

## **MEETING MINUTES**

**July 26, 2022**

**7:00 PM**

A meeting of the New Britain Township Planning Commission was held on July 26, 2022, at the Township Administration Building, 207 Park Avenue, New Britain Township, PA beginning at 7:00 p.m. In attendance were Chair Marco Tustanowsky, Secretary Deborah Rendon, members Michelle Martin, Kenneth Onsa and Kristen Ives, and Board Liaison Stephanie Shortall. Township Assistant Planning & Zoning Officer Ryan Gehman and Township Engineer Craig Kennard were also in attendance.

### **I. Pledge of Allegiance**

### **II. Approval of the Minutes from the Meeting of June 28, 2022**

**MOTION: Upon motion of Mr. Onsa, seconded by Ms. Ives, and unanimously carried, the June 28, 2022 meeting minutes were approved.**

### **III. Gilmore Property – Land Preservation & Subdivision – Waiver of Land Development**

Township Manager Matt West introduced the project, stating that the plan being presented is the first iteration of the subdivision plan of the Gilmore Property. West stated that the Township, on behalf of Anna & Aubrey Gilmore, is proposing a 2-lot subdivision of the 38-acre parcel. West noted that the parcel is currently governed by Act 319 regulations as it is an agricultural property, which means the lot can only be subdivided one time per year. In addition to the number of times the property can be subdivided in a year, West noted that any new parcels have to be under 2 acres total and there can only be a maximum of 3 lots created on this specific parcel. West explained that the Township plans to preserve 31 acres permanently in a conservation easement, and turned the presentation over to Township Engineer, Craig Kennard.

Kennard stated that the subdivision of the property is being handled by the Township on behalf of the owners, Anna & Aubrey Gilmore. In addition, Kennard noted that the Board of Supervisors agreed to have 31 acres of the property preserved and limited to a maximum of 3 total lots in exchange for professional staff preparing the subdivision plan and legal documents.

Kennard discussed the subdivision plan, noting that there is a minimal protection area denoted off of Keller Rd. In this area, Kennard stated, the only uses permitted would be a B1 single-family dwelling or other improvements relating to the agricultural activity of the property. Kennard stated that no improvements are permitted outside of this area and within the conservation easement aside from those relating to the agricultural activity on the property.

Kennard discussed the proposed Lot 2 along the property's King Rd frontage, noting that the lot is just under 2 acres and is compliant with the site's Watershed zoning requirements. Kennard stated that the lot cannot be further subdivided, and that the only proposed use is a B1 single-family dwelling. Kennard explained that because the Act 319 regulations limit the number of subdivisions permitted per year, the plan only shows one proposed lot but leaves room for an additional lot next to Lot 2 to be subdivided at a later time. Kennard stated that the Township is seeking a Waiver of Land Development due to the fact

that 31 acres of agricultural land would be preserved should the project receive approval, and recommended a motion to recommend approval of the waivers and the subdivision of the property.

The Planning Commission expressed support of the project. Ms. Rendon noted that the land is prime agricultural land and expressed her appreciation to the Gilmore family for working with the Township to preserve their property permanently. Mr. Tustanowsky stated that he feels the project is a great opportunity to preserve more land within the Township.

**MOTION: Upon motion of Ms. Rendon, seconded by Ms. Martin, and unanimously carried, the Planning Commission recommended Preliminary/Final Approval of the Gilmore Property Subdivision and Land Preservation project.**

#### **IV. 84 Schoolhouse Rd – Preliminary/Final Plan Review**

Due to a scheduling conflict, the presentation for the Preliminary/Final Plan for 84 Schoolhouse Rd was moved above the 315 Old Limekiln Rd presentation.

Tony Maras of PRDC introduced himself and Tom Borghetti of Holmes Cunningham Engineering. Maras stated that the applicant is proposing a by-right, 5-lot subdivision of the property at 84 Schoolhouse Rd. He went on to describe the history of the project, noting that the applicant has met with Township staff on multiple occasions to present many different iterations of the plan. Maras stated that the applicant will be requesting a number of waivers from the Board, but noted that the plan that is in front of the Planning Commission is essentially the same plan they saw previously in the Sketch Plan process. Before discussing the waivers in more detail, Mr. Kennard recommended that Maras explain the project to the residents in attendance as they were not present for the meeting when the Sketch Plan was presented.

Maras described the proposed plans, stating that the applicant is proposing a private lane into the site which is proposed to be improved with 5 estate-style homes with stormwater management facilities on-site. Maras noted the by-right nature of the plan, stating that the Zoning allows for the proposed use and density. Maras discussed the natural resources on-site, stating that the site is heavily wooded but contains a large number of dead ash trees. Maras stated that the Township has recommended that the developer mark any living trees that are able to be saved when the site is cleared of dead trees.

Maras discussed proposed improvements on the site, noting that no widening is proposed but that there is a proposed trail along the frontage of the site. Maras discussed extending the trail across the Byers Choice property to the existing trail in the Colebrook development.

Kennard discussed the history of the project, noting that the original proposal was for 16 total units and the second proposal was for 12 total units. He stated to the residents that if anyone had previously seen those iterations of the plan, the newly proposed plan is completely different and is by-right in nature. Maras indicated that all of the comments in the Gilmore & Associates review letter are will-comply, but wanted to discuss maintenance of the section of trail located off-site and the acquisition of the right-of-way that may be required. Maras stated that he feels the Township should maintain the portion of trail that is off-site and also acquire the right-of-way from Byers Choice. Kennard recommended the applicant put this request in writing before appearing in front of the Board of Supervisors.

Mr. Tustanowsky asked if the proposed trail will extend up to the Colebrook development, to which Maras responded it would if they are able to obtain the right-of-way required for that connection. If the acquisition is not possible, Maras indicated that they would pay a fee in lieu of providing this section of trail.

Kennard recommended that the Planning Commission recommend preliminary/final approval of the project subject to compliance with the July 19, 2022 Gilmore & Associates review letter that incorporates all other letters including the Fire Marshal's review and Bucks County Planning Commission review, and includes granting all waivers as outlined in the Gilmore & Associates letter.

**MOTION: Upon motion of Ms. Ives, seconded by Ms. Martin, and unanimously carried, the Planning Commission recommended Preliminary/Final Approval of the 84 Schoolhouse Rd project.**

#### **V. 315 Old Limekiln Rd – Preliminary/Final Plan Review**

Leon McGuire of Van Cleef Engineering introduced the project, which is a proposed 3-lot subdivision of a 10.6-acre lot on Old Limekiln Rd. McGuire stated that the existing home is to remain, and two new single-family homes are proposed on the two new proposed lots. McGuire discussed the proposed conservation easement and stormwater facilities.

Jon Thomas of Audax Revival stated that this was their second appearance in front of the Planning Commission for this project. Thomas noted the questions that arose previously about the proposed septic systems and design of the site and indicated that those issues have been resolved. Thomas stated that he is requesting preliminary/final approval of the project.

Kennard noted that the applicant had some issues to work out in terms of their stormwater design, but those issues had since been resolved. Kennard also noted that the applicant was required to do a Water Resource Impact Study (WRIS) because 3 lots are proposed. McGuire stated that all of the items in the Gilmore review letter are will comply, and Kennard stated that because the applicant addressed the major items in the review letter, he had no further comments.

Kennard recommended preliminary/final approval of the project conditioned on the Gilmore review letter dated February 28, 2022 which incorporates all other review letters, as well as the Gilmore WRIS review letter dated July 12, 2022.

**MOTION: Upon motion of Ms. Martin, seconded by Ms. Rendon, and unanimously carried, the Planning Commission recommended Preliminary/Final Approval of the 315 Old Limekiln Rd project.**

#### **VI. 141 Independence Ln – Preliminary/Final Plan Review**

Applicant Andy Miller of Catalyst Commercial Development and Kim Fasnacht of Rettew Associates introduced themselves. Fasnacht introduced the project, stating that the applicant is proposing an 88,250 SF warehouse building in the New Britain Business Park. Fasnacht stated that there is not a user for the building at this time. Fasnacht stated the applicant is proposing 53 parking spaces and 16 loading docks, noting that the applicant received relief from the Zoning Hearing Board to provide less parking spaces

than are required, to allow a building height of 42', and to permit a paved area to be within 20' of the building. Fasnacht noted that this approval was conditioned on providing a fire access lane around the rear of the building, and to do so while also preserving the existing wetland on site, the applicant had to reduce the size of the building.

Fasnacht discussed the proposed stormwater management design, stating that the stormwater will be managed by 2 subsurface basins in front of the building and under the loading docks. Fasnacht stated that the building will be served by public water and sewer.

Fasnacht discussed the Fire Marshal's comments on the plan requiring an additional hydrant and the previously mentioned fire lane, which the applicant indicated he will comply with. Fasnacht went on to discuss the Gilmore review letter, noting that some of the comments are still being addressed and that she had a meeting scheduled for Thursday 7/28 with the Township Engineer to discuss comments regarding the basins and traffic concerns.

Kennard stated that the applicant is not ready to receive Preliminary/Final approval as they have some comments in their letter that have yet to be addressed. Fasnacht noted that the applicant is not seeking final approval at this time. Kennard recommended the applicant address some of more significant items in the Gilmore letter and resubmit for Preliminary/Final approval. Fasnacht indicated that this was the applicant's intention.

Fasnacht stated that the applicant's intention is to provide a Fee In Lieu Of (FILO) the required tree plantings, as they cannot support any substantial tree replacement on site.

A discussion of waivers ensued. Fasnacht stated that the applicant is seeking a waiver from providing a Community Impact Assessment Report with the justification that the report should have been done for the entire site when the business park was created. Fasnacht noted that Gilmore did not support this waiver. Fasnacht also noted that the reason the report was required was because they are proposing an industrial building greater than 50,000 SF. Kennard stated that because there is a traffic component in the report, which is why he was hesitant to support the waiver. Fasnacht asked if the Traffic Impact Study would satisfy that component of the report. Kennard stated he will discuss further with staff and get back to the applicant, noting that other projects of similar size have paid FILO instead, but there is no community wide study in this area.

Mr. Tustanowsky asked why the applicant wanted a height greater than 35' for the building. Miller responded that the 35' warehouse height is outdated and Class A warehouses now require taller building heights to accommodate the racking systems. Miller noted that many warehouse buildings are now being built at heights of anywhere from 60' to 80' to provide space for these systems.

Fasnacht discussed the waiver from providing mill and overlay to the cul-de-sac only, stating that the applicant feels a better idea is to provide a FILO to repave the whole road instead of just the cul-de-sac. Kennard stated that he feels this is a good idea and that he will discuss with staff and Public Works.

Fasnacht discussed the waiver from providing sidewalk along their property with the justification that the sidewalk would not connect to anything. Fasnacht noted that the Gilmore letter recommended installing

sidewalk on their frontage and connecting to the existing sidewalk on the north side of Independence Ln. Fasnacht stated the applicant does not feel that they should install sidewalk off-site. Kennard stated this waiver will be discussed more at staff-level and if the Township acquires the required right-of-way, the issue may be revisited to work something out similar to what was done at 180 New Britain Blvd.

Fasnacht discussed the waiver from providing engineered retaining wall design during the development of the site, with the justification that this is something that will be provided by the contractor during construction. Fasnacht noted that the applicant will show a typical detail on the plans. Kennard requested that the applicant show the proposed encroachment into the wetland buffer by the retaining wall on the revised plans.

## **VII. Stormwater Ordinance Amendment**

Kennard introduced the amendment, noting that the Township keeps a running log of ordinances that need to be updated, which are where some of the comments in the amendment came from. Kennard also noted that the majority of proposed amendments are required for all Township, and many come from the Model Stormwater Ordinance from DEP.

A discussion ensued about the terminology used such as “wherever possible” and “where practicable” and the possible ambiguity of such phrases. Kennard stated that this is the terminology DEP uses, so when the Township adopt DEP’s Model Ordinances, they use their terminology.

Another discussion ensued about recommendations from DEP to allow more encroachment within certain natural resources and associated easements. Kennard noted that the Township is not taking this recommendation from DEP and is keeping their encroachment requirements the same.

Kennard recommended that the Planning Commission vote to approve the advertisement of the Ordinance Amendment.

**MOTION: Upon motion of Ms. Rendon, seconded by Ms. Martin, and unanimously carried, the Planning Commission recommended the advertisement of the Stormwater Ordinance Amendment.**

## **VIII. Public Comment**

Lori Bowman of 805 Long Meadow Rd asked why the plans that proposed twins were not pursued further. Maras stated that the residents that came out to the meetings did not want the lot to be developed with twins, and the twins required a special exception along with additional waivers and variances. Ms. Bowman then asked how large the proposed lots will be. Mr. Borghetti stated that the lots are slightly larger than the required 1-acre minimum lot size. Ms. Bowman asked what the HOA for the neighborhood will cover. Maras stated that the HOA is traditionally responsible for common items such as the roads and stormwater facilities, but not generally for lawn maintenance as they tend to be in communities with twin homes. Lastly, Ms. Bowman asked about the price of the proposed homes. Maras stated that homes will likely be in the \$800,000-\$900,000 range.

Elsie Schuss of 908 Monarch Court asked if the previously proposed access road to Meadow Rd was a problem. Maras explained that they did propose a road from the site to Meadow Rd in a previous iteration but there was a large amount of opposition to that idea as well as the residents felt it would increase traffic through the existing neighborhood. Kennard noted that the natural resource disturbance was an issue as well. Ms. Schuss stated that she felt that widening Schoolhouse Rd would not be helpful, to which Maras agreed, noting that the reason the applicant is not proposing widening is to create a traffic calming effect and avoid giving motorists more room to go around those who are turning into either the proposed site or the Colebrook development. Ms. Rendon discussed traffic calming and asked what more can be done to slow down traffic along Schoolhouse Rd. Maras noted that there is buffering proposed along the roadway that should calm traffic.

Kathleen Blum of 708 Stafford Ct asked if it would be possible to install a small stop sign for pedestrians at the crosswalk from Rocky Meadows to Colebrook. Mr. Kennard stated that PennDOT does not allow those types of signs and they are only typically found within shopping centers because those roads are private. Ms. Blum asked if any traffic studies have been conducted along Schoolhouse Rd and what the results of those studies have been. Mr. Tustanowsky noted that this is a concern of the Parks and Rec Board because of the proposed Cotton Park. Mr. Tustanowsky noted that the police have conducted studies and generated reports about speeding along this stretch of Schoolhouse Rd and found that motorists did not speed as much as was initially thought. Mr. Kennard noted that there are additional traffic calming measures planned for the development of Cotton Park regardless.

John Walsh of 507 Lexington Ave asked if the developer could sit down with him after the meeting for clarification on the plans regarding natural resource disturbance. Maras agreed to talk after the meeting.

Russel Schuss of 908 Monarch Ct asked what the rationale of the developer was to build large single-family homes among a large number of townhomes. Mr. Tustanowsky said that it is the developer's choice to build what they want to build and that the Township can only tell them what is allowed by right and what will require variances or waivers. Mr. Schuss stated that he felt the design was a bad choice.

Mary Kielar of 319 W Boulder Dr asked if the applicant is proposing to remove all of the trees along the property boundary. Maras responded that they will not be removing all of the trees, only what is shown on the plan.

Heidi Lauff of 305 Rocky Court W asked what kind of material is proposed for the trail to Colebrook. Maras stated the proposed trail will be a 6' wide blacktop trail like the one that currently exists in Colebrook. Ms. Lauff asked how large the proposed houses will be. Maras responded that they will have a footprint of roughly 2,700 SF and a total square footage of around 4,500 SF.

Vince Paton of 320 W Boulder Dr asked about the Stormwater Easement shown on the plans, specifically regarding the conveyance of stormwater from the property. Maras explained that the Stormwater will be conveyed to the area denoted as the Stormwater Easement which is a large basin that will receive

the runoff from the site and convey it to the watercourse on the property. Paton asked who the builder is, and Maras responded that PRDC is builder.

Doug Reasoner of 265 Sellersville Rd and Kim West of 75 Curley Mill Rd asked about the property located at 55 Curley Mill Rd. The Planning Commission did not have any information on this project as it was unrelated to the projects being discussed at the meeting.

## **IX. Adjournment**

**MOTION: Upon motion of Ms. Rendon, seconded by Ms. Martin, and unanimously carried, the meeting was adjourned at 8:28 p.m.**

Respectfully Submitted,

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Marco Tustanowsky, Chair

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Ryan Gehman, Assistant Planning & Zoning Officer