

**WARMINSTER TOWNSHIP BOARD OF SUPERVISORS
MINUTES OF THE PUBLIC MEETING
THURSDAY, JULY 23, 2009**

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**WARMINSTER TOWNSHIP BOARD OF SUPERVISORS
MINUTES OF THE PUBLIC MEETING
THURSDAY, JULY 23, 2009**

MEMBERS PRESENT: Frank Feinberg, Chairman
Gail E. Johnson, Vice Chairman
Ellen S. Jarvis, Secretary
Fred L. Gold
Leo I. Quinn, III

STAFF PRESENT: Robert Tate, Township Manager/Treasurer
Michael J. Savona, Esq., Township Solicitor
Craig D. Kennard, PE, Township Engineer (Gilmore & Associates)
Kurt M. Schroeder, PE (Gilmore & Associates)
Thomas Thern, Zoning Officer
James Krueger, Fire Marshal / L & I Director

CALL TO ORDER: The Public Meeting of the Warminster Township Board of Supervisors, held at the Township Building, 401 Gibson Avenue, Warminster, PA, was called to order at 6:37 P.M., by Chairman, Frank Feinberg.

The PLEDGE OF ALLEGIANCE was led by Gail Johnson, followed by a moment of silence for our men and women in uniform around the world.

ANNOUNCEMENTS, CORRESPONDENCE, AWARDS

Frank Feinberg:

1. Congratulates Gail Johnson for recently obtaining a credential from the American Society of Pension Professionals & Actuaries. He is president of JF Actuarial Services, Inc., in Hatboro.

Fred Gold:

1. As a reminder for the residents, the Ben Wilson Senior Center is having a blood drive on August 27th from 2:00 PM to 8:00 PM.

Leo Quinn:

1. The Warminster Rotary Club will have a fund raiser by raffling off Eagle Tickets. There are 500 tickets being sold at \$25.00 a ticket. The winner will receive two Season Tickets in the 211 Section. The value of the tickets is worth over \$2,000.00. For more information call 215-674-0333.

2. Jim Messina, a frequent attendee at our BOS meetings and a Rotary member, was in an accident that resulted in his having a leg amputated. On Saturday September 26th from 7:30 PM to 9:30 PM (at Thunderbird Lanes), the Warminster Rotary Club will have a bowling fund raiser event to benefit Jim Messina. The proceeds raised will be used to buy and install a ramp on his property. The cost is \$125.00 per lane to bowl or \$125.00 to sponsor the lane.

For more information call Joe Witiw at 215-441-0100.

Ellen Jarvis:

1. The Rotary (Antonello Ianieri from Nancy's Farm) has been very good to Jim as Jim as been to the Rotary. Since his hospitalization, the grass on Jim's property has been maintained. She acknowledges and thanks the Rotary for taking good care of one of our own.

**WARMINSTER TOWNSHIP BOARD OF SUPERVISORS
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PRESENTATIONS

1. Swearing in of a New Officer –Chad Vargo

S. Michael Murphy- Police Chief - welcomed and introduced Chad Vargo to the Board of Supervisors the Staff and the Community of Warminster. He shares the following details of Chad Vargo's background.

- **He was born in Silver Springs, Maryland. In 1983, he moved to the Holland area in Bucks County.**
- **He attended Council Rock High School and graduated in 1993.**
- **He went to Bucks County Community College and West Chester University where he worked toward a degree in Finance.**
- **He spent a period of time as a sous-chef in the restaurant field.**
- **He relocated to Douglasville, PA (Berks County) in 2001.**
- **He attended the Delaware County Community College Police Academy and upon graduating in 2006 was hired by the Coatesville Police Department. He worked there one year and left when the agency downsized and took a position with South Heidelberg Township Police Department where he served until he resigned to assume his position with Warminster Police Department.**
- **He is engaged to be married to Janice Berrison and they have a three-month old son Bryden.**
- **He will spend his first few weeks getting accustomed to the new surroundings and acquiring the necessary certifications and then will be assigned to a Patrol Squad and a Field Training Officer.**

Chad Vargo stated the following oath as administered by Chairman, Frank Feinberg:

I Chad Vargo swear and affirm that I will support, obey and defend the Constitution of the United States, the Constitution of the Commonwealth of Pennsylvania, and the Ordinances and Regulations of Warminster Township. I also swear that I will uphold obey and enforce the law without consideration to a persons race, color, sex, religious creed, sexual orientation, age, national origin, ancestry, handicap or disability. I will perform the duties of patrol officer in the Township of Warminster with fidelity and honor to the best of my ability so help me God.

Frank Feinberg - extends congratulation to the newest members of the Warminster Township Police Department.

2. Presentation of check in the amount of \$5,000.00 for the Ben Wilson Senior Center - Harry Scullion, President

Fred Gold:

- **He says as Liaison to the Ben Wilson Senior Center it is his pleasure, at a time of economic crisis, to present from Warminster Township a check in the amount of \$5,000.00 to aid the senior center. Harry Scullion, President, accepts the check on the center's behalf.**
- **He mentions, in addition, the Township has done paving over at the Senior Center at a cost exceeding \$6,000.00.**

Harry Scullion:

- **He extends his thanks for the check and says it comes at a good time since their hall rentals for July and August are low.**
- **He also thanks Warminster Township for all the work they have done in the past and hopes it will continue in the future.**

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NOTE

Frank Feinberg: The meeting tonight is in two sessions.

- **Session I** – continues with the general business of the Township. The agenda will be followed through to and including Public Comment on non-agenda items.
- **Session II** - is the Public Hearing for the Zoning Ordinance and Subdivision and Land Development Ordinance (SALDO).

CONSENT AGENDA ITEMS -- (One motion to approve all items)

A. Approval of the Minutes of July 9, 2009

Fred Gold made the motion to approve Consent Agenda item A - Minutes of July 9, 2009. The motion was 2nd by Ellen Jarvis. The vote carried 4-0-1 (Feinberg abstained – not present)

B. Approval of Payment #1 to High Peak Electrical, Inc. for Warminster Community Dog Park Pavilion and Maintenance Building, Contract #2008-11 in the amount of \$11,250.00

C. Approve Extension of Plan Recording Deadline for CVS Pharmacy – Street and Mearns Roads, until August 28, 2010

Gail Johnson made the motion to approve Consent Agenda items B & C, as read by Frank Feinberg. The motion was 2nd by Ellen Jarvis. The vote carried 5-0-0.

FINANCE

1. Approval of Bill List for July 23, 2009

BILL LIST FOR THE PERIOD ENDING JULY 23, 2009

Prepays - \$59,711.55

General Fund	\$ 201,147.54
Park & Recreation Fund	36,729.79
Storm Water Management Fund	5,676.97
Golf Fund	51,142.05
Highway Traffic Cap. Improv. Fund	135.00
Highway Aid Fund	9,725.57
Legal & Engineering Escrows Fund	33,698.32
Payroll Date / July 9, 2009	<u>293,773.98</u>
Grand Total	<u><u>\$ 632,029.22</u></u>

Fred Gold so moved the motion to approve the Bill List for July 9, 2009. The motion was 2nd by Leo Quinn. The vote carried 5-0-0.

2. Approval of Transfers and Statements for June

Bob Tate: Before the BOS is the Financial Statements of June 30, 2009.

Gail Johnson made the motion to approve the Transfers for June. The motion was 2nd by Fred Gold. The vote carried 5-0-0.

NOTATION

The July Professional Reports of the Manager, Engineer and Solicitor, have been submitted in their entirety to the Board. To provide some additional time for the Public Hearing in Session II of tonight's meeting, each chose to present only a few aspects of their respective report.

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PROFESSIONAL REPORTS

1. Manager's Report – Robert Tate, Township Manager

Parks & Recreation

- Friday, July 24th and Saturday, July 25th the WREC will be sponsoring the children's theater production of *Monster in the Closet*. Tickets are \$5.00 for adults and \$3.00 for children ages 2 to 10.
- Wednesday night, July 29th, at the WREC, the concert series continues with a combination of oldies, pop and jazz funk performance by B.D. Lenz. The concert is free and sponsored by the PA Council on the Arts.
- Beginning August 3rd and running through September 25th, the WREC will hold its "Heaviest Tomato Contest". Please bring your giant tomato to the WREC Center – prize will be awarded to the winner.
- Park & Recreation is seeking sponsors for their golf outing at Five Ponds on October 12th to benefit the Summer Camp Scholarship Program.

Administration

- Regarding Grants and Grant Funding, currently we have been working with Kurt Schroeder, Gilmore & Associates. They are helping us to pursue grants for basin retrofits for the Township. It is a 2/3 and 1/3 match. Their offices just prepared the application. They were submitted this past week. We will report the outcome of the Grant submissions to the Board.

Five Ponds Golf Course & Clubhouse

- An attached Financial Statement for Five Ponds was provided to the BOS. It compares the current month and year to date activities to last years current month and year to date. Bottom line net income for June, 2009 was \$94,496.00 compared to \$166,428.00 in June, 2008.
- Approximately \$48K of this variance was due to an inventory adjustment for the Pro Shop made in 2008 which reduced the expense line item for the month.

Discussion

Frank Feinberg:

- Asks for a brief explanation of funding for the basin retrofits.

Bob Tate:

- The funding is through the PA DEP. This is money to redo two basins. The cost of these basin retrofits could run upwards of \$100,000.00. It will provide a natural habitat for water filtration and over the course of the next four to five years the Township will no longer have to mow the grass around the basin area. The money saved will pay for that in a 4 to 5 year time frame.

Ellen Jarvis:

- She doesn't understand, as noted in the report for Five Ponds Golf Course, what it means that "Approximately \$48K of this variance was due to an inventory adjustment for the Pro Shop made in 2008 which reduced the expense line item for the month". In the monthly Financial Statement, Linda Major, CPA makes note that the purchases for the Pro Shop this year equals \$67,174.44. Purchases have already been adjusted for Inventory provided by the course. The Revenue from the Pro Shop is only \$51,088.38. This reflects a loss of \$16,083.06 for the year. The way the numbers are presented does not provide her with a clear understanding.
- Says she considers herself a smart person and what she has before her needs to be made clear. She wants this explained in elementary terms.
- She wants to understand where we need to make some belt tightening and what we need to do to improve.

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PROFESSIONAL REPORTS (Cont'd)

1. Manager's Report – Robert Tate, Township Manager (Cont'd)

Discussion (Cont'd)

Ellen Jarvis: (Cont'd)

- She knows that Linda Major, CPA, is working on a complete picture in terms of inventory, procedures and such.
- She asks if a time can be scheduled so that both Linda Major and Bob Tate could present a clear report on this matter because she doesn't think we are getting the full picture. Possibly, toward the end of August or September, we could put this on the Agenda. This will give us time to look at it, allow us all to participate and provide a full understanding.
- Says she wants to make sure we are above board and let everyone know exactly what is going on. A lot of people, her included, criticize our recordkeeping. It has been called by some "smoke and mirrors at the Golf Course".

Bob Tate:

- Says Linda Major's effort will commence next Thursday, July 30th. He will be happy to get together with Linda to clearly define the full picture.
- Say the comment, "Approximately \$48K of this variance was due to an inventory adjustment for the Pro Shop made in 2008 which reduced the expense line item for the month" was his attempt to explain that the negative number appearing for the Pro Shop (purchases) in the June 2008 column came from a significant inventory adjustment done last year. This skewed the month and makes it look so dramatically different.
- Says what has been provided the Board is facts not smoke and mirrors.
- Says what the Board is looking at are internal controls to make sure that:
 - There is not a breakdown in procedures.
 - There are deterrents for anyone who is tempted to steal something or maybe give away something for free.
- Says what does get reported is reconciled to the penny every month. It is a true reflection of all Cash Receipts and Disbursements for the month and year to date.
- Linda Major will help fine tune and identify controls and procedures that help support all transactions.

2. Engineer's Report – Craig D. Kennard, PE

- Over the last few months, we have seen a decrease in the amount of Land Development applications or resubmissions.
- Reviews have trickled in.
- We have seen an increase in construction activity. Several just started or are ready to get started. We have had several pre-construction meetings. That work has increased.

3. Solicitor's Report – Michael J. Savona, Esq.

- Predominately, this month, my time has been devoted to assisting Mr. Tate for the submission of the NOI (Notice of Interest) for Shenandoah Woods, coordinating some miscellaneous administrative matters and likewise spent considerable time on the Zoning and SALDO Ordinances for the Public Hearing this evening.
- We have seen some Land Development applications. For example, Christ's Home, we had a Staff meeting with them a week or so ago. They are preparing plans for Phase 2 and Phase 3. We have been coordinating those applications to eliminate confusion and to streamline the process.

**WARMINSTER TOWNSHIP BOARD OF SUPERVISORS
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OLD BUSINESS

1. Discussion of Bond Financing and Related Fees

NOTATION: In regard to Bond Financing, Mr. Tate provided the Board with an updated spreadsheet titled Comparison of Sources and Uses of Funds – Proposal from Public Financial Management verses our Bond refinancing that was done in 2004 verses a Bond refinancing that the Water Authority completed a couple months ago (2009). The spreadsheet clearly shows that the savings (1.16%) does not justify the cost of refinancing.

Bob Tate:

- Says at this time it is not prudent to refinance our existing Bonds. The advisors spoken to agree that the yield, the savings is not sufficient to justify a refinance at this time. Unless something changes dramatically in the market, he recommends that we not pursue the Bond refinancing.
- He asks the Board for authorization to request quotes from various banks to finance the needs that we have in the next couple months.
- He also asks that our Solicitor assist in preparation of the documents.

Gail Johnson: Is the amount of financing about \$350,000.00?

Bob Tate:

- The requirement of the contract, as written, is to buy out excess time over a pre-establish threshold which the Chief and he estimated to be in that range. However, to buy out the entire bank of time that might be in the \$550,000.00 to \$600,000.00 range. That may be more prudent. The time has a dollar value attached to it and that dollar value increases every year based upon salary increases. The longer the money sits there the higher the value becomes which is why we are in the predicament that we are today.
- Says it is his recommendation and in our best interest to buy out the entire bank of time. It allows the Township to start with a clean slate.
- Says the current four year contract is with rate increases of 3.50% to 3.75% over the next four years.

Frank Feinberg: Is the cost of not doing this now \$500,000.00 by the end of the four year contract?

Bob Tate:

- In the four years it is going to grow. With the compounding and accumulation of time it could easily be that or even more.
- In the new contract, officers do have the ability to accrue time and there will be time that will grow. There are provisions in the contract that provide ways to control that and limit the amount of time accumulation.

Leo Quinn:

- He suggests that Bob's position be supported.
- Says the spreadsheet shows the amount of \$580,000.00 as the proposed new money. He asks what number of years do you want that spread over?
- Does this have to be put out for a RFP?

Bob Tate:

- Under conventional financing we will probably be limited to five years.

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OLD BUSINESS (Cont'd)

1. Discussion of Bond Financing and Related Fees (Cont'd)

Michael J. Savona, Esq.:

- Traditionally, the format would be that the Township issues a note for the needed amount.
- It is the same process we follow each year when we take out short term notes for capital improvements.
 - Bob will get quotes from various banks.
 - He'll look at pricing, interest rates and ultimately make a recommendation as to which bank to award the sale of the note.
- The note would be issued on a negotiated basis with the bank that gives the best interest rate.
- Once the lowest interest rate bank has been identified, the next item to come before the Board is an Ordinance to authorize the issuance of the note. We move forward with the closing from there.

Leo Quinn made the motion for the approval for Mr. Tate to request quotes from various banks. The money to be borrowed is needed for the provisions of the police contract and certain obligations. The exact amount will be determined. The motion was 2nd by Fred Gold. The vote carried 5-0-0.

2. Discussion - Approval to Purchase Sweeper Truck

Jim Krueger:

- The 1997 Road Sweeper Truck is in definite need of major repairs. The collection body in the back of the truck is rotting out. The cost to replace that portion is between \$15,000.00 and \$25,000.00. In addition, there are three other items within that truck that are in dire need of upgrading or repair. The final cost to repair would be somewhere around \$40,000.00.
- Public Works is looking to replace the 1997 Road Sweeper Truck. We found a Road Sweeper under the State Bid Contract. Under the state package, the cost is about \$171,023.00. It would be a lease purchase.
 - We would pay \$1.00 (a buck) this year and then for the following three years we would pay \$64,110 out of the Liquid Fuels Fund.
 - He has not seen the contract for the lease purchase. When Bob gets back from vacation and if the Board approves this purchase he would like to sit down with Bob to discuss the lease agreement that they plan to present to us and see if we can beat it somewhere else before we make the final decision to purchase the truck. We would like your approval to proceed.
- His projection for the Liquid Fuels Funds for 2010-2013 shall exceed 1,620,000.00. Next month, they are going to bring before the Board a Road Paving Program that is carried into the future in next year's budget and the following year's budget.
 - It will help to stay within the Liquid Fuels range.
 - It will pay for the truck and the Township can replace the roads in Warminster that have not seen any work in 18 to 20 years.
- For each engine purchased after 2010, the EPA is putting definite restrictions on the emissions that will be emitted from the truck. Because of this, we will build into the specifications that any truck we buy, in the future, has a urea tank which will be injected into the exhaust system and reduce the particulates to a minimum.
- The EPA has looked into 2012-13 to change their specifications again to make the emissions standards even tighter for diesel vehicles throughout the U.S.
- Both fire companies are looking to replace their oldest pieces in the Township. To put a Urea Station in at the Public Works Department, in order to dispense the urea into diesel fuel, could cost the Township about \$25,000.00 to \$30,000.00. If the EPA changes its regulations again we would have a station up there dispensing Urea for one vehicle or possibly two vehicles.

**WARMINSTER TOWNSHIP BOARD OF SUPERVISORS
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OLD BUSINESS (Cont'd)

2. Discussion / Approval to Purchase Sweeper Truck (Cont'd)

Jim Krueger: (Cont'd)

- **Public Works has two Low Boys that they would like replaced in 2014 or 2015.**

Gail Johnson: We don't use the street sweeper 365 days a year. Is there a possibility of sharing it with another Township or pooling our resources with another Township?

Jim Krueger:

- **We do a lot of sharing of equipment right now. It is amazing, that has been occurring for a long time. To share the cost is tough. You have got to regionally plan something like that.**
- **He would like to see our Township Manager and the surrounding Township Managers come together for future joint purchases.**

Gail Johnson: Maybe for the next major purchase we can have something coordinated with another Township.

Frank Feinberg: The advantage is that we are not really paying for it. The State's Liquid Fuels Fund is paying for it.

Gail Johnson: We could use that money for something else if we weren't using it for this. We have plenty of roads that we could use it on.

<p>Fred Gold made the motion for approval to purchase the Sweeper Truck. The motion was 2nd by Ellen Jarvis. The vote carried 5-0-0.</p>
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3. Discussion - Swimming Pools

The Township of Warminster adopted the International Residential Code. Appendix G of that building code pertains to Swimming Pools, Spas, Hot Tubs and their requirements.

Jim Krueger – points out the following safety regulations for Swimming Pools, Spas and Hot Tubs:

- **A swimming pool that contains water “less than” 24 inches deep is not regulated. There are no fence requirements or anything of that nature. No permit is required for an above ground pool.**
- **A swimming pool that contains water “over” 24 inches deep is regulated. The key points for child protection are as follows:**
 - 1) **Fence must be at least 48 inches high above ground. Each of the fence openings have to be monitored and have self catching latches. Fences have to be maintained around pool.**
 - 2) **If there is no fence between the patio door and the swimming pool itself the door has to have an alarm system which produces an audible warning when the door and/or its screen, if present, are opened.**
 - 3) **An above ground pool with a ladder that comes down has to be protected and locked when it is not in use.**
- **Appendix G contains a lot of regulations. There are also zoning regulations as far as set backs and such.**

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NEW BUSINESS

1. EAC – Grant Application – PA Conservation Works

Gail Johnson:

- He tells the Board that Dan McPhillips of the Environmental Advisory Council (EAC) is preparing a competitive Energy Grant Application to the PA Conservation Works to replace our 442 conventional street lights with LED lights.
 - The Township has replaced 10 lights already and has found the new lights work very well.
 - The annual PECO bill for these lights total over \$30,000.00 and the new lights could cut this by 60% or \$18,000.00 annually at current utility rates.
- Says we would be applying for about \$200,000.00 to replace the lights and Warminster's matching contribution would be the labor Pete Carter and his staff would spend in installing these lights which we figure is approximately 1 ½ hours per light or 663 hours total.
 - We are not planning to put up any of our own money.
- Says at present we replace about 10% of the lights in the township each year.
- Says the Grant application period is from July 17, 2009 through August 14th 2009. We do need to act quickly.
- Says that Northampton Township, Warrington Township and Ivyland Borough were contacted as potential partners. A resolution by the supervisors would be required if we would team up with other municipalities. We really don't need to do that. Our window is rapidly closing. We are just going to go ahead.
- He asks his fellow Board members to give their authorization for the submission of the grant application.

<p>The General consensus of the Board is the authorization that the Grant Application be submitted, in the Township's name, to the PA Conservation Works.</p>

PUBLIC COMMENT

Florence Fox – Warminster

Craven Hall update of Special Events 2009

1. Crooked Billet 5 k Run & Health Walk, 1 mile Fun Run & Children's run – Saturday, October 24th - 9:30 AM.
2. Fall Festival – Sunday, October 25th - 10:00 AM to 4:00 PM - \$5.00 per family.
3. Holiday Tea – Sunday, December 6th - 4:00 PM to 6:00 PM - \$25.00 per person – Reservations required.
4. Special Event for the Neshaminy Creek Questors – Wednesday, December 9th, 12:00 PM to 2:00 PM.
5. Candlelight Open House & Tours – Friday, December 11th - 6:00 PM to 9:00 PM – Free.

Marie Carlin – 386 Madison Ave. – Warminster

- She is here this evening to bring to the attention of Warminster residents that there is an increase in vandalism in her area on Madison Ave. between Juniper St. and Kalmia Rd.
- The last two Saturday nights cars have been broken into. Some people had things stolen. They did get into her car, things were pulled open but nothing was taken.
- At her house, she spotted four individuals in the backyard under her bedroom window talking at 1:30 in the morning. They were bold enough to be standing under the flood light. She saw them before they ran through to another yard. She was able to give a description of one of them to the police.

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PUBLIC COMMENT (Cont'd)

Marie Carlin – 386 Madison Ave. – Warminster (Cont'd)

- They left a huge trampoline in her yard. The next day she learned it was stolen from Juniper St. The police returned it to the owner.
- Being a senior and widow, she was exceptionally scared.
- She spoke to Chief Murphy and he assured her that they are aware and was escalating their efforts to control the situation.

Session I ended at 7:31 PM	R E C E S S	Session II begins at 7:45 PM
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CHAIRMAN’S COMMENT – Frank Feinberg

Based on what we have been through with respect to meetings at the Planning Commission and the Township meeting I feel compelled to make these comments.

The Board of Supervisors is here to serve all of Warminster not special interests and that is how we make our decisions. We take into account public comment and concerns. We often modify or change decisions based on this input from residents. We must make sure we are not acting or reacting to the wishes of a vocal minority to the overall detriment of the Township, its residents or its businesses. What we hear in public that sounds like overwhelming sentiment against something is often just a strongly presented view by a few.

We have already made changes to the Zoning Map and Zoning Ordinance based on citizen input. We will continue to take input tonight. We will not be taking a vote tonight. We will continue to take input, make changes and present the final version from us to the Bucks County Planning Commission, along with the revised SALDO (Subdivision and Land Development Ordinance). We hope to get this going next month.

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PUBLIC HEARING

1. Consideration of Adoption of the Zoning Ordinance and Subdivision and Land Development Ordinances

Michael J. Savona, Esq.:

Mr. Chairman, we are on the record. This is the date, time and place set for a hearing for the Board of Supervisors of Warminster Township to consider an adoption of an ordinance constituting a substantive comprehensive amendment to the Warminster Township Zoning Ordinance as codified in Chapter 27 of the Warminster Township Code of Ordinances as well as a comprehensive amendment to Chapter 22 of the Warminster Township Code the Warminster Township Subdivision and Land Development Ordinance and Chapter 26 of the Warminster Township Code the Warminster Township Water and Stormwater Management Ordinance. The matter has been advertised for a hearing this evening and in accordance with the requirements of the PA Municipalities Planning Code.

Summarization of outset of the hearing

The Board of Supervisors commenced in earnest, I believe, the process of updating the Township Zoning and Subdivision requirements when they began drafting a revised Comprehensive Plan in 2003.

Under our system of municipal planning, the state legislature in their infinite wisdom have adopted a statute we refer to as the PA Municipalities Planning Code (PA-MPC). The planning code empowers the Township to enact three documents that really control and guide Land Development and Zoning issues in the Township. Those documents are the Comprehensive Plan, the Subdivision and Land Development Ordinance and the Zoning Ordinance. Along with the Zoning Ordinance goes the Zoning Map. These documents normally are complementary to each other.

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PUBLIC HEARING (Cont'd)

1. Consideration of Adoption of the Zoning Ordinance and Subdivision and Land Development Ordinances (Cont'd)

Summarization of outset of the hearing (Cont'd)

Michael J. Savona, Esq.: (Cont'd)

When the Township undergoes the process of comprehensive planning it looks into the future to predict what changes, revisions and what essentially development should look like in the Township usually 10, 15, 20 years into the future. This Township completed that process and adopted a Comprehensive Plan in early 2004. Once that is done the next step of course is to update the Zoning Ordinance and the Subdivision Ordinance to implement the goals that are set forth in the Comprehensive Plan. I can think of, truthfully, no more important task that a Township undertakes than to update and to implement zoning and land use controls that are designed to grow the Township in a way that balances the interests both of private citizens and landowners and the government and promotes the growth the Township charters in its Comprehensive Plan in a sensible and reasonable fashion. We have undertaken the process for the first time since 1967 of enacting a comprehensive update to the Warminster Township Zoning Ordinance. That Ordinance is before the Board this evening. I will review some of the highlights of the changes that we're recommending in that draft but suffice to say that this Ordinance represents a lot of what was already in the Ordinance and a lot of what was not. It is all based upon, what we believe to be, the manner in which the Township needs to move forward to implement the goals in the Comprehensive Plan.

Mr. Savona continues.....

Likewise, the Township's Subdivision and Land Development Ordinance has been completely rewritten by the Township's Engineers to complement the Zoning Ordinance and to chart a path to develop property in the Township in a way that is both environmentally friendly and is up to date with current standards as development progresses into the 21st century. These are both good things and we are hopeful that it will permit development to transpire in this Township in a way that encourages businesses to develop their property, in a way that is responsible and does not do harm to the existing uses and residences in the Township.

With that said, I would suggest first that the Board turn its attention to the Subdivision and Land Development Ordinance. The Subdivision and Land Development Ordinance represents Chapter 22 of the Township Code and the Water and Stormwater Management Ordinance which accompanies it, represents Chapter 26 of the Township Code. These are wholly revised documents. As I indicated, they have been developed by your Township Engineers so as to complement the newly drafted proposed Zoning Ordinance. There are a number of items that have been removed from the Zoning Ordinance and placed in the Subdivision and Land Development Ordinance because as we evolved the standards, for development, those issues have shifted from being zoning issues to land development issues. We tried to streamline that process so that those issues which can be dealt with by this Board as land development issues are all contained in the Subdivision and Land Development Ordinance.

This Ordinance was reviewed by the Bucks County Planning Commission as is required under the MPC. The county planning commission issued a review letter dated July 1, 2008 actually should be 2009. In that review letter they recommended a number of adjustments, revisions and technical changes which I reviewed with the Township's Engineers and which I believe, we are going to recommend this evening that the Board authorized us to make all of the revisions that the county recommends. If the Board authorizes it, we are going to make these revisions. We are not going to ask you to vote on anything this evening. The ordinances will have to be re-reviewed by the county as the statute requires.

We are hoping to use this session this evening as a chance to hear the views of the public, answer any questions from the Board, explore any areas where you believe we need to make adjustments to the proposed ordinances and hopefully move forward, revise the ordinances and re-submit them to the county with a eye toward adopting when those come back.

**WARMINSTER TOWNSHIP BOARD OF SUPERVISORS
MINUTES OF THE PUBLIC MEETING
THURSDAY, JULY 23, 2009**

PUBLIC HEARING (Cont'd)

1. Consideration of Adoption of the Zoning Ordinance and Subdivision and Land Development Ordinances (Cont'd)

**Kurt M. Schroeder, PE
Overview of the Subdivision and Land Development Ordinance (SALDO)**

The ordinance had not been updated for several decades so there was a lot of information in the ordinance that needed to be brought into today's standards. There were some obsolete references that no longer made any sense at all so we brought them into compliance with current codes and compliable jurisdictional agencies.

One of the first things we did was look at procedural items outlined in the subdivision and land development process and brought them into compliance with the Municipalities Planning Code and we also updated the application forms. We plan to provide them on an electronic format that can be put on the website and downloaded and filled out properly.

We also looked at bringing things into standards with the Americans with Disabilities Act (ADA), PA Department of Environmental Protection (PA-DEP) and any other state agencies that have guidelines for Warminster Township to follow.

We paid special attention to the interests of residents that have to do with things like buffering between non-residential and residential units as well as other landscaping items to make sure there aren't any noxious plants or invasive species being planted throughout the Township.

We added provisions for things it never had before, such as, facilities with drive-thru features. We provided standards for them, as far as the number of stacking requirements that are needed to insure that overflow doesn't go out onto public streets and cause safety hazards. We also implemented new traffic impact standards as a way to better evaluate the impacts that would be caused by certain developments. We made improvements to the lighting standards and adopted national guidelines as far as spill over and uniform distribution lighting in parking areas for safety and to not have dark spots within the parking area. We added provisions for a parking garage structure, in a way to encourage applicants to perhaps use a smaller footprint for parking areas.

**Kurt M. Schroeder, PE
Overview of the Water and Stormwater Management Ordinance**

We also prepared a separate ordinance for the Stormwater Management and the Water Regulations. There is a significant change to that ordinance which had to do with the modern techniques that are used for managing stormwater. There were a lot of outdated techniques in the old ordinance and we are now using current Best Management Practice standards that promote more environmentally friendly means of infiltrating runoff.

We also improved the ordinance to include provisions for geothermal well systems which is an up and coming type of technology for heating and air conditioning. We also provided as many green initiatives and credits or incentives in the ordinance to promote instead of using standard asphalt pavement perhaps porous or impervious pavement.

We brought the ordinance into compliance with the Pennypack and Little Neshaminy Watersheds which are both within the Township as well as bringing the ordinance into compliance with the PA-DEP Best Management Practices standards that the state has adopted.

For the Record.....

Kurt M. Schroeder, PE responds Yes, I have, to Mr. Savona's question "Did you review the July 1st Review Letter from the County Planning Commission and the comments they have in that letter regarding the Subdivision and Land Development Ordinance"?

Kurt M. Schroeder, PE responds, Yes we do, to Mr. Savona's question "Do you agree the Board should authorize the changes made to the draft before we adopt the Ordinance"?

**WARMINSTER TOWNSHIP BOARD OF SUPERVISORS
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PUBLIC HEARING (Cont'd)

1. Consideration of Adoption of the Zoning Ordinance and Subdivision and Land Development Ordinances (Cont'd)

Questions from the Board....

1. In regard to trees, sidewalks and traffic study, Gail Johnson wants to know if the Ordinance has built in “no exceptions” (waivers or fee- in-lieu) to requirements defined.

Kurt M. Schroeder, PE

- The way Subdivision and Land Development Ordinance is structured the MPC allows the Board to waive any requirements within it.
- You can write in the Ordinance that it must be done a certain way.
- The Board still has the ability to waive any requirements in the ordinance.

Michael J. Savona, Esq.:

- The ordinance compels the installation of sidewalks, curbs or trees. It is only by the grace of the Board that any applicant is given a waiver of that. The only thing you have to do is stop giving waivers.

Craig D. Kennard, PE:

- The current ordinance has the requirements you touched on regarding trees and sidewalks. In the new ordinance we kept those requirements and updated all standards to meet all new regulations.
- Regarding the traffic study, the current ordinance has a fee right in the Ordinance. In the new ordinance it is removed. Each project is different as far as cost so having a monetary fee-in-lieu of a traffic study didn't really make sense.
- It is at the discretion of the Board whether you waive or take a fee-in-lieu.

2. Leo Quinn tells the Board that the Park Board started a total over-lay Comprehensive Plan for trails/bike paths. He asks, is there anything in the Ordinance or is this the time to put something into the Ordinance to get an over-lay situation? He would suggest that to Karen (Whitney)

Michael J. Savona, Esq.:

-We could add some provisions in the design standards.....that some provision has to be made for accommodating a bike lane or as part of the Open Space which is required under both the Zoning and the SALDO.
- In other Boroughs, we have required the developer to actually give us the open space and not take a fee-in-lieu and develop the open space in such a way that it would accomplish the adding of trails.
- You have the basic tools that are already in the SALDO since eliminating a sidewalk is up to the discretion of the Board. We give the developers a lot of conditioned waivers, waved subject to the developer putting in a bituminous path or a trail instead of a sidewalk.
- You don't really need a radical change to the Ordinance it is just a radical change to thinking more than anything else.

Craig D. Kennard, PE:

- Many municipalities have a bike/trail plan. You have to document what you have in the Township and work with a planner/staff.
- As development comes in, add provisions in the Subdivision and Land Development Ordinance that defines what to do. Typically, it is in-lieu-of doing conventional sidewalks. If you identify that you would rather not have conventional sidewalks and would like a bituminous path, you give the latitude to the Planning Agency and the Board to consider that with each application.
- Aside from land development projects, you also probably want to consider a trail plan/linkage plan of the entire township.

Leo Quinn: Says he would suggest that Karen (Whitney) get the trail plan to Bob Tate and the Solicitor to incorporate it into the overall process.

**WARMINSTER TOWNSHIP BOARD OF SUPERVISORS
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PUBLIC HEARING (Cont'd)

1. Consideration of Adoption of the Zoning Ordinance and Subdivision and Land Development Ordinances (Cont'd)

Before Public Comment

Michael J. Savona, Esq.:

- At this time he asks for any public comments or questions in respect to Subdivision and Land Development and Stormwater and Water regulations.
- This is a Public Hearing as required under the MPC. This is your opportunity, if you have any statements you want to make or opinions you want to express to the Board before the Board considers adopting these regulations, now is the time to do so.
- Your comments will be taken down. For anybody who wants to speak, I just ask that you give your name and address so the court reporter can get it down.

**Public Comments on
Subdivision and Land Development and Stormwater and Water Regulations**

Jack Diamond – Kent Road – Warminster

- Regarding Mr. Quinn's remarks on trails/bike trails - He thought it sounded nice but it is his opinion that it cost money and once it is put in then people will complain it is not maintained. Public Works will have to come back and clean it.
- A couple years ago, he read a story in the Intel that a bike trail was put in behind some houses in Doylestown. It was very nice. Before long people were complaining, there's junk in the path etc.
- It is his understanding that the Township came up in the red last year in the General Fund and the Golf Course. We don't have to get involved in the idea of a trail project. Nice thought, but, it is fantasy.
- He mentions that the initial plans for the McGrath- Five Ponds project was to allow for people to be able to walk to the Shopping Center. It was not wanted. The housing Tower Project intended to put in a path to the Shopping Center so people could walk and not use their cars. It didn't happen. The theory and the practice are two different things.

**Michael J. Savona, Esq., Solicitor
Overview of the Zoning Ordinance / Zoning Map**

The Zoning Ordinance was originally codified in 1967. There were a number of historic amendments to the Zoning Ordinance. Over time the Zoning Ordinance and the Zoning Map grew to 31 different zoning districts that are provided for under the Warminster Township Zoning Map. These districts included a number of residential districts, a number of multi-family and mobile home park districts, professional office, institutional business, commercial various types, continuing care retirement community districts, age qualified, military reservation, historic reuse, park, environmental protection, golf course, park reuse, flood plane and off premises advertising signs.

All of these zoning districts were scattered about the Township. Part of the reason we have so many zoning districts is that it appears historically that as land uses evolved the Township has zoned less with a long range view toward what the Board and the Township would like to see the Township look like.

It has been more reactionary in that we had to zone to accommodate particular requests for use of land or to accommodate certain specific properties that have either converted from governmental properties or otherwise. To that extent, the Board's drafting and approval of the Comprehensive Plan in 2003-2004, I think, was a significant step towards taking control of the Zoning Map and the Zoning Ordinance of the Township and the Board exerting some control over the planning for the future.

**WARMINSTER TOWNSHIP BOARD OF SUPERVISORS
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PUBLIC HEARING (Cont'd)

**1. Consideration of Adoption of the Zoning Ordinance and Subdivision and
Land Development Ordinances (Cont'd)**

(Cont'd)

**Michael J. Savona, Esq., Solicitor
Overview of the Zoning Ordinance / Zoning Map**

The new map consolidates the Zoning Districts down to approximately 12 districts. It provides for a carryover of a lot of the uses that were provided for in the old district but it simplifies them and stream lines them into a less complicated array of regulations. This is a benefit to business owners and developers looking to locate their operations in Warminster.

There have been some changes recommended in the Zoning Map which we believe will further the purposes that are contained in the Comprehensive Plan.

Presently properties where schools were located in the Township are zoned in the institutional zoning district classification. The new map would recommend that those school properties be rezoned identically with the residential neighborhoods that surround them. The committee felt that was a viable planning objective that it would be less likely to disrupt the surrounding neighborhoods and the best way we could estimate it would be the best way to control the relocation of any undesirable uses in those residential neighborhoods.

The new map shows the recommended array of 12 (listed #1 thru #12) zoning districts. There are four different residential districts:

**#1 - R-1 - Residential-1 District #2 - R-2 - Residential-2 District
#3 - R-3 - Residential-3 District #4 - R-4 - Residential-4 District**

- The zoning districts differ in the intensity of housing types permitted in each district.
- R-1 is the most restrictive requiring the largest lot size to R-4 which is the least restrictive and promotes multi-family and other non-single family or non-duplex style housing units.

You also have under the residential categories two Continuing Care Retirement Community Districts:

**#5 -- CCRC - Continuing Care Retirement Community
#6 - CCRC -2 - Continuing Care Retirement Community-2**

- CCRC – is Anne’s Choice and CCRC-2 is Christ’s Home. Those remain unchanged from your current existing zoning ordinance.

#7 - AQC - Age Qualified Community District

The AQC District remains unchanged aside from a few minor editorial changes to just make translate well in the new zoning district.

- AQC District - represents the Villas at Five Ponds.

There are two Commercial Districts:

#8 - C-1 - Commercial -1 District #9 - C-2 - Commercial-2 District

C-1 and C-2 are proposed on the new zoning map. The differences between C-1 and C-2 vary by intensity.

- The C-1 District provides for smaller lot sizes and provides for smaller scale commercial uses.
- The C-2 District provides for larger lots and uses that are traditionally going to require more property – shopping centers, large retail stores other uses which are already permitted under your current zoning ordinance, we just reorganized them into two commercial districts instead of more diverse array of zoning districts.

**WARMINSTER TOWNSHIP BOARD OF SUPERVISORS
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PUBLIC HEARING (Cont'd)

1. Consideration of Adoption of the Zoning Ordinance and Subdivision and Land Development Ordinances (Cont'd)

(Cont'd)

Michael J. Savona, Esq., Solicitor

Overview of the Zoning Ordinance / Zoning Map

#10 - I - Industrial District

The Industrial District (I) by and large remains as it was under the old zoning ordinance.

- That is the district where all the heavy uses would be located. Industry as it is designated would provide for, light manufacturing, research and development facilities, wholesales businesses, crematoriums, printing, publishing and binding, contractor offices, truck terminal, Quarries, self storage facilities, fuel storage and distribution as well as adult businesses that are not currently provided for anywhere in the Township
- The U.S. Supreme Court has made it clear that a Zoning Ordinance cannot exclude adult businesses. It is not a favored use, but, it's a use you have to provide for someplace in the Township. If you don't you run the risk that the adult business can establish themselves anywhere in the Township. Regulations for adult businesses are located in Part 16 (pgs 104-127) of the Zoning Ordinance.

#11 - I-O - Industrial-Office District

A newly created district is the Industrial District Office (IO). This is a combination of a number of your older districts.

- The industrial office district is designed to accommodate light industry and the mix of commercial retail in a way that promotes the use of those properties in as diverse and as flexible manner as possible. You have some unique properties in Warminster in those locations.
- The committee, in drafting the new regulations for the IO District, tried to recognize that and provide flexibility in those zoning districts in a way that is not going to harm any adjacent properties or increase development in a manner that is inconsistent with their location but give the properties an opportunity to develop in a way that makes sense

#12 - GOV - Government/Public District

- The government district refers to any properties that are owned by Warminster Township. All the public parks, the municipal building, public works building, etc. We have provided a schedule of uses for those which would be uses as deemed appropriate by the Township for the Township's public property.

HISTORIC OVERLAY DISTRICT

Historic Overlay District is the first step we've taken toward trying to accomplish what is recommended in the Comprehensive Plan and that is to start identifying inventory of the historic structures that remain in Warminster Township.

- We created under Part 18 Section 1800 (pg178) the Historic Hartsville and Johnsville Overlay.
- The overlay, more or less, is designed to recognize that those areas of the Township have historic significance and the Township is going to take steps toward trying to preserve those areas because they represent areas of historical significance and that they are unique in a way that other areas in the Township are not.
- To the extent that any properties located in the Historic Overlay District that wish to develop, we have provided some additional uses that are not available in any other district including Bed & Breakfast use. We have allowed some Professional Office use and we have provided for libraries and museums if there is an opportunity to develop a library or museum in those areas.

**WARMINSTER TOWNSHIP BOARD OF SUPERVISORS
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PUBLIC HEARING (Cont'd)

1. Consideration of Adoption of the Zoning Ordinance and Subdivision and Land Development Ordinances (Cont'd)

(Cont'd)

**Michael J. Savona, Esq., Solicitor
Overview of the Zoning Ordinance / Zoning Map**

HISTORIC OVERLAY DISTRICT (Cont'd)

In the Historic Overlay District, there are some additional provisions which are designed to try to preserve the historic character of those two areas of the Township.

- **The committee did not recommend, at this time, moving forward as far as creating any sort of mandatory historic preservation requirements or creating a historic architectural review board or anything that would be that intense an attempt to preserve those structures.**
- **Historical preservation tends to happen incrementally and I think the committee didn't feel we were to the point where we were ready to introduce those types of intensive regulations. This represents a good first step.**
- **The engineers have prepared an inventory of historic properties in the Township. It is based upon a survey that was done by Historic Conservancy and it has been verified by Mr. Krueger and Mr. Thern. On the new map, the red blocks represent historic properties that have been identified as historic that still remain and have not been destroyed or removed from Warminster Township. That document and map will give us a good resource if we would want to move forward in the future with identifying historic properties or creating a more comprehensive set of historic regulations. It does not compel us to go any further at this time. We have identified where the historic properties are located and are cognizant of that fact as we move forward and the properties begin to develop.**

The remainder of the Zoning Ordinance while it has been updated hasn't changed too radically.

- **We have added some revisions under the General requirements.**
- **We have updated the Open Space Section of the Ordinance to complement what is now contained in the Subdivision and Land Development Ordinance.**
- **We have made some significant changes to off street parking requirements.**
 - **The parking requirements set forth under Part 21 in the Ordinance represents collaboration between Lynn Bush, who reviewed our existing regulations against all of the regulations that are contained in the Ordinances of the surrounding communities in Bucks County, and Mr. Thern. They revised a good deal of the parking requirements to what is contained in this Ordinance.**
 - **We tried to eliminate duplication of parking and in a lot of instances your old Ordinance would have required so many spaces per square foot of the building plus additional spaces for employees. We tried to eliminate that**
 - **We tried to make the use of the parking requirement less of a burden and tried to make them more logical.**
- **The provisions in the Ordinance represent what consultant (Lynn Bush) and the committee believed to be reflective of what the uses would actually require without overburdening the creation of parking and would make our parking regulations consistent with 21st Century standards for these uses.**
 - **In most instances, we tied them to the size of the building and we also preserved a lot of what you already had in the Ordinance which is to promote ways to reduce the requirements of the parking that you require including providing for shared parking, providing for reserved parking and other options that are set forth under the Ordinance to look to minimize the economic and environmental impact whenever there is a development.**

**WARMINSTER TOWNSHIP BOARD OF SUPERVISORS
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PUBLIC HEARING (Cont'd)

1. Consideration of Adoption of the Zoning Ordinance and Subdivision and Land Development Ordinances (Cont'd)

(Cont'd)

Michael J. Savona, Esq., Solicitor

Overview of the Zoning Ordinance / Zoning Map

- **Part 22 – Sign Regulations (pg 207) - We have made some changes regarding signs in the Township. Part 22 (pg 207) mostly at the recommendation of consultant, Lynn Bush.**
- **Off Premises Advertising Signs (pg 219) – we did make some changes to the provisions that the Township had on the record dealing with billboards. The old Ordinance created an Off Premise Advertising Sign Overlay District which was overly restrictive allowing placement of a billboard on only three properties in the Township**
 - **The consultant had concerns that by restricting them that much you let yourself open to an allegation the Ordinance was exclusionary.**
 - **A Curative Amendment could succeed to place it somewhere else in the Township not on one of those three properties, especially if all three of those properties contained billboards already.**

The following was mentioned by Mr. Savona during the Public Comment segment.

Transit Oriented Development (TOD)

- **In terms of additions made to the Zoning Ordinance, we incorporated into the new Industrial Office District (I-O) one of the zoning amendments for the Transit Oriented Development (TOD). Rather than create a separate zoning district for that one parcel of property what we did was incorporate that as a Use in the I-O District.**
 - **All of the regulations have been reviewed by the BCPC and WPC. They have been folded into this ordinance. If the Board adopts the ordinance they will also be approving the creation of the Conditional Use of a TOD in the I-O area.**

Buffering Requirements

- **Under the current zoning scheme, the properties that are zoned office, commercial or any that are other than residential have no buffering requirements from the adjacent properties if those properties are not commercial or industrial at all.**
- **There are some buffering requirements but they are not pervasive and they are not present throughout residential commercial district divides. We corrected that in the new ordinance.**
- **The new ordinance would require any commercial property that is adjacent to any other residential or other property would have to provide for a buffer strip that is planted according to what the Subdivision and Land Development Ordinance requires. This is to insulate those residential neighbors as much as possible from the commercial use recognizing there is a difference. There is no such provision now.**
- **The parcels that are located along Street Road that are being proposed to be rezoned commercial are now zoned office district. If a commercial development wanted to come locate in those areas there is no buffering requirements. There is no protection now to insulate those properties from what is now going to be a very non-residential use.**
- **We tried to provide for better screening and better protection for residential properties.**

Impervious Surface Limits

- **We have also included in the various residential, commercial, industrial and all zoning districts impervious surface limits. For example, in the Commercial District C-1 properties there cannot have any more than 25% of the lot area that's developed with impervious surface otherwise it requires a variance.**
- **That is designed specifically to limit the amount of impervious area and try to promote preservation of green space and reduce the impact to the storm water management system of the Township.**

**WARMINSTER TOWNSHIP BOARD OF SUPERVISORS
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PUBLIC HEARING (Cont'd)

1. Consideration of Adoption of the Zoning Ordinance and Subdivision and Land Development Ordinances (Cont'd)

The following was mentioned by Mr. Savona during the Public Comment segment. (Cont'd)

Commercial Zones

- In the commercial zones all the regulations we are proposing in the Ordinance would self-limit what can happen on a lot based on the size of the lot. If it is a small lot it has a maximum 25% impervious surface limit that is going to limit the size of the structure, the number of parking spaces and amount of paved surfaces that can be located on that lot.
- Take that together with the number of required parking spaces and the size of the parking spaces that are required, I think you are going to find, if you look at it holistically, there is not much danger that anything that is out of character with the size lot that is zoned commercial that anything is going to develop on those lots that is so far out of sink with the size of the lot.

NOTE: These are all new regulations that we haven't had before. The impervious surface limits are all new. All of those things apply across all of the zoning districts.

In Conclusion.....

- Mr. Savona encourages the Board to discuss any changes, modification or adjustments and talk about that as part of this process. Hopefully, by the end of the proceedings, the interactive discussions will give a good sense of what adjustments need to be made before sending the documents back to the county for review.
- Mr. Savona suggests starting with Public Comment.

**Public Comments on
Zoning Ordinance / Zoning Map**

Jack Diamond – Kent Road – Warminster

- He asks the Board to consider maintaining Professional District which serves a specific purpose. The Professional calls for 10,000 sq. ft. and the Commercial calls for 15,000 sq. ft. The lots he refers to are not 15,000 sq. ft. and to rezone it Commercial leaves it open for potentially other developments.
- He says the properties that are now zoned Office should not be rezoned to Commercial. At the time when it was zoned Office, the neighbors fought that it not be Commercial. It is now consider Office and should be continued as Office
- He refers to the Hartsville Historic Overlay District and mentions that the new Hartsville Office Complex is located in that Historic District and there is nothing historical about them. The rest of Hartsville is historic. Offices in his opinion should be called offices instead of being zoned R-2.
- He refers to Mr. Savona's mention of the Johnsville Historic Overlay District and asks, "Are those people who have old houses, older properties going to be clobbered for maintenance from zoning and updating for codes and all of that"? That can kill them.
- Says it is his understanding the County recommended we not get carried away with more commercial since we have our fair share. It seems to him their comment is good reason to go along with his comments that the properties on West Street Road and particularly those owned by Christ's Home zoned Professional and/or Office should be continued as Professional and/or Office.
- He heard a few times, the reason for putting R-2 in where the schools and churches are located is because that is the most desirable. He doesn't see it that way. It's a mixed bag. He has seen school buildings taken over to be used by firms and doctors.

**WARMINSTER TOWNSHIP BOARD OF SUPERVISORS
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PUBLIC HEARING (Cont'd)

1. Consideration of Adoption of the Zoning Ordinance and Subdivision and Land Development Ordinances (Cont'd)

(Cont'd)

**Public Comments on
Zoning Ordinance / Zoning Map**

Frank Feinberg responds to Jack Diamond:

- He does not like the Office District idea.
- He suggests a drive around Bucks County and Montgomery to observe all the empty office space around. They have become overbuilt with office buildings.
- He mentions that in Valley Square not one of those offices is rented on the second level.
- Says, to restrict a district to office only essentially is restricting that district to empty buildings and no revenues to the people owning the building. It doesn't make sense.
- Says it makes sense to give the most flexibility that you can to the building owners realizing it should not have a negative impact.
- One thing I don't think we need more at all is office only districts and space.

Jim Krueger responds to Jack Diamond – from the perspective of a Committee Member

Regarding the rezoning of Schools to R-2

- Says we didn't want something coming into a neighborhood R-2 Residential and /or R-1 Residential that wasn't consistent with that neighborhood. Under our present zoning code (Institutional) we could have things that are undesirable.
- He points out that any of those lots that the school district owns are sub-dividable. They have to meet our regulations and open space requirements. We have control as the Board of Supervisors and Land Development planners in order to control what goes into those particular areas R-2 code.

Regarding Hartsville Professional

- He says when the Hartsville Inn was rebuilt and the other buildings associated with it, they did not become the historic district. They are part of the historic overlay. They are not considered historic buildings. The buildings that are outlined in red on the map show the historic properties and allowed that area to maintain that character. We wanted to maintain that character back when Mr. Luce was active in creating the Comprehensive Plan and we ended up with keeping the character of the Hartsville area which I thought was very profitable to the Township.

Elliot Drexler: Warminster

- Says on Street Road from Valley Road to Delmont Avenue there are a number of houses that have been converted to offices and some are still houses. They look very nice. Even if all were offices I don't think it would be a bad thing. He doesn't think it necessary that they be zoned commercial.
- He asks the Board "Where did this need come from to say that we need more commercial space on Street Road right at that point"?
- It seems to him that the lot size of the corner property (Delmont & Street) would allow a restaurant to go in there if it is zoned commercial. Although the property owner withdrew his application and there is a possible need for variances and/or easements the new zoning makes it easier for an approval. This is a concern we have in our neighborhood and would appreciate that being taken into consideration.
- Says he understands what Mr. Feinberg alluded to office space that is vacant but don't forget there is a lot of commercial space vacant, especially, in some of the shopping centers.

Fred Gold: Says he is in agreement with Mr. Drexler and suggests that the once zoned residential property rezoned Office should not be zoned commercial but rezoned back to residential.

**WARMINSTER TOWNSHIP BOARD OF SUPERVISORS
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PUBLIC HEARING (Cont'd)

1. Consideration of Adoption of the Zoning Ordinance and Subdivision and Land Development Ordinances (Cont'd)

(Cont'd)

**Public Comments on
Zoning Ordinance / Zoning Map**

Michael J. Savona, Esq.

- This came more from your consultant and township staff that have worked with the zoning map for a long time. Keep in mind that a zoning map is not suppose to necessarily reflect a snapshot of today. It is suppose to be a blueprint for the next 15-20 years.
- Is it realistic to assume that zoning on Street Road will always stay what it is now and the land uses on Street Road will always remain what they are right now? Mr. Drexler pointed out that a number of these houses have already converted to office. Office is commercial they converted to commercial use.
- If you believe that is going to continue to happen...you can address it squarely and say if we think it is going to happen anyway we are going to regulate for it, we're going to plan for it, we are going to zone it appropriately and we are going to write regulations and control it.
- It's the difference of view and it is up to the Board to resolve.

Fred Gold:

- If we zoned commercial that area from Delmont to Valley on the south side of Street Road, he asks what is there to stop one of the fast food restaurants from buying a half dozen homes and knocking them down and building a fast food restaurant? It is possible. Even a cell tower like Warrington put up on Street Road would be allowed under commercial.

Michael J. Savona, Esq.:

- To accommodate a standard size fast food restaurant with a drive thru required parking and access on and off would require the buying of many lots. Simple economics would weigh against that
- Although their Land Development Plan would have to be analyzed he doesn't think the lots are deep enough to ever accommodate a fast food restaurant.
- Under Conditional Use, a cell tower would be allowed assuming it meets all the requirements.

Leo Quinn: Over the years those houses have converted to office one by one and we have not turned anybody down. It is happening anyway. On York Road across from Kmart are all offices but at one time were residences.

Fred Gold: Says in his 6 ½ years on the Board he doesn't recall hearing about any house be converted to office.

Michael J. Savona, Esq.:

- The point is do you want the appointed Zoning Hearing Board to decided how these properties might convert to something other than residential or do you want the elected Board of Supervisors making that decision.
- Theoretically you are more accountable to the resident than the appointed members of the Zoning Hearing Board. One theory is that it is the elective body that should have say on how these transitions occur.
- The transition is happening whether we ignore it or not and we are suggesting it is time for the Board to take charge and write regulations.

**WARMINSTER TOWNSHIP BOARD OF SUPERVISORS
MINUTES OF THE PUBLIC MEETING
THURSDAY, JULY 23, 2009**

PUBLIC HEARING (Cont'd)

1. Consideration of Adoption of the Zoning Ordinance and Subdivision and Land Development Ordinances (Cont'd)

(Cont'd)

**Public Comments on
Zoning Ordinance / Zoning Map**

Jim Krueger – responds from the perspective of a Committee Member

- The area across from Kmart, from Toll Road down to the water tower at Ivyland Road, is zoned professional. This allows offices, piano studios and so forth. The area from Valley Road to Cooper where Kathy Watson's office is located is zoned professional and beyond that was zoned office.
- He recalls only one land development issue the Board had for final approval.
- He points out that prior to any thoughts of the property at Delmont & Street Roads becoming anything other than what it is the committee had already thought this out for the future. This was not to accommodate anyone. It was already preexisting in our minds as a committee to limit the number of zoning districts and put in that at Delmont Ave.

Marc Shragher – Foster Road

- He asks "in what areas would the billboards go into currently? Mr. Savona (Township Solicitor) responded that the Off Premises Advertising Signs would be in the C-1 and the C-2 Districts.
- He said the last thing he would like to see on Street Road is a big billboard in the more residential areas of Warminster. He asks that this be reconsidered and proposes that Off Premises Advertising Signs only be allowed in the C-2 Districts.

Karen Albright – Attorney at Law – Hamburg, Rubin, Mullin, Maxwell & Lupin

- She is here with Industrial Investments – Robert Bown and Henry Wisen.
- She says that Industrial Investments owns North American Technology Center which is the fifty acre parcel located at Jacksonville & Street Roads. It has on it a 750,000 square foot light industrial, some research and office use complex. Formally, it was part of the Johnsville Navy Research Center and because of its magnitude it generates significant tax revenue in the Township and also creates great employment opportunities.
- She says they are here tonight to simply voice their support of the current draft of the proposed Zoning Ordinance.
- Says they recognize the importance of comprehensive zoning and the impact that zoning has on business opportunities and the marketability of the business, corporate, office and industrial properties in the Township.
- Says the current zoning is very piece meal and a hodge-podge of different zoning districts unlike a comprehensive zoning plan. The Proposed Zoning Ordinance has fewer zoning districts with more flexibility for business uses. It will result in a more modern zoning like many of the adjacent municipalities.
- Says Industrial Investments has spent a lot of time and effort reviewing the proposed Ordinance. We have submitted concerns and questions over the course of time and have attended the Planning Commission meetings.
- In closing, she says they wanted the Board to know they fully support the current Draft of the Zoning Ordinance and look forward to reviewing any further changes.

Cathleen McPhillips – Miranda Lane

- She indicates, in regard to Street Road from Valley to Cooper, it is her understanding that because the Legislature changed the law which allowed a home to be used for office use that is the reason that Office was allowed there.

**WARMINSTER TOWNSHIP BOARD OF SUPERVISORS
MINUTES OF THE PUBLIC MEETING
THURSDAY, JULY 23, 2009**

PUBLIC HEARING (Cont'd)

1. Consideration of Adoption of the Zoning Ordinance and Subdivision and Land Development Ordinances (Cont'd)

(Cont'd)

**Public Comments on
Zoning Ordinance / Zoning Map**

Tom Thern responding to Cathleen McPhillips – office use:

- He explains that the change in the law was for a low impact business in a home but doesn't have anything to do with an Office District.

Michael J. Savona, Esq. responding to Cathleen McPhillips – office use:

- Says there was an amendment to the Municipalities Planning Code in 2002. The Legislature determined that it was not inconsistent with residential zoning for a homeowner to maintain a business in their house that didn't bring in traffic, didn't have customers and it is a low impact home base business.
- Says even though it is a commercial business, because it doesn't have any external impact on the property and doesn't change the character of the residential neighborhood, they are permitted in any residential district. This is very different from what you refer to in terms of office use.
- Says the Office District are commercial based businesses that have customers coming in from the outside, that carry on commerce back and forth, off of the parcel in a way that is very much different than a home based business and that includes signage as well.

Cathleen McPhillips – Miranda Lane

- Says that of the fourteen (14) properties from Valley to Cooper eleven (11) are residents. That is a high percentage of people living in their homes. To zone commercial the eight (8) parcels of land from Valley to Norristown would totally change the face of Street Road in that area. It will have an impact on a lot of the new homes and people like her who have lived in the area for 45 years.
- Says the corner property at St. David's & Street, on the other side of Street Road, if zoned commercial means that anything would be permitted there. There is a big difference between having a Doctors office there than having a gas station, a restaurant or such that would increase traffic and create hazards.
- Says she can't understand why so many parcels would be zoned commercial when it does not lend to the betterment of the residents and will have an astronomical impact on them. She hopes that consideration will be given to not change the zoning on the eight parcels to commercial.
- Says, she doesn't understand why a number of years ago a contract was agreed upon which gives Christ's Home multiuse.

Michael J. Savona, Esq. responding to Cathleen McPhillips – multiuse for Christ's Home:

- There is a Master Plan Agreement with Christ's Home that the Township signed that provides for a variety of uses on different pieces of the property that they own.
- Says at the Planning Commission it was discussed extensively that the section of the property that is proposed to be C-1 is essentially under the Master Plan Agreement. That is only zoning district we can put it in because that is the only one that has the uses that Christ's Home is entitled to engage in under the Master Plan Agreement.

Cathleen McPhillips – Miranda Lane

- If Christ's Home were to sell their land, where their driveway is today, between Delmont and Norristown would that be zoned commercial?

Michael J. Savona, Esq. responding to Cathleen McPhillips – Christ's Home property:

- That is an Age Qualified Community CCRC-2. That won't change at all

**WARMINSTER TOWNSHIP BOARD OF SUPERVISORS
MINUTES OF THE PUBLIC MEETING
THURSDAY, JULY 23, 2009**

PUBLIC HEARING (Cont'd)

1. Consideration of Adoption of the Zoning Ordinance and Subdivision and Land Development Ordinances (Cont'd)

(Cont'd)

**Public Comments on
Zoning Ordinance / Zoning Map**

Jim Krueger responding to Cathleen McPhillips – Christ's Home property:

- The property that you are talking about on Street Road & Norristown is covered by the Master Plan Agreement of Christ's Home.
- They can have stores, professional office and medical offices. That was all agreed to back when the master plan was granted. They can only put in there whatever in under the Master Plan Agreement.

Cathleen McPhillips – Miranda Lane

- She makes the point if Christ's Home is zoned commercial it will have the same affect on both sides of Street Road from Delmont to Valley.

Michael J. Savona, Esq.:

- Says some of those parcels have already switched because either the Zoning Board has giving them a variance or someone has allowed them to transfer from residential to commercial. That has happened without any input from this Board at all and could continue until all switch to commercial.
- Says, the alternative which we suggest is if the Board believes that is going to happen eventually anyway then zone for it, plan for it and regulate it. Do it in a way that is less likely to impact the other surrounding properties.
- He says her viewpoint is understood but it is really up to this Board to decide what they think is the best approach.

Cathleen McPhillips – Miranda Lane

- She contends that the properties are now zoned Office and should not be changed to Commercial. Commercial zoning put more of an impact on residents and she just doesn't understand why you would do that.
- Says if four (4) or five (5) properties with commercial zoning sold a Restaurant could go there. That can happen.

Michael J. Savona, Esq.:

- Actually, it probably can't. The Board needs to make a policy decision.

Wally Brandenburg – Cooper Drive

- Says, he is a Warminster resident for 46 years and a retired Naval Officer from Johnsville who likes the Warminster area.
- Says about 20 years ago he along with some others walked the area getting signatures against commercializing the properties along Street Road between Cooper and Delmont.
- Says he wishes the Board would reconsider the idea of making that little stretch of property Commercial and please leave it as Office.
 - There is no way of getting into that property traveling towards 611. Traffic going in that direction would have to come to Cooper and make a U-turn.
 - Traffic could turn at Delmont and take the road leading to the Senior Citizens Center. This would create problems.
- Says there are homes starting at Valley to Cooper. There is a Dentist and Veterinarian. When you come across Cooper toward Delmont you have Kathy Watson office, where the old welfare office was and you have the house on the corner. He doesn't understand what is to be gained to make that all commercial and not leaving it as office or residential.

**WARMINSTER TOWNSHIP BOARD OF SUPERVISORS
MINUTES OF THE PUBLIC MEETING
THURSDAY, JULY 23, 2009**

PUBLIC HEARING (Cont'd)

1. Consideration of Adoption of the Zoning Ordinance and Subdivision and Land Development Ordinances (Cont'd)

(Cont'd)

**Public Comments on
Zoning Ordinance / Zoning Map**

Jack Diamond – Kent Road – Warminster

- He reads from Section 700 (unnamed document) that the purpose of that district is to retain the residential type structures. It was created to maintain the character in that part of the Township.

**CORRIDOR BETWEEN VALLEY ROAD AND DELMONT AVENUE
THE BOARD OF SUPERVISORS DISCUSSION OF THE PROPOSED COMMERCIAL ZONING
Note: Any suggested zoning pertains to the corridor from Valley to Delmont or Valley to Cooper.**

The Solicitors Input:

- Zoning is not iron clad. Just because you say it stays residential doesn't mean it is going to stay residential. If requested by homeowners, the Zoning Hearing Board could grant them a variance to transfer the residential use to other things and at that point the Board has no say.
- Says the most efficient economic use of the property, if you wanted to put a commercial use into those lots, would be to use the existing structure and convert it to an office. There are simply economic and practical limits to what an individual is willing to spend and do on a parcel.
- Tearing down and rebuilding one of those buildings would result in a smaller building than already exists because of the regulations that govern building a structure.
- Those homes, if zoned commercial, would sell better and reap more money for the residents who own them than a residential house that fronts on Street Road.
- He says the digenesis when selling the commercial property would be exactly what has been seen in the four homes that have already transitioned to office.
- Says that the district being called C-1 carries with it a lot of "agida" about what it could be. Had it been named anything else there wouldn't be that much objection. Essentially we are resurrecting what is the Professional or Office District. The regulations need to be looked at to see how they interact to get a sense of what could happen and actually it would not be any different than what it is right now. It would end up being a medical & dental office clinic, business or professional office, limited personal service, veterinary office, etc.

Fred Gold

- The thought he would like entertained is to change the present zoning (Professional) back to Residential. He is opposed to Commercial.
- Regarding the appeals process costs, he says his concern is not about spending money it is protecting the residents. He thinks it ludicrous to suggest making it commercial because we may have to go to court and spend money.
- Regarding the Zoning Hearing Board, he says in his 6 ½ years as a Board member he has gone to many zoning hearings and he thinks they have shown good judgment in the way they handle their position. They do a good job.
- He suggests that someone could buy two or three houses for commercial use.

**WARMINSTER TOWNSHIP BOARD OF SUPERVISORS
MINUTES OF THE PUBLIC MEETING
THURSDAY, JULY 23, 2009**

PUBLIC HEARING (Cont'd)

1. Consideration of Adoption of the Zoning Ordinance and Subdivision and Land Development Ordinances (Cont'd)

(Cont'd)

CORRIDOR BETWEEN VALLEY ROAD AND DELMONT AVENUE

THE BOARD OF SUPERVISORS DISCUSSION OF THE PROPOSED COMMERCIAL ZONING

Note: Any suggested zoning pertains to the corridor from Valley to Delmont or Valley to Cooper.

Ellen Jarvis

- She contends by zoning it Commercial the Board is going to be able to control it. We would not be putting control in the hands of the appointed Zoning Hearing Board and the courts above it.
- Her thoughts were not to dismiss the appeals process (court and solicitor costs) when people are turned down by the Zoning Hearing Board. She cites, as an example, the Wawa situation and the more recent Daycare Center as a couple of the many appeals that they have seen. She says it would be ludicrous to think that all the homes along Street Road, a commercial corridor, are forever going to remain residential.
- Says all the Supervisors are committed to protecting the residents. She thinks by keeping control at the Board level is a greater protection of the residents.
- Says changing this to a C-1 (commercial) doesn't mean it is going to change overnight but to her it makes sense in terms of land development.
- Says that based on the depth of those homes and the setback requirements called for in a C-1 it is unlikely that a home would be torn down to build a commercial area because inevitably it would be a 10 foot deep building.

Frank Feinberg

- We do have to consider the residents but we also have to consider the businesses. We depend on our businesses, we depend on industry and we depend on commercial enterprise to help pay the bills. If we didn't have that we couldn't afford to live in Warminster.
- Says the question was asked, what purpose do we want to make other areas commercial? In answer, he would say for the purpose to see something in those other areas rather than empty buildings and empty properties. Bring development to Warminster Township to generate jobs and generate revenues is what he would like to see.
- Says businesses have to be supported with a sensible zoning scheme allowing businesses to come in, businesses to grow, businesses develop while taking into account the affect on the residents.
- Says he doesn't want to go back to zoning here and there. Looking at the whole scheme, he would rather leave the strip from Valley to Cooper Roads Residential and not create another run off category (O-1) just for this section. If people want to have a home office they can get a variance.

Gail Johnson

- Says based on the actual size of those properties (75' x 135') most permitted uses for a C-1 would be crossed off because they won't fit on that size lot.
- Says, Office is only thing that would really work.
- He suggested that an O-1 District be created for Office in this one little strip between Valley and Cooper Roads. It would be the same as it is now. Toward that end he asked the residents, would this meet your satisfaction? The response was from one resident as follows:

Cathleen McPhillips – Miranda Lane

- She says this is spot zoning because you're just talking the strip from Valley to Cooper Roads. There is no mention of the properties Cooper to Delmont (Kathy Watson and the Delmont Offices) and there is no mention of the properties on the other side of Street Road.
- She says the bottom line is why are you changing it?

**WARMINSTER TOWNSHIP BOARD OF SUPERVISORS
MINUTES OF THE PUBLIC MEETING
THURSDAY, JULY 23, 2009**

PUBLIC HEARING (Cont'd)

1. Consideration of Adoption of the Zoning Ordinance and Subdivision and Land Development Ordinances (Cont'd)

**CORRIDOR BETWEEN VALLEY ROAD AND DELMONT AVENUE
THE BOARD OF SUPERVISORS GENERAL CONSENSUS OF THE PROPOSED COMMERCIAL ZONING**

Gail Johnson

- I still like the idea of the O-1. Whether it is a C-1 or an O-1 there is virtually no difference in the practical effect.
- He indicates it should remain C-1.

Frank Feinberg

- Says to do the O-1 was to accommodate some residents. The residents don't want that. It is spot zoning since it does not include the rest of the area.
- Says his original objection was spot zoning. He is against the idea of the O-1. We lose control, we are spot zoning and we are satisfying nobody.
- He indicates it should remain C-1.

Ellen Jarvis

- Says changing the name without really changing the material within C-1 is semantics.
- Says she has no objection to a bridal shop or a light impact type of retail since Street Road has always been the commercial area in Warminster.
- She indicates it should remain C-1.

Leo Quinn

- Says he's twisted up at this point – does not provide an opinion.

Fred Gold

- Says Street Road to Delmont Avenues should be Residential.

<p>The General Consensus of the Board of Supervisor is that the corridor in question be a C-1 District.</p>
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BILLBOARDS

**THE BOARD OF SUPERVISORS GENERAL CONSENSUS TO CHANGE OR KEEP
THE EXISTING BILLBOARD OVERLAY DISTRICT**

Leo Quinn

- He says that our prior billboard negotiation allowed three in our Township. In addition to those three, we have some next to Nativity Church and Hatboro Federal Bank.
- Says he doesn't want to see another billboard in Warminster.

Gail Johnson

- Says not to allow billboards in our town makes us vulnerable to a challenge.
- Says there are some Townships that allow billboards with size restrictions. Rather than the normal gigantic size they regulate for about a 1/3 of that size. It is his understanding that this idea is recommended by the Planning Commission.
- Says the risk is that if we get beat in court we would then have a 672 sq. ft. billboard sign.

Fred Gold

- Says through negotiations we ended up with 3 billboards. Upper Southampton took it to the highest court and ended up with about 10 billboards.

**WARMINSTER TOWNSHIP BOARD OF SUPERVISORS
MINUTES OF THE PUBLIC MEETING
THURSDAY, JULY 23, 2009**

PUBLIC HEARING (Cont'd)

1. Consideration of Adoption of the Zoning Ordinance and Subdivision and Land Development Ordinances (Cont'd)

(Cont'd)

BILLBOARDS

THE BOARD OF SUPERVISORS GENERAL CONSENSUS TO CHANGE OR KEEP THE EXISTING BILLBOARD OVERLAY DISTRICT

The Solicitors Input:

Option 1

- You are always susceptible to an attack if you have a very tightly controlled number of properties where you permit a particular use.
- Your Ordinance says billboards are permitted but none of those parcels are available to be used that way. There are existing signs on the property. By virtue of the fact that there is nothing available makes you susceptible to an argument that your Ordinance is de facto exclusionary.
- You could be fine with that if you are content to let it go, but, understanding it doesn't rule out that somebody could come in and file a challenge.

Option 2

- If you regulate to the billboard companies standard highway size it would be a 672 sq. ft. (48' x 14') billboard.
- The State Supreme Court says you must demonstrate, as a municipality, that you have a comprehensive system of regulating these signs and that you are not treating premises billboard type signs any differently than you would treat an on lot sign that is advertising a piece of business on that parcel. We allow up to 200 sq. ft. You are not discriminating by treating the sign sizes exactly the same and it is permitted even though the billboard companies prefer a larger size.
- You could then construct a system of regulations that may have the practical effect of keeping billboard companies out completely, but, it doesn't facially prevent off premises advertising sign being put up.
- If you can live with the idea that you may have an off premise advertising sign that is 200 sq. ft. (10'x 20') that is probably the safest route to go.

The General Consensus of the Board of Supervisor is to keep the existing Billboard Overlay District.

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PUBLIC COMMENT – OTHER

Jane Schrader Lynch – Gorson Drive

As a resident of 47 years, she says that it is a tragedy what is happening to Warminster. There is commercial everywhere, infamous billboards, stores that are empty and what happens when those people with the grandiose ideas leave.

She says during the transition of the Hart's School it became the WREC Center. It is a great thing for our community. The Township is now going to purchase (the School Districts remaining interest) the WREC Center through permit fees and also open space funding. She asks, how do you apply for open space money?

Michael J. Savona, Esq. - This is way off topic.

The Park & Recreations Department is in the process of completing the revisions and updates to the Open Space Plan which are a prerequisite before you can submit the application for grant funding to the county to permit that transaction to go forward.

**WARMINSTER TOWNSHIP BOARD OF SUPERVISORS
MINUTES OF THE PUBLIC MEETING
THURSDAY, JULY 23, 2009**

PUBLIC HEARING (Cont'd)

1. Consideration of Adoption of the Zoning Ordinance and Subdivision and Land Development Ordinances (Cont'd)

PUBLIC COMMENT – OTHER (Cont'd)

Michael J. Savona, Esq.: (Cont'd)

We have, however, spoken with the Bucks County Planning Commission regarding that proposed use of the Open Space Funds and they have indicated that they are likely to look favorably on that application once it is submitted.

We are working towards getting that done. It is a matter of finishing some of the pre-planning documents and getting everything reviewed and approved and the applications submitted.

Jane Schrader Lynch – Gorson Drive

What do you plan to do with that piece of property now that it is going to be governmental?

Michael J. Savona, Esq.:

It is going to be deed restricted. There will be a conservation easement placed on all of the undeveloped areas of the property.

As a condition of using the county's open space money, any area that is not presently covered by a building or parking lot will have to be subject to a strict conservation easement in favor of Bucks County that will prohibit the development of anything on the remainder parts to that parcel.

Jane Schrader Lynch – Gorson Drive

Can you put Cell Towers on that property since it will have a government use?

Michael J. Savona, Esq.: On a conservation easement, No.

Jane Schrader Lynch – Gorson Drive

The only thing that is developed is of course the old Hart's School and the parking lot and everything beyond that would be under the conservation. So, no cell tower could ever go there?

Michael J. Savona, Esq.: No, not at all.

Jane Schrader Lynch – Gorson Drive

She requested a blinking stop sign on Gorson Drive and also Little Lane. It is much needed. She knows that the Township has a copy of the traffic survey that was sent from the Highway Traffic Group. She mentioned that the young woman that came out was absolutely tremendous.

Says that next to Centennial Stations are fields for William Tennent High School and she is concerned about the new zoning of those fields. Ask that someone elaborate.

Jim Krueger:

The field where the old jogging track is we zoned R-4. The field where the baseball diamond is at the lower end of the hill remains R-2 as well as the soccer fields. The crew uses the fields on Centennial Road. That is consistent with the Centennial Road corridor.

Jane Schrader Lynch – Gorson Drive

She asks could you explain the R-4.

Michael J. Savona, Esq.:

R-4 is a residential zoning district. It would be the same type of zoning as Centennial Station in terms of development. It is residential development lots that could be as small as 9,000 square feet. It permits various types of housing units including single family dwellings, multi family dwellings, townhouses, etc. It is strictly residential.

**WARMINSTER TOWNSHIP BOARD OF SUPERVISORS
MINUTES OF THE PUBLIC MEETING
THURSDAY, JULY 23, 2009**

PUBLIC HEARING (Cont'd)

1. Consideration of Adoption of the Zoning Ordinance and Subdivision and Land Development Ordinances (Cont'd)

PUBLIC COMMENT – OTHER (Cont'd)

Jane Schrader Lynch – Gorson Drive

She asks if it is strictly residential, can a school be built there?

Michael J. Savona, Esq.: Not without additional zoning relief. That is correct.

Jane Schrader Lynch – Gorson Drive

Says the schools will be changing in many of the areas where zoning is being changed to residential. Protecting the neighborhood by zoning it residential is a wonderful thing. There is a need to protect the area once a school is sold it could be anything.

Says the parcel that some of the people have addressed along Street Road was originally Residential and it did change to be Professional. Some homes have changed into businesses but do we really need more commercial. Up and down Street Road we have a corridor filled with commercial. She asks don't you want to keep something looking half-way decent?

Says commercial is now encroaching on York Road. There are many properties that are going to be sold. She cites a few examples of possibilities. She predicts this will be another section to change.

She tells the Board that they can't correct the ills of the past but it their responsibility to the future of this Township. By having it eroded anymore will be a grave error.

She wishes the Day Care business on York Road well.

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**In response to various questions and/or statements from Board Members,
the Solicitor's answers brought forth the following information:**

R-1 District

1. The R-1 District requires a minimum lot area of 20,000 square feet which is just a little shy of half an acre.

R-2 District

1. County View - The Mixed-Use District which was and is County View didn't really merit its own zoning district so that use is now within the R-2 District.

2. To have a Mixed-Use Development like County View requires a parcel (18+ acres) of contiguous property within the R-2 District that is large enough to accommodate all the specific requirements that are set forth for a Mixed-Use Development which does allow for the mix of housing stock but it is within the self contained 18 acres. You just can't put a mixed use development anywhere. The requirements are set out in Section 502 of the Ordinance. This contains all the requirements to qualify.

3. The permitted uses in the R-2 District:

a) Single family detached dwelling, emergency services, no impact home base business and residential accessory buildings.

b) Allowed are some additional uses when permitted by the Zoning Board: Churches, schools, private clubs, youth services, daycare and things like that.

c) Added as a Conditional Use subject to the approval by the Board – a Mixed-Use Development.

4. The R-2 District requires a minimum lot area of 12,500 square feet which hasn't changed.

**WARMINSTER TOWNSHIP BOARD OF SUPERVISORS
MINUTES OF THE PUBLIC MEETING
THURSDAY, JULY 23, 2009**

PUBLIC HEARING (Cont'd)

1. Consideration of Adoption of the Zoning Ordinance and Subdivision and Land Development Ordinances (Cont'd)

(Cont'd)

In response to various questions and/or statements from Board Members, the Solicitor's answers brought forth the following information:

R-3 District

- 1. An R-3 District has been created. You are stepping up in density as you move higher the residential number.**
- 2. The R-3 District permits more variations in housing stock.**
- 3. The R-3 District introduces single family detached dwellings, two family dwelling, townhouses and some multifamily dwellings with lot areas that are 9,000 square feet set out a little differently.**

R-4 District

- 1. R-4 is like Warminster Heights and some of the other more densely populated or densely packed housing like apartment complexes.**
- 2. The permitted uses in the R-4 District:**
 - a) Single family detached dwellings, two family dwellings, single family attached dwellings (townhouses), multi family dwellings, No-impact home based business, residential accessories, accessory in-law, place of worship, public or private schools, library or museum, private clubs, community centers, youth services, family daycare, mobile home parks, Mortuary or funeral home and accessory offices.**
 - b) Theoretically, mobile home parks are allowed but there is not any real risk.**
 - c) Permitted as a special exception when authorized by the Zoning Hearing Board are place of worship, public and private schools, library or museum, private club or lodge, community center, youth services and family day care.**
 - d) Permitted as a conditional use when authorized by the Board of Supervisors are mobile homes, mortuary or funeral homes and accessory office.**
- 3. In the R-4 District single family detached dwelling can be built in lot areas of 9,000 square feet. The R-4 District is really designed to accommodate the multiunit apartment complexes.**

ALL RESIDENTIAL DISTRICTS

- In all the residential Districts, we provided that churches and public and private schools are permitted as special exceptions if authorized by the Zoning Hearing Board. It would come before the Board for the Land Development Plan Approval.**
- When the school is there, it is an existing non-conformity. They are allowed to continue an existing non-conformity. They are even allowed to expand an existing non-conformity and the structure as long as they don't exceed 50% of the original size of the building.**
- If there is not a school on their own land, it would require specific relief from the Zoning Hearing Board. There is not a non-conforming structure right to continue.**
- There is not much we can do to actively force them not to make it a school but what we can do is stop them from selling the land to developers who would turn it into something other than more houses in a residential neighborhood.**

**WARMINSTER TOWNSHIP BOARD OF SUPERVISORS
MINUTES OF THE PUBLIC MEETING
THURSDAY, JULY 23, 2009**

PUBLIC HEARING (Cont'd)

1. Consideration of Adoption of the Zoning Ordinance and Subdivision and Land Development Ordinances (Cont'd)

(Cont'd)

In response to various questions and/or statements from Board Members,
the Solicitor's answers brought forth the following information:

Motor Vehicle Fueling Stations are provided as a use in both C-1 and C-2 Districts

C-1 District is less intensity commercial use

Motor Vehicle Fueling Stations are different in the C-1 District:

- They are not provided for as a permitted use by rather as a conditional use. This means it is subject to the Board's approval here before getting a permit.
- Before being permitted as a conditional use, it would have to have a minimum of five (5) acres of property.

NOTE: The property at Newtown & Street Roads (subject of the Wawa Curative Amendment) would not be provided conditional use for a motor vehicle fueling station because its acreage (4.2 acres) is under the minimum requirement of five (5) acres.

C-2 District – is highway commercial

The Highway commercial district has been expanded:

- A lot of those areas are not going to be developed as a service station or motor vehicle fueling stations because the parcels are too large and have existing uses on them that would never be economically viable to tear down a shopping center to build a gas station.
- The existing C-2 areas permitting motor vehicle stations was seen as not really very risky because there is only going to be a limited range of properties where they would probably locate and all those were probably already zoned highway commercial.

C-2 Provision for an accessory use for gas pumps

- Stand alone gas pumps not attached to a Service Station, not attached to a building nothing more than a booth that an attendant would sit in. Use regulations are set out in Part 16 allows them as accessory to the large Retail Stores that have their own requirements. If it is anything over 60,000 square feet etc.
- Gasoline pumps put in as an accessory use will be subject to all the rules and regulations that we are in the Ordinance.

I – Industrial

- Methadone Clinics are only allowed in I – Industrial.

I-O – Industrial-Office District

- The Transit Oriented District is only in the I-O Industrial-Office District. It is a separate conditional use and would come before the Board most likely as a part of the Land Development process to hear if it complies with all the regulations.

Home Business – two different classifications

Part 16 – Accessory Uses 70 & 71

1. Use 70 – No-impact home-based business must be permitted in all residential zoning districts according to the Municipalities Planning Code.

This is a business or commercial activity administered or conducted as an accessory use which is clearly secondary to the use as a residential dwelling and which involves no customer, client, or patient traffic, whether vehicular or pedestrian, pickup, delivery or removal functions to or from the premises, in excess of those normally associated with residential use. The business or commercial activity must satisfy eight (a – h) additional criteria. All is designed to eliminate anything that would require more than what you would normally have in delivery by UPS to a normal residence. These should be virtually indistinguishable from a residence.

**WARMINSTER TOWNSHIP BOARD OF SUPERVISORS
MINUTES OF THE PUBLIC MEETING
THURSDAY, JULY 23, 2009**

PUBLIC HEARING (Cont'd)

1. Consideration of Adoption of the Zoning Ordinance and Subdivision and Land Development Ordinances (Cont'd)

(Cont'd)

In response to various questions and/or statements from Board Members, the Solicitor's answers brought forth the following information:

Home Business – two different classifications (Cont'd)

2. Use 71 – Accessory office of a physician, lawyer, clergyman, teacher, architect, account, or other professional licensed by the Commonwealth of Pennsylvania. We limited the scope within the residence within which they could maintain the office. It would encompass allowing customers to and from the premises, allowing employees subject to all the restrictions that are set forth under Use 71. An Accessory office is going to be very low traffic, not completely consistent with a purely residential use but not so out of character to make it out of place in the neighborhood.

- **The Accessory office is allowed everywhere except R-1. It is by conditional use to be approved by the Board.**

Cellular Towers – permitted as a Conditional Use – must be approved by the Board.

- **Can be put in GOV - Government/Public District if there is not an underling restriction in the deed. Another map can be added to the entire map set (the Zoning Map, the Floodplain Map and the Historic Overlay in the District Map) to show the governmental parcels which are protected by deed restrictions or limited in developable area. This would not be an option for private parcels.**
- **Cellular Towers are permitted as a conditional use in the C-1 – Commercial-1 District, the I – Industrial District and the I-0 –Industrial-Office District.**
- **A Cellular Telecommunications Facility is subject to a lot of conditions and regulations before a cellular tower can be erected.**

BUS SHELTERS

<p>It was made mentioned that Public Works has a Bus Shelter in inventory waiting to be installed at Charter Arms. It was paid for by the billboard company.</p>

A bus shelter is going to be self limiting to the bus route. An individual District is not suggested just General Regulations to include:

- **Providing that a bus structure is permitted on any established bus routes that are on an arterial road and it meets the required design criteria.**
- **That there are no advertisements on the structure.**
- **That it is architecturally designed so as to fit in the surrounding neighborhood.**

Benefits:

- **A convenience to those who live and work in Warminster.**
- **To encourage the use of mass transportation**

Issues left to be addressed:

- **It becomes a maintenance issue, trash gathers. Who owns it and who takes care of it?**
- **How many is too many?**

<p>Frank Feinberg calls an end to the Public Hearing.</p>
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**WARMINSTER TOWNSHIP BOARD OF SUPERVISORS
MINUTES OF THE PUBLIC MEETING
THURSDAY, JULY 23, 2009**

AGENDA FOR THURSDAY AUGUST 13, 2009

- **Consideration for acceptance of Veterans Way and Veterans Circle**
- **Discussion - Environmental Advisory Committee - Placement of Solar Panels**
- **Discussion – Ben Wilson Senior Center - Energy Audit and Utility Bill Audit**
- **Review of candidates for appointments to the Warminster Municipal Authority**
- **Appointment of Pension Fund Manager**
- **Discussion/appointment of Health Insurance Broker**
- **Presentation - Economic Development Committee**

MEETING ADJOURNED AT 10:38 PM

INDIVIDUAL ACTION ITEMS:

Bob Tate

- **Per Ellen Jarvis, arrange a meeting when both you and Linda can present a clear report on the matter mentioned in these minutes. Have placed on the Agenda for late September or October.**

Leo Quinn

- **Ask Karen Whitney to forward the trail plan to Bob Tate and the Solicitor.**

Michael J. Savona, Esq.

- **Remove Section 2206 (Off-Premises Advertising Signs) and reinsert the Billboard Overlay District and replace that on the map where it was located previously. This will resolve the Billboard Issues.**
- **At the suggestion of Mr. Johnson revise and add another map to the Zoning Map Set that will depict any deed restrictions or development restrictive parcels that are in the Government District.**
- **At the suggestion of Mr. Quinn prepare General Regulations for Bus Shelters.**