

Warwick Township
PLANNING COMMISSION
September 9, 2008

Members Present: Lorraine Sciuto-Ballasy, Chairman
Paul Rush, Vice Chairman
Joe Costello
Bill Johnson
Ron Tornari

Members Absent: Frank Jarrett
Ganesh Pai

Others Present: Dave Connell, Township Engineer
Peter Nelson, Township Solicitor
Katrina Harding, Planning Director
Linda Grant, Recording Secretary

I. Call To Order:

Chairman Sciuto-Ballasy called the September 8, 2008 Planning Commission meeting to order at 7:40 p.m.

II. Minutes: August 11, 2008 Planning Commission Meeting Minutes

Peter Nelson, Township Solicitor, called attention to page 5 at the bottom, regarding item 37. Ms. Sciuto-Ballasy believes, possibly it should have been 3 and 4, not 37. Ms. Sciuto-Ballasy also notes that on page 3, the motion for the Studley project, talking about the easement, should read "existing" homes on Stony Road.

Motion by Bill Johnson to approve the August 11, 2008 planning commission minutes, as corrected.

Joe Costello seconded the motion.

Ms. Sciuto-Ballasy invited comment or discussion. There being none, the vote was called.

The motion passed unanimously by members present.

(B. Johnson, J. Costello, L. Sciuto-Ballasy – in favor; P. Rush – abstained; F. Jarrett, G. Pai - absent)

III. CMS – 2046 Almshouse Road – Sketch Plan (LD 08-07)

Jim Prokopiak, attorney for applicant, presented this sketch plan for a 5.2 acre parcel, zoned R1 and currently has one existing single family home. The proposal is to divide the parcel into four (4) separate parcels, keeping the existing home and adding a house on each of the other three parcels. Mr. Prokopiak stated stormwater management would be through the use of artificial wetlands and applicant is proposing a fee in lieu of because of the small size of the project and it is in close proximity to existing Township open space. The homes will be served by public water and sewer.

CKS review letter, dated August 18, 2008

#1 – applicant has filled in a small amount of the existing pond. Applicant has contacted the DEP.

Peter Nelson, Township Solicitor, said that per the zoning ordinance, applicant was not allowed to do that and applicant now has an existing violation. Applicant will need a variance or will have to show that DEP approval supersedes the Township zoning laws.

The owners of the property were present and explained the process for the permits through the Army Corps of Engineers before proceeding with the sketch plan. Ms. Sciuto-Ballasy reminded there are no copies of permits included with the information submitted to the Planning Commission members.

Ron Tornari asked about the source of water for the pond. Applicant believes this was a man made pond with no spring, it remained full because the soil tested as non-perking soil.

Paul Rush asked about Chapter 105. Mr. Nelson clarified that is state code regulations. Paul notes the report is not signed and there is no name. Applicant will contact the person responsible and get the information. Ms. Sciuto-Ballasy does not understand why applicant did not come to the Township first, and why we do not have permits.

The Planning Commissions believe the applicant seems to have approached everyone but the Township with the proposed plan, when the applicant should have come to the Township first. Mr. Rush noted that applicant cannot put the pond back. Mr. Johnson informed applicant that the fire company uses the ponds in the Township as a water resources and applicant has taken away one of the resources.

- #2 – will comply
- #3 - will comply
- #4 – applicant proposes fee in lieu of
- #5 – applicant notes regarding improvement to Almshouse Road, PennDOT recommends a taper, which is not a full slow down lane

Dave Connell, Township Engineer, informed applicant that the correct process of coming to the Township first allows the Township to state what they want to see regarding road improvements and then things are shown to PennDOT telling PennDOT what we want to do. Applicant explained that they are not trying to circumvent the process.

- #6 – will comply
- #7 – applicant set aside some land for stormwater management, the site has been tested and does not perk well and is not suitable for infiltration. NPDES is ok with the plan and the plan follows BMP.

Mr. Johnson asked how deep this will be. Applicant states it will be approximately 3½ to 4 feet deep. Mr. Rush asked how far it is off the property line. Applicant states is at 5 feet.

- #8 – applicant said it is proposed to add some needed drainage to Almshouse Road.
- #9 – applicant will calculate the flow and check velocity, and get landscape architect opinion. Applicant would like to cut as few trees as possible.
- #10 – applicant would need to fill a bit on the Township open space property and would be within 5 feet of the neighboring property

Staff letter, August 20, 2008:

- #1 – will comply
- #2 – fee-in-lieu-of
- #3 & 4- Township prerogative
- #5 – will comply

Applicant noted receipt of the Bucks County Planning Commission letter, dated August 22, 2008.

Applicant notes they will work to address concerns of the Planning Commission.

Lorraine Sciuto-Ballasy asked if a homeowners association is proposed. Applicant stated they do not know at this time.

Ms. Sciuto-Ballasy invited further comment or discussion.

Bill Johnson questioned how to avoid the homeowners cutting down trees. Peter Nelson, Township Solicitor, said that could be covered by a declaration of covenants. Conditions can also cover stormwater management maintenance agreement, etc. Mr. Johnson reminded that we need to address the zoning issue regarding the pond.

Mr. Rush noted the Township likes to see contiguous open space and reminds that we cannot use detention basins as open space.

Ms. Sciuto-Ballasy notes that the Township prefers no cul-de-sac. Ms. Sciuto-Ballasy said she really has no problems with the plan itself, she had problems with the way things were conducted.

Mr. Costello questions the location of the orchard. Applicant clarified that is lot #2 and #4.

Applicant will address Planning Commission comments before coming back with a preliminary plan.

Mr. Johnson believes a "slow down" lane is needed regarding access to Almshouse Road.

Mr. Tornari told applicant he should have all his paperwork in order before coming back.

IV. Pucci Preliminary Land Development (LD 08-06)

Ed Murphy, attorney for applicant was present for this project, proposing flex space use in the LI zoning district.

CKS letter, dated August 26, 2008:

- #1 – discussed
- #2 – applicant is aware, but not up to date

Dave Connell, Township Engineer, has been told the permit has issued to do the various roadway work, however, we have heard promises from this developer that have not happened.

- #3 – will comply
- #4 – applicant will supply more documentation to clear this up
- #5 – will comply
- #6 – this is consistent with what has been done on other lots in the subdivision

Mr. Connell agrees that what applicant is doing is consistent with what has been done before, we need details. Applicant will comply.

- #7 – applicant said the tree will be re-located if it is suitable
- #8 - has been clarified
- #9 – will comply
- #10 – will comply
- #11 – will comply
- #12 – will comply

Staff letter, dated August 29, 2008:

Applicant state all are will comply.

Mr. Johnson is asking if a dumpster is allowed in a setback. Mr. Connell will look into this. Applicant thought this was the preferred location on the other plan. Mr. Johnson asked if it will be enclosed. Applicant said yes. Mr. Johnson also noted that if this will be heated with propane, there will be an area needed for that, shield from view, etc.

Motion by Paul Rush to recommend that the Board of Supervisors grant preliminary plan approval, subject to compliance with: CKS letter, dated August 26, 2008, Bucks County Planning Commission letter, dated August 21, 2008 and the Township Staff letter, dated August 29, 2008. Ron Tornari seconded the motion and the motion was passed unanimously.
(P. Rush, R. Tornari, L. Sciuto-Ballasy, J. Costello, B. Johnson – in favor; G. Pai, F. Jarrett – absent)

V. Zoning Ordinance – Review of Uses

Ms. Sciuto-Ballasy said she has not had a chance to review, and suggests that this item be tabled until the next meeting.

VI. Adjournment

The September 8, 2008 Planning Commission meeting adjourned at 8:55 p.m.