

WARWICK TOWNSHIP
Board of Supervisors' Public Meeting Minutes
MARCH 5, 2007

Members Present: Judith A. Algeo, Esq., Chair
Cuthbert Parrish, Vice Chairman
Edward P. Thompson, Member

Others Present: Gail Weniger, Township Manager
Dave Connell, P.E., Township Engineer
Mary Eberle, Esq., Township Solicitor
Tom Scott, Assistant Manager
Linda Grant, Recording Secretary

■ **CALL TO ORDER:**

The Warwick Township Board of Supervisors' March 5, 2007 public meeting, held at Warwick Township Administration Office, 1733 Township Greene, Jamison, PA., was called to order at 7:05 p.m., by Chair, Judith Algeo, who then led attendees in the pledge of allegiance.

■ **APPROVAL OF MINUTES:**

1. February 5, 2007 (exhibit)
2. February 20, 2007 (exhibit)

Motion by Mr. Thompson to approve the February 5 and February 20, 2007 Board of Supervisors' public meeting minutes, as submitted.
Second to motion by Mr. Parrish.

Chair Algeo invited comment or discussion. There being none, the vote was called.

Motion passed unanimously.

■ **EXECUTIVE SESSION:**

Chair Algeo announced that the Board of Supervisors' had met in executive session on Monday, February 26 to discuss personnel matters and the Board also met prior to this evening's meeting to discuss matters of open space.

■ **ANNOUNCEMENTS:**

➤ As noted on the agenda, there will be a joint, public meeting of the Warwick Township Board of Supervisors and the Warwick Water and Sewer Authority on Friday, March 30, at 8:00 a.m.

March 5, 2007

page 2 of seven pages

➤ Gail Weniger, Township Manager, also announced that the Planning Commission will review the draft of the Parks and Recreation Comprehensive Plan at their meeting of Monday, March 12. Additionally, the Planning Commission will have a special meeting on Monday, March 19 in the Community Room to review the draft of the Warwick Township Comprehensive Plan.

■ **CITIZENS' COMMENT:**

⇒ Mary McClain, Doylestown, asked the Board of Supervisors to consider approving the certificate of occupancy which will allow her to move into 1780 Kendarbren Drive so there will not be a disruption of her business, although there are tie ups with PennDOT regarding the issue of the traffic light. Ms. McClain understands that this issue is addressed in the development agreement.

■ **MANAGER'S REPORT:**

⇒ Bill Payments – March 5, 2007 (exhibit)

| | | |
|--|----|------------------|
| General Fund check No. 13599 - 13652 (check No. 13506 is void) | \$ | 94,402.37 |
| Parks & Recreation Fund check No. 3936 – 3945 | \$ | 2,886.76 |
| Open Space Fund check No. 327 | \$ | 351.00 |
| Firehouse & Equipment Fund check No. 208 | \$ | <u>11,008.00</u> |

TOTAL \$ 108,648.13

**Motion by Mr. Parrish to approve Bill Payments for March 5, 2007 as presented by the Township Manager, subject to audit.
Second to motion by Mr. Thompson.**

Chair Algeo invited comment or discussion. There being none, the vote was called.

Motion passed unanimously.

■ **ASSISTANT MANAGER:**

Chair Algeo turned the meeting over the Vice Chairman Parrish.

⇒ Neshaminy Woods – Preliminary Plan Approval (exhibit)

Tom Scott reported that this preliminary plan for a minor subdivision, residential use has been reviewed. At issue is a point of view that we are looking at a multi tier of lane lots. There are other issues as noted in review letters.

March 5, 2007

page 3 of seven pages

Mary Eberle, Township Solicitor, reports that she had discussion with Mr. VanLuvanee and he requested that if the Board chooses to deny this plan, he is requesting that it be denied on the basis that the tier of lane lot interpretation, made by the zoning officer, the planning commission and the Board of supervisors is incorrect. He is asking that any denial letter recite only that condition of denial. Ms. Eberle referred to a letter from Mr. VanLuvanee noting that if we give that type of letter, the Township will not be precluded from requiring compliance with other issues, if we lose in Court.

John VanLuvanee, Attorney, was present for applicant, explained that he made the request because the plan was submitted last summer. Mr. VanLuvanee explained that the plan was reviewed, then revised and resubmitted. Mr. VanLuvanee believes these are not tiers. Ms. Eberle suggested that the Board consider Mr. VanLuvanee's recommendation.

Mr. Parrish referred to CKS' letter of February 26, 2007 and notes the Zoning Hearing Board tuned it down last June and Mr. Parrish supports that. Mr. Thompson asked which plan the Zoning Hearing Board saw. Mr. Scott states the Zoning Hearing Board saw two plans. There was brief discussion noting plans that have been reviewed, Revision #1 was reviewed by CKS in January 2006, Revision #2 was in June 2006 and Revision #3 was reviewed by CKS in February 2007. Mr. VanLuvanee offered that applicant could withdraw all plans except plan dated February 3, 2005 and as last revised January 19, 2007, Revision #3.

Motion by Mr. Thompson to deny Neshaminy Woods (LD 05-02) Preliminary Plan, contingent on Eastburn and Gray's letter, dated March 5, 2007, confirmed agreement with Yorkfield Construction Co., Inc., that if the Township denies the plan and limits the grounds for denial to §195-76.F and is ultimately determined that the Township interpretation of §195-76.F is incorrect. The Township will not be precluded from requiring compliance with Township ordinances, including but not limited to those issues raised by Mr. Connell in his February 26, 2007 letter.

Second to motion by Mr. Parrish.

Mr. Parrish invited discussion or comment. There being none, the vote was called.

Motion passed.

(E. Thompson, B. Parrish – in favor; J. Algeo – abstained)

Ms. Algeo resumed her position as chair.

⇒ ReMax, 2701 York Road (Barry Angely) – Dumpster Enclosure Change Request – Corridor Overlay District (exhibit)

Mr. Angely was present to submit a requested a amore cost effective and efficient change to the dumpster enclosure. It was noted during discussion that the dumpster will not sit on bare ground but will be sitting on paving.

Motion by Mr. Parrish to approve the proposed change for the ReMax (Barry Angely) Dumpster Enclosure as outlined, to be on paved ground.

Second to motion by Mr. Thompson.

Chair Algeo invited comment or discussion. There being none, the vote was called.

Motion passed unanimously

March 5, 2007

page 4 of seven pages

Mr. Connell asked about record plans. Mr. Angely said documents were delivered, but Mr. Angely will call Mr. Denard to determine location of documents. Mr. Connell notes what happened this evening must be included on the plan.

⇒ Law Offices, 1035 W. Bristol Road – Sign – Corridor Overlay District (exhibit)

Tom Scott presented this sign permit application for a parcel that is located in the corridor overlay district.

Mr. Corr was present with his proposal for a self-illuminated sign for two occupants in the building. Mr. Corr notes compliance with all regulations. After brief discussion Mr. Scott asked if Mr. Corr could reduce the sign from 49" to 48". Mr. Corr states that he will reduce the sign.

**Motion by Mr. Parrish to approve Corr law office sign, 1035 West Bristol Road , noting change from 49" to 48" as discussed this evening.
Second to motion by Mr. Thompson.**

Chair Algeo invited comment or discussion. There being none, the vote was called.

Motion passed unanimously.

■ **SOLICITOR REPORT:**

⇒ Cornell Development Agreement- (exhibit)

Mary Eberle, Township Solicitor, presented the Cornell Development Agreement, for lots 13 and 14. Ms. Eberle said this is a standard agreement and notes the Board of is aware of issues with this project. Ms. Algeo asked if the issues effect this development agreement? Ms. Eberle said they would not effect this development agreement, but may have an adverse effect on a zoning hearing board application.

During brief discussion, Tom Scott noted this is a flex space building. Dave Connell, Township Engineer noted most of the lots currently developed or are developing are interior.

Ron Tornari, Country Crossing, speaking on behalf of his neighbors, stated that they feel the property is not being used as stated and the area is unsightly. Mr. Tornari and his neighbors are requesting barriers to block the unsightly view. Ms. Eberle said that particular use is not a use the Board of Supervisors has approved and the applicant is going to the zoning hearing board to request to use that. As far as the overall development, Ms. Eberle believes there is a berm required along the perimeter and the Board has approved this. Individual buffering on each lot would either be something that the zoning hearing board could impose or, if the zoning hearing board approves is, and it comes back to the Board of Supervisors, it is something that could be addressed in the land development process. Ms. Algeo suggested that Mr. Tornari look at the approved plans for required buffering.

Bob Bunting, Country Crossing, asked if the millings are not removed within a specific time, can Mr. Cornell be fined. Tom Scott stated that we cannot unilaterally fine people. Ms. Eberle stated there is a process that must be followed, which starts with the Township trying to get him to clean up voluntarily.

March 5, 2007

page 5 of seven pages

**Motion by Mr. Parrish to approve Cornell Industrial Construction Development Agreement for lot 13 and lot 14, Warwick Business Campus.
Second to motion by Mr. Thompson**

Chair Algeo invited comment or discussion. There being none, the vote was called.

Motion passed unanimously.

■ **ENGINEER REPORT:**

⇒ Hahn Trace, Phase I (Woodfield IV) Escrow Release N° 8 (exhibit)

Dave Connell, Township, presented Hahn Trace, Phase I (Woodfield IV) Final Escrow Release, N° 8, noting this is a final escrow release..

Motion by Mr. Parrish to approve Hahn Trace, Phase I (Woodfield IV) Final Escrow Release, N° 8, in the amount of \$220,036.07 (remaining balance is 0), as presented by the Township Engineer.
Second to motion by Mr. Thompson.

■ **OLD BUSINESS:** There was no old business to discuss.

■ **NEW BUSINESS:**

➤ Mr. Parrish noted an opportunity to speak with our state representatives concerning escrow funds that PennDOT hold in connection with road improvements. We wanted to make the point that this effects the Township's ability to make changes or control the development in the event there is a problem. Bernie O'Neill and Scott Petri urged Warwick to drat a resolution opposing this. Mr. Parrish would like to ask the Solicitor to draft a resolution that we can circulate among area Townships to send to the State Representatives.

Ms. Algeo said we have already drafted a resolution for this issue and was brought to the BCATO (Bucks County Association of Township Officials) meeting. There was no one to present the resolution. So the next time that there is a resolution to be passed by BCATO would be February of next year, unless we call each individual township.

➤ Mr. Thompson asked about the zoning map, the VC district and straight zoning concerning impervious surface. Mr. Thompson asked what is the benefit when you get around 75 and 45% impervious surface. Ms. Eberle and Tom Comitta have always recommended that VC district is a district better implemented when working with an identified developer and know and like what you are getting. Enacting the VC district on a property would leave it open for development by people who would not necessarily feel the need to work with the Township as WaWa and Commonwydds II has worked with the Township. The higher impervious surface is to accommodate a village center, walk-able community type development, but there is always a risk that if simply enacted without precautions, other developers could put in something the Board would not be pleased with. Mr. Thompson asked if we could incorporate some of the amenities of the VC district into the commercial district.

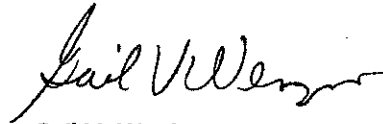
■ **PUBLIC COMMENT:** There was no public comment.

March 5, 2007
page 6 of seven pages

■ **ADJOURNMENT:**

The March 5, 2007, Warwick Township Board of Supervisors' public meeting was adjourned at 7:55 p.m.

Respectfully submitted,



Gail V. Weniger,
Township Manager/Secretary

These minutes were approved at the
Board of Supervisors' meeting held: **March 20, 2007**

March 5, 2007

page 7 of seven pages

Warwick Township
DISCLOSURE STATEMENT

I, Judith A. Algeo, hereby disclose that I will not
(please print name clearly)

be participating in any discussion / hearing or decision on the matter(s) of:

Neshoning Woods - Preliminary Plan Approval

The nature of my conflict is applicant represented by
Eastburn & Gray

Judith A. Algeo
Signature

Date: 3/5/07

