



MINUTES
WARRINGTON TOWNSHIP PLANNING COMMISSION
May 4, 2023 – 7:00 P.M.

MEMBERS

Richard Rycharski	Chairman	Present
William Connolly	Vice-Chairman	Present
Vince Evans	Secretary	Present
Ted Cicci	Member	Present
Fred Gaines	Member	Present
Bob Watts	Member	Present
Herb Rubenstein	Member	Present
Darshan Patel	Alternate	Present
Mary Stover, P.E.	Township Engineer, CKS	
Doreen Curtin	Zoning Officer	
Christian Jones	Township Assistant Manager	
Kim Albright	Assistant Zoning Officer	

CALL TO ORDER

PLEDGE OF ALLEGIANCE

1. Approval of Minutes

- a. April 20, 2023
 - i. Motion made to approve the minutes with corrections by Mr. Cicci and seconded by Mr. Evans. Motion carried.

2. Old Business

- a. Review and, if appropriate, make recommendations for the Elite Plaza final land development plan at 1248 Easton Road (TMP 50 022 036) in the BZ zoning district.

For the Applicant
Mr. Benner – attorney
Chris Reiss - Engineer

Mr. Benner noted that revised plans were submitted and the CKS review letter was submitted noting that the Applicant met with Mr. Reiss. Mr. Reiss noted changes were made showing that revised landscaping added sidewalk connection to front sidewalk and to building. They cleaned up the plan based upon discussion from last meeting and noted that they brought elevations.

A small discussion ensued regarding if the current plans were submitted with the prepared documents.

Mr. Rycharski questioned the property boundary and Mr. Reiss noted that the boundary was reviewed, and pins and monuments were found. Discussion ensued regarding the meets and bounds of the property.

The CKS review letter discussed was dated April 17, 2023. Mr. Riess noted that most comments were met with “will comply”. Mr. Benner noted that the comments being discussed were based on a preliminary plan. Mr. Benner discussed the plan being revised to discuss open space calculations. BOS recognized that site is existing, and LD is somewhat limited. Building addition is 2200 sq ft of floor area. Area of ground disturbance is about 1100 sq’. They are requesting that the contribution to Open Space be waived because the space is already developed. BC noted that they could ask but PC would not recommend that, but the request will be made to the BOS.

Parking isle shown is less than 17’ but parking for angled parking is 19’. Mr. Reiss noted that the increase in size would increase impervious cover and would impede into the 30-foot grass area in the back. Mr. Benner noted that if the ordinance has a conflict the least restrictive would apply.

Mr. Benner discussed the conflict, and Mr. Connolly noted that he did not think the Solicitor would object.

SALDO

Regarding the SALDO, Mr. Reiss noted the following:

1 – is a “will comply”

2 – regarding lighting, they responded to the CKS review letter and submitted revisions to CKS.

Mr. Connolly noted that if the PC were to make a recommendation it would include compliance with the lighting specialist comments and the Applicant agreed to comply.

3 – regarding trees, Mr. Reiss discussed the trees, the landscaping plants and the changes that were made to the plan based on recommendations. Mr. Reiss discussed the layout of the presented plan. He noted the plan added additional street trees and noted that much of what is there is already existing. He stated that they would need a waiver regarding requirements for the parking lot trees and on the street trees.

Mr. Connolly stated that they needed to ask for a waiver, but he noted that the PC agreed a waiver was appropriate. He also noted that the plan seemed like a reasonable. He also noted that the neighboring property already had a fairly significant buffer. Mr. Reiss also noted they would replace a tree selection to match the Township list.

4 – Mr. Benner discussed the location of the proposed trash dumpster. Mr. Rycharsky noted they did not want to see a dumpster – wanted to see regular residential trash pickup. Mr. Benner noted that prior trash disposal was done using a dumpster. Mr. Connolly noted that the dumpster and screening should be shown on the plan. Benner provided a letter from the prior owner noting that

the arrangement was already existing. Discussion ensued regarding how the trash would be handled along with screening.

5 – Mr. Benner provided new elevations for the PC noting that the building at the mid roof level is 32 feet, addressing one of the PC concerns.

6 – Mr. Rycharshy asked if driveway easement was ever recorded. Mr. Benner stated that there was recorded easement but that the driveway was solely contained on the property. Discussion ensued regarding the driveway section. Mr. Reiss noted that there was prior discussion between the two owners but was never finalized by recording. There was an easement drafted, but not recorded. The documents were never signed. Mr. Connolly suggested they remove the easement notations from the plan. – Mr. Benner discussed the floor plans and the elevations. Mr. Rycharsky asked about the color for the building and Mr. Connolly noted that the color shown on the plan was still grey and there were no color notations to indicate otherwise. Owner noted the colors are not accurately reflecting the colors. Discussion ensued regarding the color selections and that they must conform to the color schematics described in the SALDO. Mr. Gaines recommended that they provide the color samples and manufacturer specs regarding the colors. Mr. Rycharski concluded noting that the plans do not represent the color selection accurately.

7 – Mr. Cicci asked about the fire truck turning radii. Mr. Reiss noted that they received specs for the tower truck. The turning plans are based upon the new truck. Turning radii is only in the front of the building. He discussed the Fire Marshall's (FM) concerns with the angle of access into the driveway. Discussion ensued regarding the FM comments. Mr. Reiss noted that the wall would be removed, would reinforce the sidewalk to facilitate the truck and would not be installing curbing. Mr. Reiss noted that they submitted plans for the traffic engineer to review as well adding that they will comply with final comments.

Mr. Rycharski noted that the final plans should be combined into one full set.

8 – CKS noted comments on the sidewalk connection and the legal ROW. Ms. Stover noted that PennDOT had a taking for the Right-of-Way (ROW) for a sidewalk. Discussion ensued regarding the sidewalk and the legal ROW. Mr. Benner discussed the issue of extending public improvements off-site. Mr. Rycharski opened up discussion regarding the deed and how it reflects the legal and ultimate ROWs. Mr. Benner objected to the premise of the discussion noting that the plan as-is shows the boundary description per deed of record and discussion ensued regarding the PennDOT ROW. Additional discussion ensued regarding connecting the sidewalks. Ms. Stover noted that PennDOT had an easement that would allow sidewalks to connect, noting that the gap between sidewalks was roughly 10'. Further discussion ensued. Mr. Benner noted that the position of the applicant is to install a sidewalk outside of the legal ROW. Mr. Connolly noted that he is fine with leaving any legal issues with the Applicant. The PC is interested in seeing the sidewalk installed and connected and would prefer to see that noted on the plan. Mr. Dixon discussed the need for PennDOT permits should they install a connecting sidewalk within the PennDOT ROW.

9 Mr. Reiss noted that all the other comments in the CKS letter are noted as "will comply".

- 10 – Regarding the Traffic engineer’s letter, Mr. Reiss noted all comments are notes as “will comply”.
- 11 Mr. Connolly made the motion to recommend approval of Preliminary and Final Plans for Land Development to include the waivers requested subject to:
- a. That the trash enclosure and dumpster shown on the plan to be located on the north side of the building as described by the Applicant,
 - b. The easement lines be deleted from the plan,
 - c. The architectural plans be annotated with color samples to be provided to the Board of Supervisors to comply with the ordinance,
 - d. That all iterations of the plan be incorporated into one set submitted to the BOS for their approval,
 - e. That compliance with the Lighting Consultants recommendations is met and a letter of approval is obtained from them verifying so,
 - f. That compliance with the comments in both the CKS and McMahon letters are met,
- Motion was seconded by Mr. Cicci and carried unanimously.

3. New Business

- a. Review and, if appropriate, make recommendations to the Zoning Hearing Board for ZHB 23-06 Crestwald Terrace Group LLC variance requests at 771 and 807 Easton Road (Knight and Reichle) in the BZ zoning district.

Rob Gundlach for Applicant

Mr. Gundlach discussed the 771-807 Easton Rd first. He recapped the concept plan for the townhomes. He reviewed layouts, reviewed input from the PC regarding site plan revisions. He discussed that they determined the required relief and filed the ZHB applications.

He described the concept as follows:

1. Townhomes in the BZ district – allows live-work but not just single homes,
2. Limit the work portion to just the first-floor spaces – professional offices,
3. Permit site capacity calcs required that the parcels be combined,
4. DE minimis relief for a 4’ length of a building facing the street.

Mr. Gundlach provided elevations and described the architectural details. He showed how the live-work units have doors on the side. Elevations depicted a farm-like style consistent with the township. Mr. Rycharsky asked about the appearance of the townhouses in terms of style and small discussion ensued. He noted that they finished the traffic study which showed a decrease in traffic volume with a change of use. He discussed how the traffic study examined access into and egress out of the property as proposed noting that it would require further review by the Township traffic engineer.

Mr. Connolly asked about the request to limit the workspace to the first floor. Discussion ensued regarding the limitations of the units, types of professional uses, ADA requirements, IBC and the signage.

Mr. Rubenstein commented on the elevations. Mr. Connolly discussed the type of stone being considered and noted that he would prefer to see rubble stone which is more characteristic of Bucks County noting it would be more consistent with an old stone farmhouse.

Mr. Rycharski asked about the rear elevation. Discussion ensued regarding the aesthetics of the garage doors and Mr. Gundlach noted that they were planning on landscaping to hide the rear elevations. Mr. Connolly noted that they would like to see some variety in terms of types of windows. Mr. Gaines asked if the building elevation met the code noting that the height is to the mean and that not be greater than 35'.

Mr. Gundlach stated the homes would be single family for sale townhouses and there would be a full HOA for common areas. He discussed the types of deed restrictions such as no sheds, no swing sets etc. There may be a community patio with a community grill. Mr. Rubenstein asked about the planned community discussing that the concept is that the lot is the footprint of the building, and all the rest is common area. Discussion ensued regarding the responsibilities of the HOAs.

A resident from Georges Lane showed concerns about the number of units being proposed.

A resident from Hilltop Land noted he preferred this use better than the commercial use but still has concerns about the traffic increase as a result of the project. Mr. Gaines noted that there will be additional access points for the use of the residents as part of the paper streets being built up. Also had concerns about construction traffic.

Mr. Connolly noted that continued access through the construction process is of a concern to the PC and would work with CKS to ensure EMS could get there and the residents would continue to have safe access.

Another resident on Hilltop Lane had concerns about buffers along the streets. Mr. Gaines noted the developer could stake the area where the work is being done. Mr. Gundlach explained that the developer would not be taking down trees on their property and there would still be a buffer. Mr. Rycharski noted that the plan was still conceptual and that in the future there would be land development plans reviewed. Mr. Connolly noted that the residents' concerns were going to continue to be regarded.

Mr. Connolly made the motion that the PC take the position advising that the BOS support the variance applications as have been requested because it will lead to a better development to the underlying zoning and would be consistent with the restrictive covenants that are on the land that have been on there since 1926 that prohibit the development of the land as commercial properties. Mr. Rubenstein seconded the motion and the motion carried unanimously.

611-Oakfield.

Mr. Gundlach discussed the proposed restaurant with the drive-thru service. He recapped the project and discussed the need for ZHB relief.

Relief as noted is as follows:

1. Front façade greater than 35' from the street line,
2. Parking and loading setbacks and to allow some parking in the front yard,
3. Planter boxes in lieu of a planting strip,
4. Off hour loading within the parking lot with limited hours.

He noted that they received from the ZHB received relief for a different plan but now need to go back with the modified plan that requires the same relief. The plan continues to respect the 50' buffer and the Applicant has been working with neighbor. Mr. Gundlach noted they would provide fencing and would supplement the buffer with additional plantings.

He presented elevations from the prospective tenant but noted that they understood that there would be modifications necessary to comply with SALDO design requirements.

Mr. Rycharski noted they reconsider lot lighting pole heights. The PC wants to see all poles closer to ground, not a 35' pole height. He asked about the controls for menu board speakers noting that there should be consideration given to the volume off the speakers.

Mr. Gundlach noted that the tenant is willing to modify the elevations and plans to satisfy Township standards for design. Discussion ensued about the elevations and in particular the back elevation. Mr. Connolly expressed concerns about each side of the building. Mr. Gundlach noted he would discuss having the back redesigned. Mr. Rycharski noted that the plan show was a better plan than the one previously presented. Mr. Connolly noted that they needed more work for the roof line and a better exterior treatment. Mr. Rycharski noted that trash enclosure needs to be back in the enclosure and that location should be noted on the plan for the ZHB. Discussion ensued regarding relocating the trash container to the rear back corner and not close to 611. Mr. Gundlach noted there might be a need for de minimis relief for encroachment into one of the setbacks by the PECO station. Mr. Rycharski noted that the retaining wall can be combined with the trash enclosure. Mr. Gundlach concluded noting that they would meet with the prospective tenant and return for further review.

Mr. Connolly made the motion that the PC move to recommend to the BOS that they advise the ZHB that they report the variances requested with the plan because the PC thinks it will be a much better plan than they had seen in the past and it will preserve a full 50' forested buffer. Mr. Rycharski added that the PC appreciated the developer's full cooperation. Mr. Rubenstein seconded motion and the motion carried unanimously.

RR noted that there is duplicate material on the portal. Discussion ensued regarding using the digital platform.

12 Subcommittee Reports

- a. None

13 Additional Business

- a. Discuss short term priority action items checklist from 2018 Comprehensive Plan

Mr. Connolly noted that there would be another ADHOC to discuss some of the zoning issues that need revisiting and discussed some of the districting issues especially concerning an aging golf course property currently not in a residential district.

Mr. Gaines added that they should reevaluate political signage. Mr. Connolly noted that in the past gave the Township gave political signs a wide berth being a protected form of speech. Mr. Gaines noted that they need to run that by the Solicitor and there were some Supreme Court decisions to allow for some limitations. Mr. Connolly noted some case law existed that supported requirements that the signs come down within a certain period of time. Can also limit the size.

Mr. Gaines initiated a discussion about when municipalities start to draft an ordinance but does not completely adopt, it still takes effect. Mr. Rubenstein noted the law was called the Pending Ordinance Doctrine.

14 Next Meeting

a. May 18, 2023

Upcoming for June – Tommy’s Car Wash – they will present a new CU plan. Mr. Connolly noted that they could not make any recommendations unless they reached a settlement regarding the appeal of the ZHB denial. Mr. Connolly noted that they needed to resolve the zoning issue prior to submitting another CU applications.

Nothing for next meeting.

Adjourned 9:11p