



**WARRINGTON BOARD OF SUPERVISORS
MDG 4, LLC CONDITIONAL USE HEARINGS
2934 BRISTOL ROAD (MURPHY TRACT TMP #50-026-002)
MINUTES FOR JULY 13, 2017**

The written minutes are a summary of the July 13, 2017 Board of Supervisors meeting. For a complete dialog visit the Township's website, www.warringtontownship.org. This meeting was also recorded by a Court Stenographer.

ATTENDANCE

Shirley A. Yannich, Chair; Fred R. Gaines, Vice Chair; Carol T. Baker, Member, Matthew W. Hallowell, Member and Millie A. Seliga, Member. Staff present was Barry P. Luber, Township Manager; Terry W. Clemons, Esq., Township Solicitor, Thomas F. Zarko, P.E., CKS Engineers, Township Engineer, and Barbara J. Livrone, Executive Assistant to the Township Manager/Board Secretary.

CALL TO ORDER: Ms. Yannich called the meeting to order at 7:04 P.M. Ms. Yannich introduced the hearings for MDG 4, LLC Conditional Use for the property located at 2934 Bristol Road, the Murphy Tract, TMP # 50-026-002.

Ms. Yannich also stated the meeting was properly advertised for 7:00 P.M. on June 29 and July 6, 2017 to consider the conditional use hearings application filed by MDG 4, LLC. All members of the Board were present.

PLEDGE OF ALLEGIANCE

Ms. Yannich followed the Call to Order with a pledge to the flag.

EXECUTIVE SESSION REPORT

There was no executive session held.

CONSIDER APPLICATION FOR CONDITIONAL USE SEEKING APPROVAL PURSUANT TO §403.B OF THE ZONING ORDINANCE TO ENABLE THE CONSTRUCTION OF CLUSTER SINGLE-FAMILY DETACHED DWELLINGS IN THE RA ZONING DISTRICT.

CONSIDER APPLICATION FOR CONDITIONAL USE SEEKING APPROVAL PURSUANT TO §411.G(6)(a)(1) OF THE ZONING ORDINANCE TO ENABLE THE CONSTRUCTION OF 9 SINGLE-FAMILY DETACHED DWELLINGS USING TRANSFERABLE DEVELOPMENT RIGHTS IN THE RA ZONING DISTRICT.

Mr. Clemons explained both conditional use applications. One application is for cluster development to construct single-family detached homes in the RA zoning district and the second application is a subdivision using TDR's to construct nine single family detached dwellings in the RA zoning district.

Mr. Clemons asked for any Parties of Record. Mr. Clemons explained the difference between Party of Record and Public Comment. Mr. Clemons stated in order to be a Party of Record; one must reside within 500 feet of the property line.

Mr. Clemons noted no one requested to be Party of Record.

Mr. Clemons presented and listed Township Exhibits T-1 through T-9.

Rob Gundlach, attorney for the applicant presented a brief background of both applications. The applicant wishes to utilize TDR's purchased from the Township and in order to subdivide, needs conditional use approval. The proposed TDR plan is to construct 9 dwellings and keep the existing dwelling.

The cluster subdivision plan is hypothetical to establish a base line density use. The yield is a cul-de-sac with six building lots. The ultimate goal is to use four TDR's and six building lots to build ten dwellings.

Mr. Gundlach presented the Board with a revised plan, updated Municipal Impact Statement and updated Traffic Impact Statement.

Mr. Clemons recommended deferring deliberations on both applications to another date (i.e., July 25th) due to the Board of Supervisors, Planning Commission and Township Engineer not having the opportunity to review the updated documents. The Board of Supervisors has until August 22nd to enter findings of fact and conclusions of law.

Ms. Yannich stated since everyone was present, the hearing should continue.

The following three professionals representing the applicant were sworn in:

- Samuel D. Costanzo, P.E., Van Cleef Engineering Associates
- Frederick E. Ebert, P.E., Water and Sewer Engineer, EE, Inc.
- Greg A. Bogia, P.E., PTOE, Traffic Engineer, Bogia Engineering, Inc.

Ms. Seliga asked Mr. Costanzo to give background information as an engineer.

Mr. Costanzo spoke about his resume and gave background information relating to the project and requirements. Mr. Costanzo also addressed the exhibits as presented by Mr. Gundlach.

This is a ten acre parcel located next to the Garges parcel on Bristol Road. Proposed are six single-family detached dwellings with approximately eight acres reserved for open space. There are no prime agricultural soils on the site. The farmland will remain in the back of the parcel with the homes built towards the front of the parcel. There will be one point of access onto Bristol Road.

Mr. Clemons requested a clarification of gross buildable site area and calculation of open space percentage.

Mr. Costanzo stated calculation is based on Form 307.

Exhibits A1 through A13 were presented by Mr. Gundlach.

Mr. Hallowell questioned stormwater for the proposed applications. Mr. Costanzo referred to Act 167.

Ms. Seliga questioned the following:

- A natural features plan was reflected on the revised plan.
- A 50' buffer included in open space
- The historic structure on the parcel
- Placing a buffer in the front to cut down on noise and move homes slightly further back on the property
- Wetlands study and delineation area by Nova Consultants.

Traffic Engineer, Greg Bogia studied Bristol, Folly and Easton Roads during morning and afternoon peak hours. He stated the access meets site distance.

There being no public comment, Mr. Gaines motioned, seconded by Ms. Baker to continue the application for conditional use seeking approval pursuant to §403.B of the zoning ordinance to enable the construction of cluster single-family detached dwellings in the RA zoning district to July 25, 2017, in order to receive CKS reports relating to the revised plan and documents. By Roll Call vote, the motion passed 5-0.

At 9:30 PM, the Board considered the application for conditional use seeking approval pursuant to §411.G(6)(a)(1) of the zoning ordinance to enable the construction of 9 single-family detached dwellings using TDR's in the RA zoning district.

Mr. Gundlach provided Exhibits.

Mr. Costanzo gave background information for the TDR application. He noted the existing home is connected to both water and sewer. The new homes will be connected to both water and sewer. Using TDR requirements and Form 307, twelve homes are permissible under maximum density. Four TDR's are purchased from Warrington Township. The applicant will comply with the Bucks County Planning Commission review letter. However, Mr. Costanzo doesn't agree with CKS' letter item #2 and the buffers. The RA district is a sending and receiving district; less open space is required under the TDR.

Mr. Clemons asked Mr. Costanzo to refer to §411.G.6.a.2.a.xi of the zoning ordinance and read into record.

Ms. Seliga noted that the wetland delineation was not shown in the TDR development and questioned woodland preservation.

Mr. Gaines questioned the usage of three different pumping stations in the revised report. Mr. Gaines also questioned who will be maintaining the lower pressure force main. Mr. Costanzo stated the low pressure force main will be maintained by the homeowners association.

Ms. Baker was concerned about snow plows plowing in a cul-de-sac. Mr. Costanzo said an easement can be provided to place the snow collected from the snow plows.

Ms. Yannich asked is the township could receive liquid fuel funds. Mr. Costanzo stated yes.

Mr. Bogia provided testimony that the plan provides a safe access for ten homes, adequate parking and that there is no impact on the road system.

Public Comment:

Kathy Murphy (110 High Street, Dublin, PA) asked how this development benefits the community. She wants the property to remain rural and is not in favor of the development.

Ms. Yannich stated this property is under an agreement of sale dated October 2016.

Mr. Gundlach stated the agreement of sale is pending.

Ms. Yannich asked if there was a lease to farm the property and noted that the conditional use application is not an application for rezoning.

The revised plan and documents were presented for the first time at the July 13, 2017 hearing.

Ms. Baker motioned, seconded by Ms. Seliga to continue the application for conditional use seeking approval pursuant to §411.G(6)(a)(1) of the zoning ordinance to enable the construction of 9 single-family detached dwellings using TDR's in the RA zoning district until July 25, 2017.

By Roll Call vote, the motion passed 5-0.

ADJOURNMENT

Ms. Seliga motioned, seconded by Ms. Yannich to close the hearings at 10:36 PM. All were in favor and the motion passed 5-0.

Respectfully Submitted By:


Barbara J. Livrone, Board Secretary