

WARWICK TOWNSHIP
Board of Supervisors' Public Meeting Minutes
MAY 15, 2006

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

Others Present: 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' May 15, 2006, public meeting, held at Warwick Township Administration Office, 1733 Township Greene, Jamison, PA., was called to order at 7:00 p.m., by Judith Algeo, Chair, who then led attendees in the pledge of allegiance.

■ **APPROVAL OF MINUTES:**

— May 1, 2006 (exhibit)

**Motion by Mr. Parrish to approve the Board of Supervisors' public meeting minutes for May 1, 2006, as submitted.
Second to motion by Mr. Thompson.**

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

Motion passed unanimously.

■ **EXECUTIVE SESSION:**

Ms. Algeo reported that the Board of Supervisors had met in Executive Session, prior to this evening's meeting to discuss some matters of litigation.

■ **ANNOUNCEMENTS:**

Chair Algeo announced that Township Administrative Offices will be closed on Monday, May 29, 2006 for the Memorial Day holiday.

■ **CITIZENS' COMMENT:**

□ John Malone said he will wait until the matter of Keystone Novelties comes up on the agenda.

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■ **MANAGER'S REPORT:**

No report –Manager not present.

■ **ASSISTANT MANAGER:**

— Township Coverlets (exhibit)

Tom Scott reported that the Township needs to have additional coverlets made and photographs of the thirteen sites that will be on the coverlet will need to be taken. The company that makes the coverlets, Mill Street Design, prefers photographs rather than digital images. Picture Perfect, the same company that does our newsletter will be doing the photographs at a cost of \$50.00 per site. The Manager requested Ms. Algeo disclose publicly that Picture Perfect Graphic designs is owned by the Manager's sister.

— Angely / ReMax Land Development (exhibit)

Tom Scott reported that Barry Angely ReMax Land Development had received final plan approval for the second floor addition on an existing office facility, conditioned upon presentation to the Board of Supervisors regarding the corridor overlay district.

Dennis Denard, attorney for applicant, distributed architectural renderings and photographs of proposed materials, such as stone work and colors for the second story addition. Mr. Denard also showed photographs of all sides of the building.

**Motion by Mr. Thompson to approve Angely ReMax building addition for the Corridor Overlay.
Second to motion by Mr. Parrish.**

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

Motion passed unanimously.

— Police – Stover Street Traffic Restriction (exhibit)

Chief Costello reported on a request, last year, from Stover Mill Community Association for additional parking restrictions on the east side of Stover Street, between Tarleton Place and Beechwood Place. Chief Costello noted that the police department did a new study this year and recommends restriction on the east side of Stover Street, between Tarleton Place and Beechwood Place. Chief Costello also stated that this restriction will require two additional signs and will also require an amendment to the Township Code.

**Motion by Mr. Thompson to approve advertising a change to the ordinance to allow for prohibited parking on the east side of Stover Street, between Tarleton Place and Beechwood Place, with the placement of signs as required.
Second to motion by Mr. Parrish.**

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

Motion passed unanimously.

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— Keystone Novelties Application (exhibit)

Tom Scott reported that Keystone Novelties is submitting an application for use of a lot on York Road for a tent sale of fireworks and applicant is before the Board of Supervisors with regard to the Corridor Overlay District. Mr. Scott explained that the Planning Commission, at their meeting held May 8, 2006, recommended that the Board of Supervisors deny the application since it does not comply with corridor overlay district requirements.

Mr. Wes Runnels, Keystone Novelties, reported that the Planning Commission informed him that the Board of Supervisors was the only entity that could waive the corridor overlay requirements. Mr. Runnels reminds that this is only a temporary structure and said that the tent will be a plain white tent, with the skirting around the tent to be red, white and blue. Applicant will use only one sign and comply with Warwick Township's sign ordinance.

Mr. Parrish commented that he had been at the Planning Commission meeting and believes that since applicant did change the tent, the applicant is making an effort to comply with the requirements.

Mr. Malone said that this temporary tent sale will be tastefully and safely done.

Mr. Thompson asked what happens with all the cleanup on July 7th. Mr. Runnels stated that during the tent sale, there will be trash removal twice per day and on July 5th, everything but the tents and tables will be removed. There is a final cleanup on July 6 and by July 7 everything is removed.

**Motion by Mr. Thompson to waive Overly Corridor District requirements for the temporary tent, at 2235 York Road, proposed by Keystone Novelties, LLC.
Second to motion by Mr. Parrish.**

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

Motion passed.

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

— Bill Payments for May 15, 2006 (exhibit)

General Fund check No. 12483 - 12530	\$	87,743.43
Parks & Recreation Fund check No. 3571 - 3585	\$	8,850.98
Capital Projects Fund check No. 199	\$	28,881.19
TOTAL	\$	<u>125,475.60</u>

**Motion by Mr. Thompson to approve Bill Payments for May 15, 2006, subject to audit.
Second to motion by Mr. Parrish.**

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

Motion passed unanimously.

■ **SOLICITOR'S REPORT:**

— Ridings at Warwick, Phase I – Development Agreement (exhibit)

Mary Eberle, Township Solicitor, presented the Development Agreement for the Ridings at Warwick, Phase I. Ms. Eberle notes they have been signed by applicant and financial security has been posted with the Township.

**Motion by Mr. Thompson to approve the Ridings of Warwick, Phase I, Development Agreement, as presented by the Township Solicitor.
Second to motion by Mr. Parrish.**

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

Motion passed unanimously.

— WaWa Adjudication (exhibit)

Mary Eberle, Township Solicitor, reported that a conditional use hearing was held at the April 3, 2006 Board of Supervisors' meeting to allow mixed use development at the WaWa tract at the Meetinghouse, Meyer Way and York Road intersection. Ms. Eberle has prepared two different adjudications as a result of that hearing, one that denies the application for failure to meet the corridor overlay district requirements and another that permits it. Among seventeen other conditions, it requires that the applicant return and secure corridor overlay district approval for all of the buildings except the WaWa and the WaWa gas pump, which are the only two buildings they presented information on at the hearing.

Mr. Thompson said he feels applicant has not met requirements and referred to plans and items presented previously, specifically, items dated November 15, 2004, including a letter from WaWa, with a summary of the proposed development. Mr. Thompson said of the nine items of conditional use to be met, applicant has met three and argued six. Mr. Thompson said that we have spent over \$100,000 of the tax payers' money trying to get the corridor to have a certain image that will be there forever. The plan of 2004 showed the location of three signs. On the plan presented at the conditional hearing there was no wall, there were no signs and all the landscaping was not shown. This was all done before the VC district was approved. Mr. Thompson said these are not the light fixtures applicant had on the plan, and wonders why we should allow changes. Mr. Thompson believes applicant should meet all items of the VC district and meet VCII requirements 100%, as applicant originally did back in 2004.

Mr. Parrish said these items are addressed in the adjudication that Mary has drawn up, and believes that the developer will have to address and meet these items, which are all part of the overlay code. Mr. Parrish notes there are only three items left and asked why we should hold up the process.

During discussion, Ms. Eberle read condition #4, page 6, "all signs to have a brick base and will be of a design substantially similar to that shown on the concept and referred to in the declaration of covenants", "and on the sketch attached to the Illustrative Site Plan prepared by Simone Jaffe Collins Landscape Architecture, dated 11/12/04 and marked "Signage" and "Sketch B". Copies of said Signage plan and Sketch Plan are attached hereto." Ms. Algeo asked to change the words "substantially similar" to the word "identical". Mr. Thompson asked about item #3. Ms. Eberle said we could get rid of item 3 and applicant could resolve it by going to the zoning hearing board. Ms. Algeo would rather applicant come back before the Board of Supervisors, and item 3 keeps them in front of the Supervisors.

Ms. Eberle listed the four things applicant has not complied with, and they are, a requirement that applicant demonstrate that the building and materials are consistent throughout the site; applicant needs to demonstrate compliance with the York Road Corridor Overlay District; faux wood fixtures for lighting were shown in their application as opposed to real wood fixtures; and applicant showed metal halide lights instead of high pressure sodium lights. Those were the two non-compliances within the application. Applicant agreed to conditions for preliminary approval. The last issue of non-compliance was as to landscaping, specifically the wall. Dave Connell, Township Engineer, reminded that metal halide vs. sodium had to do with under the canopy.

Motion by Mr. Parrish to grant WaWa conditional use, as presented by the Township Solicitor, the change in wording from "substantially similar" to be changed to "identical", in items 4 and 12, as discussed.
Second to motion by Ms. Algeo.

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

Motion passed.

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

— Open Space Dedication – Resolution N^o. 2006-15 (exhibit)

Mary Eberle, Township Solicitor, reported that we received a letter from Marvin Katz noting that he was still getting tax bills for open space property that we thought was conveyed to the Township. Dave Connell, Township Engineer, displayed a plan for the Board, showing the open space in question in the Windrush/Woodfield area.

Motion by Mr. Parrish approve Resolution N^o. 2006-15, accepting deed of dedication of Open Space Area, Lot 145, 6.855 acres, Windrush/Woodfield, as presented by the Township Solicitor.
Second to motion by Mr. Thompson.

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

Motion passed unanimously.

— Solis Settlement (exhibit)

Mary Eberle, Township Solicitor, presented a settlement agreement for the Solis zoning hearing board appeal. Ms. Eberle explained that last year, Tom Scott turned down an application of Michael and Virginia Solis to build a pool on what they thought was their property, but actually turned out to be in the deed restricted open space. Mr. and Mrs. Solis appealed to the zoning hearing board and the application was denied. Mr. and Mrs. Solis then appealed to Court of Common Pleas. They have approached the Township with a possible settlement of the case.

There will be no pool and they will not go into the deed restricted open space, but they will get \$500.00 of their application to the zoning hearing board returned to them. There are no other terms to the settlement.

Motion by Mr. Parrish to approve the Solis settlement as presented by the Township Solicitor.

Second to motion by Ms. Algeo.

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

Motion passed.

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

■ **ENGINEER'S REPORT:**

The Engineer has no report this evening.

■ **OLD BUSINESS:**

There was no old business to discuss.

■ **NEW BUSINESS:**

There was no new business to discuss.

■ **PUBLIC COMMENT:**

□ Pat McCarty asked about the WaWa plan and if all fixtures on the plan are to stay as they were shown on the plan. Dave Connell, Township Engineer, said he believes that the way the corridor overlay district reads, is that a certain percentage, 25%, of lights can be as high as 30 feet, while the majority, 75%, are lower, which may be 15 feet. Mr. Connell said the plan did comply with that requirement.

□ Diane Ginsburg asked if the Meyer Way extension will come through to Clearview. Mr. Connell explained that Meyer Way will hit Meetinghouse a couple hundred feet from Clearview, it will not go straight through to Clearview.

■ **ADJOURNMENT:**

The May 15, 2006, Warwick Township Board of Supervisors' meeting was adjourned at 8:00 p.m.

Respectfully submitted,

Gail V. Weniger,
Township Manager/Secretary

These minutes were approved at the
Board of Supervisors' meeting held: **June 5, 2006**