

Warwick Township  
PLANNING COMMISSION  
Meeting Minutes  
April 7, 2021  
Virtual Meeting

Members Present: Kiel Sigafos  
Kevin Madden  
Robert Fink  
Michael Riotto

Members Absent: Michael Italia

Others Present: Brandy McKeever, Director of Planning & Zoning  
Skye Sorresso, Recording Secretary  
William D. Oetinger, Township Solicitor  
John Evarts, Township Engineer

**I. Call to Order**

Michael Riotto called the April 7, 2021, Planning Commission meeting to order at 7:04 pm.

**II. Consider approval of the March 3, 2021, Planning Commission Meeting Minutes**

**Motion by Kiel Sigafos to approve the March 3, 2021, Planning Commission meeting minutes without revision, seconded by Kevin Madden. Motion passed unanimously.**

**III. LD 19-02: 1549 Stony Road – Shihadeh Preliminary Plan Submission**

The following individuals were present on behalf of 1549 Stony Road:

John Shihadeh, Applicant  
John VanLuvanee, Applicant Solicitor  
Anthony Brunkan, Applicant Engineer

Ms. McKeever gave a brief introduction to the project. The applicant, Shihadeh Contractors, LLC, is proposing to join two parcels to build thirteen (13) B-1 single-family custom homes in the RR Zoning District. The proposal reflects a C-9 municipal utility in the form of a pump station that utilizes an existing access drive off Bristol Road.

Mr. John VanLuvanee, Solicitor to the applicant, provided background on the project. The proposed subdivision was brought before the Zoning Hearing Board on August 4, 2020, at which time eight (8) variances, primarily dimensional and resource protection related, were granted. The variances were conditioned on four (4) conditions including the construction of a sewage pump station and gravity-fed sewer main, the widening of Breton Hill Drive by four (4) feet, and compliance with all other ordinances and regulations. Mr. VanLuvanee noted that he felt the Zoning Hearing Board had agreed to the widening of Breton Hill Road to a uniform width instead of an additional four (4) feet at all points; which is not evident in the Board's written decision.

Mr. VanLuvanee also requested the Planning Commission's input regarding ownership of the proposed open space and detention basin and felt that a homeowners association should not need to be created

solely for the maintenance of the aforementioned areas. He went on to clarify that the applicant will be requesting the Board of Supervisors consider taking dedication of the area with the agreement that the applicant will provide a contribution to the Board for the minimum maintenance costs.

Mr. Oetinger informed Mr. VanLuvanee that the Planning Commission cannot alter a decision by the Zoning Hearing Board. Mr. VanLuvanee stated that he understood and would handle the matter with the Zoning Hearing Board.

Regarding the CKS letter dated March 31, 2021, section one (1), item five (5), Mr. VanLuvanee stated that the applicant plans to form a homeowners association to maintain the proposed open space. He added that he does not believe this to be the best option and still plans to request the Board to take dedication.

Mr. Riotto asked Ms. McKeever to clarify the position of the Township on taking ownership of basins. Ms. McKeever stated that the Township Public Works Department is currently short-staffed and discussions have been had regarding the Township's refusal to take ownership over any additional basins. Ms. McKeever reiterated that she cannot speak for the Township Manager or Board of Supervisors.

Ms. McKeever inquired as to who would be responsible for the maintenance of the proposed trail on the property. Mr. VanLuvanee stated that it would be the responsibility of the HOA unless the Board of Supervisors grants the applicant's request for dedication. Mr. VanLuvanee noted that a comment made in the Bucks County Planning Commission letter to extend the trail down to Bristol Road would not make much sense if the trail is owned by the HOA.

Mr. Evert added that in the last ten years, the Township has not taken ownership of any basins. He noted that the proposed managed release concept (MRC) basin requires more maintenance than a standard basin.

Mr. Sigafos asked Mr. Everts if the proposed basin could be considered a liability. Mr. Everts clarified that the basin is designed to meet all the requirements set by the Department of Environmental Protection (DEP) but has some features that may make maintenance more complicated than just mowing.

Regarding CKS letter section one (1), item seven (7), Mr. VanLuvanee pointed out that the current buffer is heavily wooded and could be supplemented instead of the installation of a class 'A' buffer. Mr. Everts stated that the current vegetation would be sufficient so long as it provides a fifteen (15) to twenty (20) foot buffer area.

Mr. VanLuvanee and Mr. Brunkan then requested a waiver from section two (2), item eleven (11), of the CKS Letter because the applicant is unable to meet the seven percent (7%) sidewalk grading requirement. Mr. VanLuvanee added that the grade of the property frontage along Stony Road currently exceeds seven percent (7%). Mr. Brunkan clarified that only the frontage along lots one (1) and two (2) exceed seven percent (7%) and the remainder of the frontage complies.

Mr. Everts asked if pull-offs will be required to remain ADA compliant. Mr. Brunkan stated that more research will be necessary to make that determination; however, the applicant will comply with PennDOT and/or ADA requirements.

Regarding CKS letter section two (2), item sixteen (16), Mr. VanLuvanee questioned the reasoning behind a minimum trail width of eight (8) feet. Mr. Evart clarified that the recommendation to adhere to an eight (8) feet minimum trail width has been made to all recent developments as that is the typical width of a paved path.

Michael Riotto stated that he believes the trail will be well used to access the park near Stony Road. Mr. Sigafoos stated that he would like to see the trail width at eight (8) feet.

Regarding CKS letter section two (2), item twenty (20), Ms. McKeever stated that the Township Zoning Officer, Ms. Ashley Casey, confirmed that the location of the current service walk for lot nine (9) is acceptable.

Regarding CKS letter section two (2), item twenty-one (21), subsection (C), Mr. Brunkan explained that the applicant is requesting a waiver from the required 400 feet site distance for several driveways due to horizontal and vertical street geometry. In response, the applicant has reduced the proposed driveway access points to three (3), complied with all minimum safe stopping distance calculations, and maintained the PennDOT recommended site distance of 340 feet.

Mr. VanLuvanee requested a waiver from CKS letter section two (2), item twenty-one (21), subsection (D), and any fee in lieu of, citing the expenses the applicant has agreed to pay for the pump station and road improvements. Ms. McKeever stated that the staff has requested the disclosure statement and studies be completed. She added that the remaining three assessments were recommended due to the number of dwellings. Mr. VanLuvanee commented that the applicant will comply if required.

Regarding CKS letter section two (2), item twenty-one (21), subsection (E), the applicant requests a waiver conditioned on the installation of a reinforced concrete pipe (RCP) storm sewer within the Breton Hill Drive right-of-way.

The applicant also requested a waiver from CKS letter section two (2), item twenty-one (21), subsection (F), requiring all basin berms to have a basin side slope of four horizontal to one vertical (4:1) or less. Mr. VanLuvanee stated that the existing slope of the property makes it difficult to comply. From an engineering standpoint, Mr. Evarts had no issue with the waiver.

A waiver was then requested for CKS letter section three (3), item nine (9) and ten (10). Mr. VanLuvanee also requested relief from the required fee-in-lieu due to the applicant's willingness to complete road improvements. Mr. Evarts informed Mr. VanLuvanee that a request for relief from the fee-in-lieu would need to be directed to the Board of Supervisors.

Regarding CKS letter section four (4), item eighteen (18), Mr. Brunkan inquired as to whether a waiver would be necessary to allow a cut face steeper than three horizontal to one vertical (3:1). Mr. Evarts stated that he could not recommend that waiver be granted due to possible slumping issues. After further discussion, Mr. Oetinger deemed the waiver unnecessary and requested the item be listed as "will resolve to satisfaction of Township Engineer".

Ms. McKeever asked the applicants if any consultation was made with the post office regarding mailbox requirements. Mr. Brunkan stated that the post office had not yet been contacted.

Regarding staff review letter section three (3), item seven (7) requiring the installation of streetlights along Stony Road, a partial waiver was requested consistent with staff recommendations to install streetlights at two designated intersections (pump station access & Bristol Road, Stony Road & Breton Hill Drive).

Regarding staff review letter section one (1), item six (6), Ms. McKeever inquired as to whether the applicant would be willing to supplement the currently existing vegetation between the proposed trail and both 1465 Stony Road and 1454 Breton Hill Drive. Mr. VanLuvanee confirmed that the applicant would comply. Mr. Oetinger and Ms. McKeever noted that the Township would request the supplementation continue along the trail should it be extended.

Mr. Sigafoos and Mr. Riotto added that the Planning would like to see a crosswalk installed closer to Bentley Drive.

*CKS Engineers review letter dated March 31, 2021*

I. Zoning

1. Waiver Requested
2. Will Comply
3. Will Comply
4. Will Comply
5. Applicant currently plans to create a homeowners association; however, the applicant requests the Township take ownership of the open space/trail/basin to negate need for an HOA.
6. Will Comply
7. Proposed supplementation of current vegetation to create 15-20" buffer.
8. Will Comply
9. Will Comply
10. Will Comply
11. Will Comply

II. SALDO

1. Will Comply
2. Will Comply
3. Will Comply
4. Will Comply
5. Will Comply
6. Will Comply
7. Will comply per Zoning Hearing Board order.
8. Will Comply
9. Will Comply
10. Will Comply
11. Waiver Requested – subject to ADA/PennDOT compliance
12. Will Comply
13. Will Comply
14. Will Comply
15. Will Comply
16. Will Comply
17. Will Comply
18. Will Comply
19. Will Comply
20. Deemed acceptable by Township Zoning Officer
21. Will Comply

- A. Waiver requested
- B. Waiver requested
- C. Waiver requested – applicant will provide 340-foot stopping distance and comply with minimum safe stopping distance calculations.
- D. Waiver requested
- E. Waiver requested subject to installation of RCP storm sewer within Breton Hill Drive right-of-way.
- F. Waiver requested

III. Traffic

- 1. Will Comply
- 2. Will Comply
- 3. Will Comply
- 4. Will Comply
- 5. Will Comply
- 6. Will Comply
- 7. Will Comply
- 8. Will Comply
- 9. Waiver requested – request for fee-in-lieu of to be waived.
- 10. Waiver requested – request for fee-in-lieu of to be waived.
- 11. Will Comply
- 12. Will Comply

IV. Stormwater

- 1. Will Comply
- 2. Will Comply
- 3. Will Comply
- 4. Will Comply
- 5. Will Comply
- 6. Will Comply
- 7. Will Comply
- 8. Will Comply
- 9. Will Comply
- 10. Will Comply
- 11. Will Comply
- 12. Will Comply
- 13. Will Comply
- 14. Will Comply
- 15. Will Comply
- 16. Will Comply
- 17. Will Comply
- 18. Will resolve to Township Engineer’s satisfaction.
- 19. Will Comply
- 20. Will Comply
- 21. Will Comply
- 22. Will Comply
- 23. Will Comply
- 24. Will Comply
- 25. Will Comply
- 26. Will Comply
- 27. Will Comply
- 28. Will Comply
- 29. Will Comply
- 30. Will Comply

V. General

1. Will Comply
2. Will Comply
3. Will Comply
4. Will Comply
5. Will Comply
6. Will Comply
7. Will Comply
8. Will Comply
9. Will Comply
10. Will Comply
11. Will Comply
12. Will Comply
13. Will Comply
14. Will Comply
15. Will Comply
16. Will Comply
17. Will Comply
18. Will Comply
19. Will Comply
20. Will Comply
21. Will Comply
22. Will Comply
23. Will Comply
24. Will Comply
25. Will Comply
26. Will Comply
27. Will Comply
28. Will Comply
29. Will Comply

*Staff review letter dated April 1, 2021*

I. General

1. Will Comply
2. Will Comply
3. Will Comply
4. Will Comply
5. Will Comply
6. Will Comply
7. Will Comply
8. Will Comply

II. Zoning

1. Item withdrawn by Director of Planning and Zoning
2. Will Comply
3. Will Comply

III. SALDO

1. Will Comply
2. Will Comply
3. Will Comply
4. Will Comply
5. Will Comply
6. Will Comply

7. Partial Waiver Requested – consistent with staff recommendation to require streetlights at the pump station access and Bristol Road and Stony Road and Breton Hill Drive intersections.
8. Will Comply
9. Will Comply

IV. Variances Granted & Denied

1. To permit a variance from the requirement of active open space for subdivisions of 10 or more B1 Single Family Dwelling lots.
2. To permit the C9 Municipal use (proposed pump station) to be constructed on a lot containing 0.48 acres, or 20,875sq. ft., where the minimum lot size requirement is 1.0 acre, to permit a lot width of 130 feet where the minimum lot width requirement is 150 feet, to permit a front yard setback of 35 feet where 50 feet is required, and to permit a rear yard setback of 35 feet where 50 feet is required.
3. To permit disturbance of: more than 40% of the 8%-15% steep slopes on the property, more than 30% of the 15%-25% steep slopes on the property, and more than 15% of the steep slopes greater than 25% on the property.
4. To disturb more than 10% of the “woodlands located in environmentally sensitive areas” on the property.
5. To disturb more than 20% of “other woodlands areas” on the property
6. To permit the minimum individual lot buildable area to encroach into natural resources areas to a greater extent than would be allowed by §195-60
7. To permit common open space to include more than 70% natural resource protection areas.
8. To permit a variance from the requirement of active open space where the Ordinance requires that active open space be generally flat, dry and clear of any trees or other vegetation.

Denied Relief

1. To permit private ownership of open space that is not used for agriculture.

The relief granted is subject to conditions:

- i. The Applicant shall construct a sewage pump station; capable of accommodating sanitary sewer flows from the proposed new dwellings as well as the existing houses on Breton Hill Drive.
- ii. The Applicant shall construct a gravity-fed sewer main to serve all existing houses on Breton Hill Drive, and shall provide individual laterals, stubbed at each residence on Breton Hill Drive.
- iii. The Applicant shall widen the existing Breton Hill Drive by four (4') feet, shall perform base repairs as determined by the Township Engineer, and shall perform a full-width mill and paving overlay of Breton Hill Drive.
- iv. Applicant shall comply with all other applicable governmental ordinances and regulations.

V. Waivers Requested

1. Waiver Requested
2. Waiver Requested
3. Waiver Requested
4. Waiver Requested
5. Waiver Requested
6. Waiver Requested
7. Waiver Requested

**Motion made by Kiel Sigafos to recommend preliminary plan approval in compliance with the following waivers and conditions:**

- 1. Inquiry into Zoning Hearing Board decision regarding Breton Hill Drive widening.**
  - 2. Compliance with CKS Review Letter dated 3.31.21 with exception to the items discusses below.**
  - 3. Deferral of decision on ownership of open space, trail, and stormwater management to Board of Supervisors.**
    - a. If Township takes ownership of open space, Planning Commission recommends:**
      - i. Extension of the proposed trail through the open space and pump station to Bristol Road – per Section two (2) item sixteen (16) of the CKS review letter.**
      - ii. Extension of the class ‘A’ buffer – per Section one (1) item six (6) of the staff review letter.**
  - 4. Waiver of CKS review letter section two (2), item eleven (11) conditioned upon ADA and/or PennDOT compliance.**
  - 5. Compliance with CKS review letter section two (2), item sixteen (16) to widen the proposed trail to a minimum of eight (8) feet.**
  - 6. Compliance with CKS review letter section two (2), item twenty-one (21), subsection (D), requiring a Developer Financial Disclosure Statement, Educational Impact Study, Transportation Impact Study, and Impact Assessment.**
  - 7. Waiver of CKS review letter section two (2), item twenty-one (21), subsection (F).**
  - 8. Request for waiver of CKS review letter section three (3), item (9), deferred to the Board of Supervisors.**
  - 9. Waiver of CKS review letter section four (4), item eighteen (18), conditioned on satisfaction of Township.**
  - 10. Compliance with the Staff Review Letter dated 4.1.21.**
  - 11. Existence of adequate buffers between existing properties and proposed trails.**
  - 12. The Stony Road crosswalk to be relocated to the south of Bentley Drive, closer to Bristol Road.**
- Motion Second by Robert Fink. Motion passed unanimously.**

**V. Old Business**

None.

**VI. New Business**

None.

**VII. Adjournment**

**Motion made by Kiel Sigafos to adjourn; Kevin Madden seconded the motion. Motion passed unanimously.**

**Meeting adjourned at 9:01 pm.**

Respectfully submitted,



Brandy McKeever, CZO  
Director of Planning and Zoning