) dated.

- 1 SPECIAL CONDITIONS: The following special conditions were discussed and agreed to by the Mr. Richard McBride, Esq. representing to applicant(s).
 - a. The applicant will reach out to the Board of Directors of Lamplighter Village and coordinate the planning with them.
 - b. There will be a Home Owners Association (HOA) developed that will be responsible for maintenance of the three (3) stormwater detention basins, the two bridges entering the property and the bridge serving lots 21 and 22.
 - c. The applicant will comply with all conditions outlined in the CEC letter.
 - d. The applicant will work with CEC to determine the Northbound Traffic impacts at the intersection of Folly and Street Roads. The possibility of a dedicated left-turn lane from Folly to WB Street Road will be investigated.
 - e. The applicant will provide a 12-foot paved emergency road from the cul-de-sac located between lots 32 and 33 to the existing park roadway.
 - f. The applicant will extend the sidewalks along Folly Road to the Park Driveway.
 - g. The HOA will maintain a fence delineating open space.

- h. Street trees will not interfere with PECO lines.
 - i. The applicant will provide a paved pathway between lots 18 and 19 to a point designated by the Township.
2. WAIVERS: All waivers requested to the Subdivision and Land Development Ordinance (SALDO) were agreed to including:
- a. Section 302.10 and 312.3 allowing for Belgian Block curbing.
 - b. Section 318.2.E to adjust grading at various isolated areas.
 - c. Section 319.2 to allow flatter slope in stormwater detention basins.
 - d. Section 319.2.C.9 to allow for use of reinforced concrete pipe RCP in lieu of 3 feet of cover on certain storm sewer piping.
 - e. Section 319.2.D.12 allows for steeper slopes on sidewalls of stormwater detention basins.
3. ADDITIONAL COMMENTS:
- a. Mr. McBride agreed to facilitate communication between the Warrington Township Historical Commission and the applicants relating to a historic barn located on the property.
 - b. Mr. Robert Showalter P.E. presented a conceptual layout where by the developer might be able to construct two additional buildings and retain the historic barn,

A final summary of the decision of the PC will be forwarded when completed.



Fred Gaines

ATTACHMENT “D”

AMENDMENT TO DEVELOPMENT AGREEMENT

WARRINGTON TOWNSHIP

OAK CREEK AT WARRINGTON

THIS AMENDMENT dated the 28th day of May, 2013, by and between the TOWNSHIP OF WARRINGTON, Bucks County, Pennsylvania, a Township of the Second Class (the "TOWNSHIP"), with offices at 852 Easton Road, Warrington, PA 18976 and THE CUTLER GROUP, INC., with offices at 5 Apollo Road, Suite One, Plymouth Meeting, PA 19462 (hereinafter called "DEVELOPER").

WITNESSETH

WHEREAS, DEVELOPER is the developer of a portion of Bucks County Tax Map Parcel Nos. 50-010-009-002 and 50-010-041, located with frontage on County Line Road on which 23 single family detached dwelling units will be constructed (the "PREMISES"); and

WHEREAS, the DEVELOPER and the TOWNSHIP entered into a Development Agreement dated December 11, 2012 ("Agreement"); and

WHEREAS, TOWNSHIP and DEVELOPER are desirous of modifying the Agreement as to one specific aspect, and in all other respects, maintaining all terms and provisions of the Agreement.

NOW, THEREFORE, IN CONSIDERATION OF THE MUTUAL PROMISES
HEREIN CONTAINED, AND INTENDING TO BE LEGALLY BOUND, IN
ACCORDANCE WITH THE UNIFORM WRITTEN OBLIGATIONS ACT OF
PENNSYLVANIA, AND IN CONSIDERATION OF OTHER GOOD AND VALUABLE
CONSIDERATION, DEVELOPER AND TOWNSHIP HEREBY PROMISE, COVENANT
AND AGREE AS FOLLOWS:

1. Except as expressly set forth hereinbelow, all terms and provisions of the Agreement shall remain in full force and effect.
2. Since the date of execution of the Agreement, DEVELOPER has completed a substantial portion of the required improvements within the Oak Creek at Warrington development and TOWNSHIP has heretofore approved the release of escrowed improvement security funding in the sum of ONE MILLION THREE THOUSAND EIGHT HUNDRED NINETY EIGHT DOLLARS EIGHTY FIVE CENTS (\$1,003,898.85), the total construction cost estimate as set forth upon Exhibit "A" to the Agreement being ONE MILLION TWO HUNDRED TWENTY THREE THOUSAND EIGHT HUNDRED SIXTY NINE DOLLARS EIGHTY CENTS (\$1,223,869.80).
3. Upon ultimate completion of the required improvements in accordance with the Agreement DEVELOPER must post financial security as a condition precedent to dedication, same to remain in escrow during the required maintenance period pursuant to para. 15(d) in the amount of fifteen (15%) percent of the aforesaid cost of improvements to be dedicated.

4. To assure availability of the aforesaid fifteen (15%) percent maintenance period funding, which sum would be ONE HUNDRED EIGHTY THREE THOUSAND FIVE HUNDRED EIGHTY DOLLARS FORTY SEVEN CENTS (\$183,580.47), DEVELOPER and TOWNSHIP do hereby amend para. 9 of the Agreement, page 13, to provide that the FINANCIAL SECURITY shall at no time be reduced to an amount less than the aforesaid ONE HUNDRED EIGHTY THREE THOUSAND FIVE HUNDRED EIGHTY DOLLARS FORTY SEVEN CENTS (\$183,580.47). Further, the FINANCIAL SECURITY required at present shall be that necessary to complete the remaining improvements, which is the sum of TWO HUNDRED NINETEEN THOUSAND NINE HUNDRED SEVENTY DOLLARS NINETY FIVE CENTS (\$219,970.95) plus the ten (10%) percent contingency for same, being a total of TWO HUNDRED FORTY ONE THOUSAND NINE HUNDRED SIXTY EIGHT DOLLARS FIVE CENTS (\$241,968.05). No future request for release of funds shall serve to reduce the FINANCIAL SECURITY below the sum of ONE HUNDRED EIGHTY THREE THOUSAND FIVE HUNDRED EIGHTY DOLLARS FORTY SEVEN CENTS (\$183,580.47) prior to dedication pursuant to the terms of this Agreement and posting of FINANCIAL SECURITY in said amount as a condition to acceptance of dedication pursuant to the provisions of para. 15 of the Agreement.


IN WITNESS WHEREOF, TOWNSHIP and DEVELOPER have hereunto set their hands and seals the day and year first above written, intending to be legally bound hereby.

BOARD OF SUPERVISORS OF WARRINGTON TOWNSHIP


ATTEST:




Timothy J. Tieperman,
Township Manager



Gerald B. Anderson, Chairman



John R. Paul, Vice-Chairman



Marianne Achenbach, Secretary/Treasurer



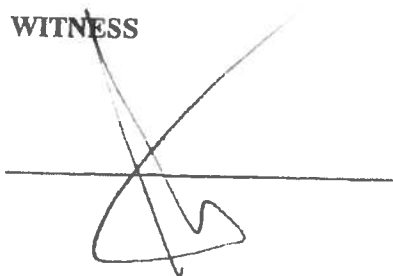
Matt W. Hallowell, Member



Shirley Yannich, Member

AND

WITNESS



THE CUTLER GROUP, INC.

By: 

David Cutler, President