

**TOWNSHIP OF FALLS
PLANNING COMMISSION MEETING
AUGUST 23, 2016**

Meeting commenced: 7:00 p.m.

Meeting adjourned: 8:35 p.m.

Members present: Binney, Goulet, Haney, Perry, Rittler

Members absent: Hammer

Also present: Edward Murphy, Esquire (Wisler Pearlstine) and Jeffrey Stout, P.E., (Pickering Courts), representing Peruzzi Mazda; Thomas Hecker, Esquire (Begley Carlin), Jeffrey Stout, P.E. (Pickering Courts), and John McGrath (McGrath Builders) representing St. Joseph's Court.

For the Township: Joseph G. Jones, P.E. (T&M Associates); Diane Beri, Recording Secretary

Item #1: Peruzzi Family Ltd. Partnership – Mazda, 140 Lincoln Highway, Fairless Hills, TMP #13-004-092; Zoned: HC. Preliminary Land Development – 7,400 sq. ft. building expansion

Edward Murphy, Esquire, presents the application. This two-acre property has had a Mazda dealership for the last seven or eight years. We are proposing to expand the existing dealership by approximately 7,400 sq. ft. The reason for the expansion is that Mazda is rebranding their individual dealerships around the country, implementing standardized requirements for the size of showrooms, service areas, etc. Mr. Peruzzi doesn't believe that the volume of sales today justifies doing the expansion, but if he doesn't do it, Mazda will seek to have the franchise relocated somewhere else. We appeared before the Zoning Hearing Board and received several variances for the construction of the expansion; those variances are reflected on the plans under consideration.

T&M Associates' Review Letter dated August 17, 2016

All items are a will comply, with the exception of the following:

Subdivision and Land Development Ordinance

- 191-8(B) Requesting a waiver – to view plan as preliminary and final
- 191-37(B) Requesting a waiver – 15' of open space between parking and building
- 191-37(H) Requesting a waiver – concrete bumper blocks for public parking
- 191-38(A) Requesting a waiver – to provide sidewalk and curbing

Chairman Binney objects to this waiver and states that Mercer Court has sidewalks, the new Township building will have sidewalks, so in keeping with new development, this project should also provide for sidewalks.

Atty. Murphy states that they will comply.

- 191-48(A) Requesting a waiver – street trees along frontage of Lincoln Highway
- 191-78(C)(2) Requesting a partial waiver, subject to adequate information for Township's engineer review

Member Rittler makes a motion to recommend approval of Preliminary and Final Land Development for Peruzzi Family Ltd. Partnership - Mazda, 140 Lincoln Highway, Fairless Hills, PA 19030, TMP #13-004-092, based on T&M Associates' letter of August 17, 2016, with waivers requested for Sections 191-8(B), 191-37(B), 191-37(H), 191-48(A), and a partial waiver for 191-78(C)(2), Remington & Vernick's letter August 15, 2016 and the Fire Marshal's letter of August 3, 2016.

Member Perry seconds the motion.

All in favor 5-0. APPROVED FOR PRELIMINARY AND FINAL LAND DEVELOPMENT

Item #2: St. Joseph's Court, 9172 New Falls Road, Levittown, PA 19054; TMP #13-024-001 and #13-020-306; Zoned: IN. Conditional Use (to permit elderly housing in IN District) and Preliminary Land Development (demolish existing buildings and construct age-qualified development)

Thomas Hecker, Esquire, presents the application. We are here tonight for the 16.8 acre parcel (formerly the St. Joseph the Worker Church and School property) and a one acre parcel owned by Frank and Maureen Walsh. As you will recall, we presented a sketch plan and was considering re-zoning of the two parcels. At that time, we only had the school property under agreement because the church had not yet closed. There was a lot of concern at that time by Planning Commission members of what was going to happen with the church property. Subsequently, we were able to fulfill the commitment to put the church under agreement once the church was sold. In discussions with the Township solicitor, it was decided that the appropriate re-zoning would be to rezone the Walsh property to IN and did so last year. Both parcels are now zoned IN (Industrial).

We have been before the Zoning Hearing Board and have been granted the necessary variances. The most significant aspect of those variances was that the Supervisors wanted to see the townhouse units set back further from New Falls Road. This plan reflects that and in so doing, we came up with a little different plan and that is the plan that is before you tonight.

This plan has a combination of 62 townhouse units, two apartment buildings (containing 48 units total between the two buildings) and flats (a single unit on top of each other). All of these units will be age restricted. This type of project will afford people who are maturing and don't want to move out of the area to stay in this area. There will be an Association that will handle the care of the outside of their properties (lawn cutting, snow removal). The Association will own and maintain the roads and the stormwater systems with required maintenance. The trash collection will be handled through the Association as well. There should not be any additional burden on the Township in terms of services that have to be provided. The tax rate is the same. While they will contribute the same assessments as others pay in the community, a lot of the services will be privately funded by a monthly assessment. A fee is calculated and every month the management company for the Association will collect a check and pay for the maintenance items that are being provided for.

Chairman Binney asks who is going to own and operate the apartments – the Association.

Atty. Hecker says, no, that will be retained by the builder, but will be part of the Association. I also neglected to mention that there is a clubhouse where all residents in the development will have access. The apartments are rental units.

The plan incorporates required features under the ordinance – two significant stormwater management facilities and the parking has been calculated in compliance with the terms of the ordinance. In discussions with the Township engineer regarding stormwater management, we will continue to work to address any issues in this regard.

If we receive approval, we believe this is going to be a significant project for the Township – very upscale in appearance. Pictures are shown depicting the entrance features. There are two entrances to this development, with a third entrance just for emergency vehicles access only. The main entrance incorporates the brick pillars with the black wrought iron, the medallion on the brick walls with the name St. Joseph's Court. We believe this type of entrance will add to the appearance. Another picture shows what the townhouse units will look like (non-boxy), and the two apartment buildings and flats (using the same brick and features as the townhouses).

Chairman Binney points out that the pictures show a sidewalk along the front.

Atty. Hecker states yes, we agree there will be sidewalks on the front.

Atty. Hecker states that this project has had preliminary review by the Township traffic consultant – everyone is in agreement it is a low intensity traffic generator. We are working with PennDOT to find what issues, if any, they have.

Member Goulet asks for the setbacks from the rear of the property to the basins – it looks like the basins are right on top of the porch.

Atty. Hecker states 10 feet.

T&M Associates' Review Letter dated August 17, 2016

All items are a will comply, with the exception of the following:

Subdivision and Land Development Ordinance

- 191-31(A) Requesting a partial waiver – 50 ft. wide right of way along internal private streets
- 191-32(A)(2) Requesting a waiver – street centerline radius of 50 ft. (instead of 250 ft.)
- 191-34(C) Requesting a waiver – secondary streets intersecting on same side of major street at intervals of less than 800'

Chairman Binney asks if the access to the apartment portion is one way.

Atty. Hecker states it's one way out, but you will be allowed to make left turns out of there, unless PennDOT tells us differently.

- 191-34(G) Requesting a wavier – straight course of 50 ft. for approaches to an intersection from future ROW line of intersecting street (included for emergency access road)

Chairman Binney asks what will be the material for the access road – pavers, blacktop.

Jeffrey Stout, P.E., states the apron portion will be some sort of stabilized soil – perhaps concrete pavers with the openings in them that the grass can grow through, or the invisible grass with the stabilizing rings in them so that the fire trucks don't sink.

Chairman Binney asks if the emergency access road will be gated.

Atty. Hecker states yes, whatever the Fire Marshal requires. Hopefully, we can agree on something that is decorative.

- 191-36(B) Requesting a waiver – driveways located within 40 ft. of nearest intersecting street corner
- 191-37(B) Requesting a waiver – less than 15 ft. of open space between parking area and building
- 191-37(C) Requesting a partial waiver – 10' x 20' parking spaces

Chairman Binney states that we prefer to have 10' x 20' parking spaces.

Atty. Hecker states that it is noted. I would presume that this would result in a significant re-configuration and reduction of parking, but so noted.

- 191-39(G) Requesting a partial waiver – sidewalks along street frontage; both sides of internal streets

Atty. Hecker states that we have sidewalks internally on one side of the street (the outermost portion of the development). On New Falls Road, we will comply extending the sidewalks so that they are across the frontage of the property, but stopping them at the bridge because that is a PennDOT bridge. The waiver relates only to the internal sidewalks on one side of the street.

Member Haney asks if parking is one side of the street or both sides of the street.

Atty. Hecker states one side.

Chairman Binney states that the Township Disabled Persons Advisory Board has recommended that internal sidewalks be installed on both sides.

Atty. Hecker states that he is not surprised. However, the internal sidewalks on one side work well as evidenced by other communities built by McGrath.

191-52.1(B)(4)(b)(2) Requesting a waiver – disturbance of 96% of other wooded areas where 50% is permissible

Mr. Stout states that the other wooded areas are the woodlands that are not within other natural features such as floodplains, wetlands, steep slopes. Almost all the woodlands are within the floodplains or wetlands, which is the whole bottom end of the site, There are only little pockets of trees scattered throughout that match the other woodlands.

Chairman Binney asks what the total area of the disturbance is.

Mr. Stout responds it is approximately less than half an acre.

191-52.1(B)(7)(a) Requesting a waiver – disturbance to a watercourse where none is permitted

Atty. Hecker states that the plan is to remove the Thornridge Way bridge and then restore that area. We contemplated leaving the bridge there and barricading it, but we think it makes better sense to remove it. In removing it, we will need this waiver to do the restoration work.

191-52.1(B)(8)(a) Requesting a waiver – 65% disturbance to wetland margin (20% permitted)

Mr. Stout says the wetlands margin is the 100 ft. rough barrier outside the wetlands. It will mostly be disturbed by the stormwater basin. Some of it now contains soccer fields and ball fields.

Member Rittler asks if there are a few units involved in the wetlands.

Mr. Stout says yes, there are a couple units down there.

191-61(A) Requesting a waiver – sidewalks on both sides of streets

191-78(C)(2) Requesting a partial waiver, subject to adequate information for Township's engineer review

Atty. Hecker states that is the extent of the waiver requests. We will continue to work with the Township consultants to address any outstanding issues.

Member Haney asks where the fire hydrants are going to be located.

Mr. Stout says they are shown on the grading and utilities plan. There about 12 fire hydrants proposed – mostly at intersections and mid-blocks.

Chairman Binney says as far as the buildings that are in the floodway and the floodplain – I'm opposed to that.

Atty. Hecker states that FEMA has undertaken some extensive remapping. Currently, we were directed to show floodway/floodplain the way it is today. We know that in October/ November 2016, the new FEMA guidelines will be issued, but they will not become effective until March 2017. In discussions with the Township engineer, it was suggested, and we agreed, that we would initiate a conditional re-mapping to effectively change those lines. We know they are going to change.

If you make a recommendation to approve this project, you can condition it upon the requirement that the re-mapping occur.

Chairman Binney states that he doesn't know how this Board can approve something that's in the floodplain. We don't know where the line is going to move. It could move a little bit and significantly impact this plan. Once a preliminary plan is approved, generally a final plan is approved. I don't think it's fair to us to be asked to approve a plan based on the floodplain information we have and not know where the line will be.

Mr. Stout says we know where FEMA is proposing to put the line, because they issued their Preliminary Flood Maps a year and a half ago. They haven't changed since then.

Chairman Binney states that the new map was adopted in 2015.

Mr. Stout says yes, and the Preliminary Map was issued two weeks later. They have significantly reduced the flows on the stream, which reduces the extent of the floodplain significantly. In consultation with the Township engineer, and he has consulted with FEMA, they are suggesting that we work with the Preliminary Map and that it will become effective in March 2017.

Mr. Jones clarifies that by virtue of adjusting and re-aligning the stream through the removal of the bridge, you are obligated under ordinance to go through the Conditional Letter of Map Revision ("CLOMR"). It wasn't our suggestion – it was an obligation by our ordinance. In discussions with FEMA on how to proceed through the CLOMR process, they recommended that you use the new study as the basis for the CLOMR.

Discussion occurs regarding old floodplain information, the Preliminary Flood Maps, and how calculations were performed.

Chairman Binney again states that he is not comfortable approving plans where there is a building in the floodplain. Also, he does not like constructing buildings in the margins. Cutting trees in the margins and keeping it green is okay, but he doesn't recall ever approving a building being constructed in the margin.

Member Rittler states that a homeowner would be asking if his property were in the floodplain – for insurance purposes. Won't that impact the units affected?

Atty. Hecker states that the FEMA re-mapping incorporates information that they have already supplied so how could they say no to it? We are between a rock and a hard place on this issue. With approval of the project, the Planning Commission could attach a condition that before being built, the property needs to be re-mapped.

Mr. Jones adds that the buildings are not in the wetlands, but in the 100 yard buffer or the margin.

Mr. Rittler asks if the same issues would exist.

Mr. Jones says it is 100 feet away from the floodplain so typically those areas don't exhibit the same kind of soil issues that a wetland does.

Public Comment

Msg. McCormack, pastor of St. Francis Cabrini, expresses his support for the project and this kind of housing, primarily as a means of keeping some of the older folks in the community and allowing some of the younger generation to move into the community, thereby keeping the community viable.

John Ginhart, a parishioner of St. Francis Cabrini, formerly of St. Joseph the Worker, expresses his support for the project, primarily for his mother who has been a lifelong member of St. Joseph the Worker, and wants to stay within the Township. Also expresses his concern with vandalism if this project doesn't go through.

Bernard Munis, a resident of Thornridge, formerly of St. Joseph the Worker, expresses his support for the project and states how the property has become an eyesore and this is the best solution for the property.

Chairman Binney states that these issues that we are discussing are issues within our ordinances – they are not of a personal nature or things that we are making up or are sentimental to us. The issues are whether or not the development complies with the ordinances. The ordinances are here to protect everyone in the Township, not just the people who want to develop. Constructing a building in the floodplain can severely impact the surrounding neighbor. The apartments across on the street flood on a regular basis. These issues that we are discussing – we don't take likely and we don't just dismiss them.

Atty. Hecker reiterates that the builder has no intention of building in the floodplain. We firmly believe that the FEMA re-mapping will occur and we are going to be bound by it. I can build that into an agreement with the Township that until the re-mapping occurs, we are not going to be constructing units in a floodplain.

Chairman Binney states that my objection is that it should be zoned something else. It should comply with a different set of ordinances, not Institutional. Also, it is a single family house which is not permitted and the Bucks County Planning Commission agrees with me. That's my opinion.

Mr. Rittler asks if having one sidewalk would be a detriment to someone in their seventies or eighties.

Atty. Hecker states that you have to take into consideration not only the ordinance that says you need sidewalks on both sides of the street, but also the impervious coverage calculation and additional stormwater being generated. In addition, residents will take their walk around the widest part of the development, so sidewalks on one side makes more sense. If they are not going to be used, why require them on both sides of the street.

Chairman Binney asks if the two story units (apartments and flats) will have elevators in them.

Atty. Hecker states there are elevators in the apartments, but not the flats.

Chairman Binney states that typically in an age restricted community, there are requirements for indoor and outdoor recreation facilities.

Atty. Hecker states that there is a clubhouse shown on the plan.

Member Rittler asks about making the parking spaces 10' x 20' instead of 9' x 18' wide – it doesn't appear that you would lose that many parking spaces by making them 10' x 20'.

Atty. Hecker asks if they could make the parking spaces 9' x 20'.

Chairman Binney states we are more concerned with the width, not the length. Also he confirms that the parking will only be on one side of the street on the side without the sidewalk.

Chairman Binney makes a motion to recommend approval of the Conditional Use to allow elderly housing in the Institutional (IN) District, conditioned upon compliance with the recreational requirements specified in the Age Qualified (AQ) District.

Member Goulet seconds the motion.

All in favor 5-0. APPROVED FOR CONDITIONAL USE TO ALLOW ELDERLY HOUSING IN THE INSTITUTIONAL DISTRICT, CONDITIONED UPON THE RECREATIONAL REQUIREMENTS SPECIFIED IN THE AGE QUALIFIED (AQ) DISTRICT ARE MET.

Member Perry asks what is their plan if FEMA doesn't do the remapping as expected.

Atty. Hecker states that we will have to resubmit a plan. After all this time, and the expenditures that have been made in studying that issue, we are comfortable that FEMA will remap, taking effect in March 2017. If that revised map is different from what they've published and what we are relying upon, then we are going to have to come back before the Planning Commission. I assure you that it is not this builder's intention to build units in the floodplain.

Mr. McGrath and Patrick Flanagan both state that they will not build in the floodplain. Mr. McGrath states that regarding the sidewalks on one side, other developments he has built (Shady Brook 300 homes, Warminster Township 280 units, Flower Mills 300 units) all have sidewalks on one side.

Member Goulet states that the sidewalks on one side – they don't connect, there's no flow to them. You're going to be forced to walk out of the road.

Mr. McGrath states that in prior developments, the sidewalks on one side posed no problem to the residents.

Member Haney asks if the fire hydrants will be opposite the parking side (on the sidewalk side).

Mr. McGrath says that the fire hydrants will be on the sidewalk side.

Member Rittler asks about the size of the parking spots.

Mr. McGrath says that he thinks we have plenty of parking. If we made them 10' x 18' in front of the building, would that be good?

Member Rittler says yes.

Chairman Binney says it appears that each one of the townhouse units has a double wide parking space. Will there be some restriction on the garage that it cannot be built out.

Mr. McGrath says yes, you cannot finish the garage.

Atty. Hecker says that there is a requirement that the garage can be used for the parking of vehicles or for limited storage, but cannot be converted into a rec room or living space.

Chairman Binney asks that a note to the Record Plan be inserted to that effect.

Atty. Hecker says that can be done. It will also be in the HOA declaration.

Mr. Jones adds, in response to Mr. Rittler's question regarding the floodplain, once FEMA issues the letter of final determination that study will not change, and the six month period between that time and when it goes into effect is to provide communities time to enact a NFIP compliant ordinance. The applicant could obtain correspondence

from FEMA explaining that the new study is not subject to additional revisions. Perhaps that may give the Board some comfort regarding recommending conditional approval of the project subject to the floodplain modifications by FEMA and those proposed with this application.

Member Rittler makes a motion to recommend approval for Preliminary Land Development for St. Joseph's Court, 9172 and 9188 New Falls Road, Levittown, PA 19054, TMP #13-024-001 and #13-020-306, based on T&M Associates' letter dated August 17, 2016, with a partial waiver for 191-31(A) (to not require a 50 ft. wide right-of-way for the internal streets), waiver requests for 191-32(A)(2), 191-34(C), 191-34(G), 191-36(B), 191-37(B), a partial waiver for 191-37(C) (waiver parking spots 10' x 18'), a partial waiver for 191-39(G) (internal sidewalks on one side of street), waiver requests for 191-52.1(B)(4)(b)(2), 191-52.1(B)(7)(a), a waiver for 191-52.1(B)(8)(a) (to allow the disturbance of the wetlands margin with the condition no buildings are allowed in the margin), a waiver request for 191-61(A), and a partial waiver for 191-78(C)(2), subject to adequate information for Township's engineer review; Remington Vernick's letter dated July 12, 2016 and the Fire Marshal's letter dated August 18, 2016.

Member Perry seconds the motion.

All in favor 4-1, Binney dissenting. APPROVED FOR PRELIMINARY LAND DEVELOPMENT

Item #3: Approval of Minutes

Motion to approve minutes from July 26, 2016.

All in favor 3-0 (Rittler and Goulet abstaining)

ADMINISTRATIVE BUSINESS

Chairman Binney states that tonight is Member Loretta Perry's last meeting. She has served as a Planning Commission member for 14 years. The Board thanks her for her years of service to the Township and wishes her well in her future endeavors.

Chairman Binney says that due to Member Perry's resignation from the Board, a new Secretary needs to be chosen. Accordingly, Chairman Binney makes a motion to nominate John Haney as Secretary of the Planning Commission.

All in favor 5-0. JOHN HANEY IS SECRETARY OF THE PLANNING COMMISSION.

Meeting adjourned 8:35 p.m.