

MIDDLETOWN TOWNSHIP
DELAWARE COUNTY, PENNSYLVANIA

August 26, 2013

Minutes of Regular Meeting of Township Council Held on Monday, August 26, 2013 at 7:00 PM
in the Township Building, 27 N. Pennell Road

Present: M. Amoroso, L. Bradshaw, R. Carlson, S. Galloway, M. Kirchgasser, C. Quinn
B. Clark, D. Petrosa, Esq., A. Rothe

1. Chairperson Ms. Bradshaw opened the meeting with the Pledge of Allegiance to the Flag.

Ms. Bradshaw announced that Council met in Executive Session prior to tonight's meeting to discuss legal matters.

Ms. Bradshaw welcomed Donald Petrosa, Esquire, who served as Solicitor for the meeting.

2. Approval of Minutes – August 12, 2013 Regular Meeting

Mrs. Amoroso moved for approval of the Minutes of the August 12, 2013 Regular Meeting. Mr. Carlson seconded the motion, and the Minutes were approved as written by vote of 5-0; Mr. Kirchgasser abstained from voting because he was not present at the meeting.

3. Comments from the Public

There were no comments from the public.

4. Reports

A. Manager: Mr. Clark stated it was with regret that he accepted the resignation of Susan Blume Suplee, long time Administrative Secretary, effective August 30, 2013. He noted that Susan began employment with the Township in 1999 and served as receptionist for four years before becoming Administrative Secretary. Susan and her husband Jamie are relocating to Florida. Susan has always been pleasant and helpful in working with residents, Council members and staff members, and she will be missed.

Mr. Clark explained that the job vacancy has been advertised and applications are being accepted for the position.

5. Public Hearings

Mr. Kirchgasser stated it is anticipated that testimony in the Public Hearings on the Zoning Ordinance Amendment to permit a Campus Mixed Use Development as a Conditional Use in the R-4 Residential District and the Conditional Use Application of Pond's Edge L.P. will not be concluded at tonight's meeting. It is recommended that the other matters on the agenda not related to Pond's Edge should be considered before opening the Public Hearings.

Mr. Kirchgasser moved to amend the agenda to consider Agenda Items 6B and 7D, E, F, and G before the Public Hearings and other agenda items relating to the Pond's Edge development. Mr. Quinn seconded the motion, and the motion was approved by unanimous vote 6-0.

6. Old Business

- B. Consideration for Adoption – An Ordinance of Middletown Township, Delaware County, Pennsylvania, Amending Chapter 235, “Vehicles and Traffic”, of the Township Code of Ordinances to Provide for a Three-Way Stop Intersection at Old Forge Road and Yearsley Mill Road

Ms. Bradshaw noted that the proposed multi-way stop at the intersection of Old Forge Road and Yearsley Mill Road was discussed by the Roads and Highways Committee and at two recent Council meetings.

Mr. Kirchgasser stated that since reopening the Old Forge Road bridge, traffic has increased on Old Forge Road. Due to traffic safety concerns he recommended that a 3-way stop should be established at the intersection of Old Forge Road and Yearsley Mill Road. At the request of the Roads and Highways Committee, the Township Engineer conducted a traffic study and determined that sight distance at the intersection did not meet the state MVC requirements and a multi-way stop was warranted. Several residents of Joseph's Way attended the meetings and suggested that stop signs might be more effective if installed at the Old Forge Road intersection with Darlington Road or Joseph's Way.

Mr. Kirchgasser explained that he was out of town on business and could not attend the Council meetings when this matter was discussed and requested that adoption of the ordinance be deferred until he could be present.

Mr. Clark explained that the ordinance has been advertised and can be considered for adoption. There were no comments from members of the audience.

Mr. Kirchgasser moved for adoption of an ordinance of Middletown Township amending Chapter 235, “Vehicles and Traffic”, of the Township Code of Ordinances to provide for a three-way stop intersection at Old Forge Road and Yearsley Mill Road. Mr. Carlson seconded the motion, and Ordinance No. 739 was adopted by unanimous vote 6-0.

7. New Business

D. Reauthorization of Final 2-Lot Subdivision –
Brown – 76 Cherrywood Lane

Mr. Clark stated that a 2-lot subdivision of the property of Francis and Irene Brown at 76 Cherrywood Lane was approved June 27, 2011 by Resolution 2011-65 subject to certain conditions. The new lot was to share a common driveway with the existing house on the lot. During the final engineering phase the applicant decided to reconfigure the access for Lot 2 and to construct a separate driveway out to Cherrywood Lane to serve Lot 2. The separate driveway access for Lot 2 eliminated the need to record a Declaration providing for driveway and utility access in a common easement area, which was a condition of approval of the original plan.

Mr. Carlson moved that the above cited plans dated April 15, 2011 with a new final revision date of July 1, 2013 be approved subject to installation of the 4 ft. driveway widening on Lot 1 as shown on the plan and conformance with the approval conditions of Resolution 2011-65 but deleting the requirement to record a Declaration providing for driveway and utility access in a common easement area. Mr. Kirchgasser seconded the motion, and Resolution 2013-75 was approved by unanimous vote 6-0.

Bruce Martin, the owner of Lot 2 with his wife, the Browns' daughter, was present in the audience and exclaimed "Hooray!" Ms. Bradshaw pointed out that the Martins have encountered a number of problems relating to the subdivision plan and she wished them good luck in their new home.

E. Consideration for Adoption – An Ordinance Amending the Code of Ordinances of the Township of Middletown, Delaware County, Pennsylvania, Chapter 235, "Vehicles and Traffic", Article 1, Traffic Regulations, Section 235-3, Maximum Speed Limits, by Changing the Speed Limit on Fox Road to Twenty-Five Miles Per Hour

Mr. Clark explained that William Evans, 5 Fox Road, requested that the speed limit on Fox Road be reduced from the current 35 mph to 25 mph. The Roads and Highways Committee reviewed the request and agreed that because of the width, grades and configuration of Fox Road it was not suitable for a speed limit of 35 mph. An ordinance was introduced at the August 12th meeting to reduce the speed limit to 25 mph. The proposed ordinance has been advertised and can be considered for adoption.

Mrs. Amoroso moved for adoption of an ordinance amending the Code of Ordinances of the Township of Middletown, Delaware County, Pennsylvania, Chapter 235, "Vehicles and Traffic", Article 1, Traffic Regulations, Section 235-3, Maximum Speed Limits, by changing the speed limit on Fox Road to twenty-five miles per hour. Mr. Kirchgasser seconded the motion, and Ordinance No. 740 was adopted by unanimous vote 6-0.

F. Authorization of Credit Card Transfer

Mr. Clark stated that Susan Suplee was holder of one of the Township credit cards issued through TD Bank. Due to Susan's resignation it is proposed that the credit card should be transferred to Meredith Merino, Assistant Township Manager. TD Bank requires that the Township adopt a corporate resolution authorizing issuance of a credit card to Meredith Merino.

Mr. Kirchgasser moved that it is resolved by the Township Council, as applicable:

1. That the Township Manager of Middletown Township be, and hereby is, authorized and empowered to execute and deliver, for and in the name of and with binding effect upon this Organization, a business card account agreement ("Account Agreement") with TD Bank, N.A. in the form of such agreement regularly used by said Lender, and
2. That Lender is and shall be fully authorized to rely and act upon said Account Agreement, and upon directions from time to time given by the Township Manager of Middletown Township in all matters relating to issuance of business credit cards for the account of Middletown Township and use of same by its personnel in accordance with the Account Agreement, including but not limited to the number of cards to be issued, the persons designated to receive and use same, and any changes of personnel among those thus designated.

Mrs. Amoroso seconded the motion, and Resolution 2013-76 was approved by unanimous vote 6-0.

G. Approval of Bill List

Ms. Bradshaw read aloud the bills presented for Council's consideration for approval for payment.

Mr. Carlson moved that payments under the August 26, 2013 Bill List be authorized for payment by the Finance Department:

<u>General Fund</u>		
Rose Tree Media School District	Linville Road School Tax Bill	\$ 6809.77
McCusker & Ogbourne	June Recycling Services	17,429.84
Arthur J. Gallagher Risk Management Svs.	Workers Comp 1 st Installment	10,716.53
	Highway Share	
	Gen'l Fund Share	
	Recreation Share	
<u>Recreation Department</u>		
Chester County Travel	Final Payment Canyon Country	5,712.00
The Travel Authority Inc.	Branson & Chicago	10,019.00

Capital Reserve

General Code	Municipality System Software/Maint.	11,875.00
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Mr. Kirchgasser seconded the motion, and Resolution 2013-77 was approved by unanimous vote 6-0.

5. Public Hearings

- A. Proposed Amendment of Zoning Ordinance to Permit a Campus Mixed Use Development as a Conditional Use within the R-4 Residential District and Provide Area and Bulk Regulations and Design Standards for Such Development
- B. Conditional Use Application of Ponds Edge, LP. For Approval to Construct a Campus Mixed Use Development on Property Located at 1278-1328 W. Baltimore Pike Consisting of 221 Single Family Attached Dwelling Units and Two Retail Buildings Containing a Total Floor Area of 32,500 sq. ft. Within the R-4 Residence District Pursuant to a Proposed Amendment of Chapter 275, Section 275-35.C(8) of the Zoning Ordinance

Ms. Bradshaw opened the Public Hearings on the proposed Ordinance Amendment to permit a Campus Mixed Use Development as a Conditional Use in the R-4 Zoning District and the Conditional Use Application of Pond's Edge L.P. for a Campus Mixed Use Development on the property located at 1318-1328 West Baltimore Pike.

The testimony was recorded by Lori DiFabio, court reporter.

Mr. Petrosa explained that there are four matters on tonight's agenda relating to the proposed development of the Pond's Edge property. Two items require Public Hearings - the Proposed Amendment of the Zoning Ordinance to permit a Campus Mixed Use Development as a Conditional Use within the R-4 Residential District, and the Conditional Use Application of Pond's Edge L.P. for approval to construct a Campus Mixed Use Development on the property located at 1318-1328 West Baltimore Pike. These two matters are inter-related and will be considered together.

Mr. Petrosa went on to say it is proposed that two additional matters relating to the Pond's Edge property - the Preliminary Subdivision Plan for the Pond's Edge development and an Ordinance amending and restating Section 2 of Ordinance 443 by accepting and approving an Amended and Restated Land Conservation Easement restricting use of a portion of the property located at 1318-1328 West Baltimore Pike - will be tabled to the September 9th Council meeting.

Mr. Petrosa explained that the applicant's attorney will make an opening statement and will call witnesses in support of the Ordinance Amendment and the Conditional Use Application. Testimony will be presented by the project engineer and a traffic engineer. Following their testimony there will be an opportunity for persons having party status to ask

questions of the witnesses relating to the facts presented during their testimony. They are asked to refrain from making statements or offering their own testimony about the matters being considered.

Mr. Petrosa explained that any land owner having special interest in or living in close proximity to the Pond's Edge property may request party status. This is slightly different than being a party to an action where the party to an action may call witnesses, present testimony or file an appeal of the decision on a Conditional Use action.

John Gallagher, 16 Overlook Circle, stated that since the amendment of the Zoning Ordinance and the Conditional Use Application are being considered together, is there any distinction between the two actions as far as requesting party status? Mr. Petrosa replied that the decision for adoption of the amendment of the Zoning Ordinance is discretionary on Council's part, and anyone who would like to register an opinion regarding that action may do so; however, only persons having a special interest may request party status with regard to the application for Conditional Use Approval.

Mr. Petrosa asked that persons requesting party status state their name and address and describe the relationship of their property to the applicant's property. The following persons requested party status and indicated that their properties directly border the common boundary with the Pond's Edge property:

John Gallagher, 16 Overlook Circle

Kevin Gale, 9 Overlook Circle

Ryan Wells, 20 Overlook Circle

James Dellavecchia, 19 Overlook Circle

Mr. Riper stated he had no objection to approving party status for those residents.

Mr. Riper explained that he represents Pond's Edge LP, a limited partnership and record owner of the 57 acre property located at 1318-1328 West Baltimore Pike. The property fronts on Baltimore Pike and is zoned R-4. He stated that as Mr. Petrosa mentioned, it is proposed that consideration of the Preliminary Subdivision Plan and amendment of the Land Conservation Easement be tabled until the September 9th Council meeting.

Mr. Riper noted that abutting property owners were notified of the Public Hearings on amendment of the Zoning Ordinance and the Conditional Use Application, as evidenced by applicant's Exhibits A-1, Affidavit of Mailing, and A-2, Affidavit of Posting.

Mr. Riper stated that the Campus Mixed Use ordinance provides for two uses, the residential component consisting of single family attached dwelling units, which will occupy 88%-98% of the tract, and the commercial component making up 2%-12% of the tract, and consisting of personal service uses such as a bank, restaurant, grocery store, retail store, etc.

Mr. Riper pointed out that over the past 16-18 months conceptual plans have been reviewed with the Land Planning Committee, the Township staff and Township consultants Joseph Damico, Esquire and Thomas Comitta Associates, Land Planners. Most of the technical review comments have been addressed, and he would like to discuss four items: sewer capacity, service road, offsite road improvements and project enhancements.

Sewer capacity – Mr. Riper stated that the current sewer infra structure has capacity limitations and work has begun work on extension of the existing sewer line from the current termination point at Glen Riddle Road near Kings Mill and eventually extending to the Wawa area to provide sewer service for the Franklin Mint development, Pond's Edge and a proposed development on the former Sleighton School property. The Township Sewer Authority Engineer Walt Fazler is preparing a feasibility study for the third phase of extension of the interceptor to Wawa, and developers who will benefit by extension of the sewer line will contribute to the cost by purchasing capacity. It is anticipated that construction of the third phase could begin in 2015, assuming DEP and other approvals are granted.

Service Road – Mr. Riper noted that there has been considerable discussion regarding construction of a service road that would cross the commercial section of the Pond's Edge development and extend across adjacent Franklin Mint parcels to access traffic signals at Thomas Chevrolet and the State Police barracks. The applicant is willing to construct the service road but has no control over the Franklin Mint properties. The service road has been discussed with the Mint developers but no decision has been made and plans for development of the Mint property are still unknown. The applicant has agreed that the commercial component will not be constructed until a service road is built or the Township approves development on both sides of the project that will not require a service road.

Offsite road improvements – Mr. Riper explained that PADOT implemented a program for offsite traffic mitigation for projects requiring Highway Opening Permits for roads that open on to state roads. No hard and fast rule has been established whether the contribution should be monetary or in the form of work. The applicant's traffic expert will testify regarding what PADOT will accept for a project like Pond's Edge. The applicant has estimated the cost of an offsite improvement to be approximately \$300,000-\$350,000, and is willing to commit \$350,000 for traffic mitigation measures. The applicant requested that payment be spread over a period of time rather than having to finance the entire amount at the outset, and suggested that payments be made upon issuance of Certificates of Occupancy.

Project Enhancement – Mr. Riper explained that the project architect will testify regarding the enhancements proposed for Pond's Edge. He noted that before he became involved in the Pond's Edge project, plans were proposed for construction of more than 200 units under the existing R-4 zoning at a density of more than 4 units per acre. In order to be cost effective a project of that size would be of lesser quality and would be priced lower than the Pond's Edge proposal.

Mr. Riper stated that he distributed a packet of supplemental exhibits to Council members, and requested that the Exhibits A-1 through A-16 be entered into the record on behalf of the applicant:

- A-1 Affidavit of Mailing (per Zoning Ordinance)
- A-2 Affidavit of Posting (per Municipalities Panning Code)
- A-3 Proposed Zoning Ordinance Amendment
- A-4 Design Guidelines
- A-5 Conditional Use Application
- A-6 Conditional Use Plan
- A-7 Deed Confirming Ownership of Parcel by Pond's Edge LP
- A-8 CV of Matthew Houtmann
- A-9 Delaware County Planning Commission Review Letter dated August 15, 2013
- A-10 Recreation Plan
- A-11 Cross Easement Agreement
- A-12 Cross Section Plan (Showing Elevation Change at Contiguous Boundary between Overlook Circle Development and Pond's Edge Project)
- A-13 Modification Request with Respect to Steep Slopes
- A-14 Environmental Impact Assessment
- A-15 Applicant's Responses to Township Engineer's Review Letter dated August 22, 2013
- A-16 Pennsylvania Natural Diversity Inventory (PNDI) Environmental Review Receipt
- A-17 PA Historical and Museum Commission Review Letter Dated March 15, 2013
- A-18 CV of Andreas Heinrich
- A-19 Traffic Impact Study

Mr. Petrosa offered several exhibits for the record on behalf of the Township:

- T-1 Copy of Notice of Public Hearing on Zoning Ordinance Amendment together with proof of publication that notice was published in the Delaware County Daily Times on August 7 and August 14, 2013
- T-2 Copy of Notice of Public Hearing on Conditional Use Application and proof of publication of notice published in the Delaware County Daily Times on August 11 and August 18, 2013

Mr. Ripper called Matt Houtmann, project engineer, as his first witness. Mr. Houtmann was sworn and stated he is President of G. D. Houtmann & Son, Inc. He is a licensed professional engineer and has worked for the firm for 30 years, and has 25 years' experience in land development.

Mr. Houtmann described the location of the Pond's Edge property in relation to surrounding properties. He explained that the property is wooded and contains areas of steep slope and wetlands. Two stream valleys traverse the site and a petroleum pipeline runs through the property. He noted that thirteen major subsurface stormwater management beds will be located throughout the site together with a number of seepage beds.

Mr. Houtmann pointed out that the primary entrance from Baltimore Pike will be at the signalized intersection with Thomas Chevrolet. A secondary access will be right-turn-in-right-turn-out on to Baltimore Pike. An emergency access out to Lenni Road will be developed in an existing easement at the rear of the property. The roads in the internal road system will be private roads and the Homeowners Association will be responsible for maintenance and snow removal.

Mr. Houtmann stated that the primary use will be residential, with 221 townhouse units proposed. The townhouses will be two main types, front entry garage units that will be located around the perimeter of the site, and rear entry units with walkways to the front that will be located in the interior of the property. The commercial use will consist of two one-story buildings, each containing approximately 16,000 sq. ft., for a total of approximately 32,500 sq. ft. Thirty-two acres will be set aside for open space, some of which will be in environmentally sensitive areas. He noted that Exhibit A-10 designates active recreation areas designed for younger children with tot lots, playground equipment, etc. A paved walking trail through the development will link with the Township-owned parkland in the Highpoint development. Green quad areas will provide gathering places for residents.

Mr. Houtmann explained that the proposed development complies with the requirements of the Subdivision/Land Development Ordinances. He stated he was not aware that any waivers will be requested other than for modification of steep slope disturbance.

Mr. Houtmann went on to say that the proposed development is consistent with the Comprehensive Plan which envisioned the front portion of the property as a mixed use development suitable for professional offices or residential, institutional or light industrial uses. The proposed development provides a residential component and a commercial component offering retail uses to meet the needs of the community, and promotes a harmonious and orderly development of the ground. The development offers a logical transition from the high density development of the Franklin Mint properties to the low density residential areas of Overlook Circle and Hunter Street, and is compatible with the institutional use of the Glenwood School.

Mr. Houtmann stated that retaining walls will be used to protect the riparian buffer, and where the rear of townhouse units back up to the riparian buffer. The ground behind the commercial area falls off sharply and retaining walls will be needed for any development in that area. Retaining walls will also be installed on both sides of the secondary road to lessen the impact on the riparian buffer and the streams.

Mr. Houtmann explained that several residents of Overlook Circle attended the August 13th Planning Commission meeting to discuss their concerns about the location of the entrance road, the proximity of the road to the common boundary line, potential traffic by non-

residents, and traffic noise associated with the road. He prepared cross sections to illustrate the distance from the road, the cartway and the common property line for properties closest to the common property line, including the John Gallagher property at 16 Overlook Circle, the Ryan Wells property at 20 Overlook Circle, the James Dellavecchia property at 19 Overlook Circle and the Kevin Gale property at 9 Overlook Circle.

Mr. Houtmann pointed out that the Overlook Circle residents were concerned that stormwater runoff from the Pond's Edge property would flow on to Overlook Circle. He explained that Overlook Circle is approximately 10-12 ft. higher than the Pond's Edge property, with the result that it would be runoff from Overlook Circle that would drain on to the Pond's Edge property.

Mr. Houtmann noted that the landscape buffer along the common property line will include evergreens 10 ft. tall at the time of planting that will grow to a height of 24 ft. As the trees grow they will block the Overlook Circle residents' view of the Pond's Edge development, and when fully grown only the roof tops of the townhouses will be visible from Overlook Circle.

Mr. Houtmann stated that the traffic engineer estimated that during peak rush hours a vehicle will go in or out of the Pond's Edge development every 30-40 seconds. Mr. Riper pointed out that the traffic engineer will testify regarding the traffic generated by the townhouse development.

Mr. Kirchgasser inquired whether it was Mr. Houtmann's professional opinion that the only way Donovan Drive can be designed is as shown on the plan. Mr. Houtmann pointed out that there are many elements to be considered in designing a road. In order to connect to the easement to get access at the Thomas Chevrolet signalized intersection, this is the best design. Moving the road to any extent will affect the horizontal and vertical alignments that are necessary to deflect noise upward and away from the Overlook Circle properties.

Mr. Carlson inquired how far the road could be moved away from the common property line. Mr. Houtmann stated he would estimate approximately 30 ft. but would have to take a closer look at the impact on other elements. He pointed out that there are certain elevation points that must be considered and there is not much flexibility in the vertical alignment of Donovan Drive.

Mrs. Amoroso asked if eliminating several townhouse units would make it possible to move the road away from Overlook Circle. Mr. Houtmann replied that if the road is pulled back the grade begins to drop and the benefit of the retaining walls and relief from traffic noise would be lost.

Mr. Kirchgasser questioned whether Donovan Drive could carry a higher volume of ingress and egress with a secondary road that only permits right-turn-in-right-turn-out to Rt. 1.

Ms. Bradshaw asked what material will be used for the retaining walls. She suggested that there should be some type of railing on top of the walls. Mr. Houtmann pointed

out that they have not gone to final design on the retaining walls. The walls will be approximately 6 ft. high and some type masonry will be used. He pointed out that any retaining wall over 4 ft. high must have some type of protection on top. Fencing is generally preferable since it is more open and offers a better visual appearance.

Mrs. Amoroso asked how many units are included in the current plan. Mr. Houtmann replied that there were 221 units. Some problem areas were identified and some units were eliminated, leaving a total of 212 units as shown on the current plan.

Mr. Rothe noted that in their most recent meeting they went through the plan and eliminated some units, but tonight's plan is slightly different. Mr. Houtmann stated that they also talked about phasing construction and at what point the secondary road would be built. The applicant agreed that the development will not be constructed with only one access. A reasonable approach might be to build the secondary access out to Baltimore Pike after the first section of 29 units is completed.

There were no further questions from Council members and Mr. Petrosa invited the four residents of Overlook Circle who requested party status to offer comments or questions regarding the testimony that has been presented.

James Dellavecchia, 19 Overlook Circle, asked if the Township is aware of any prior plan where Donovan Drive served as access. He noted that according to the Point Ardashes plan the road was farther away from Overlook Circle. Mr. Houtmann explained that there have been a number of proposals for development of this parcel of land and each proposed a different location for access. The Point Ardashes property included some additional land to the east of the 12 acre parcel.

Mr. Rothe explained that the Point Ardashes road curved into the former BGP property and then went across into this property on an angle. He pointed out that prior to August 2012 there were no regulations against construction in the riparian buffer. Mrs. Bradshaw noted that the Point Ardashes road went through a number of wetland areas.

Mr. Petrosa suggested that the copy of the Point Ardashes plan supplied by Mr. Gale should be marked for identification purposes and entered into the record as Exhibit KG-1.

Mr. Dellavecchia noted there has been considerable discussion about traffic noise. Mr. Houtmann stated he is not an acoustical engineer but has been involved in enough development plans to feel comfortable with his opinion that the horizontal and vertical alignments will deflect sound away from Overlook Circle.

Mr. Dellavecchia went on to say that he and his neighbors are concerned that the stormwater runoff system could become clogged, and asked who they should contact to resolve the problem. Mr. Houtmann explained that the Homeowners Association will be responsible for maintenance of the stormwater system receiving runoff from the Overlook Circle development. If a problem arises, the Homeowners Association should be notified. If the problem is not resolved within a reasonable period of time, the Township could be contacted. Mr. Riper stated

that if a blockage occurs in the stormwater system on the Overlook Circle property because of an obstruction on Pond's Edge, the developer will handle it.

Mr. Houtmann pointed out that the grades are such that Pond's Edge runoff will not affect the Overlook Circle property. Water will flow naturally from Overlook Circle onto the Pond's Edge property. A drainage swale on the Pond's Edge property will collect and direct runoff to inlets on the Pond's Edge property.

Mr. Dellavecchia pointed out that some of the trees in the landscaping or buffer are shown at mature height, and questioned how long it takes for evergreen trees to reach full height. Mr. Houtmann replied that evergreens grow about one foot a year. At the time of planting the trees will be 10 ft. tall and it will take them 12-14 years to grow to maturity. At full height the Overlook Circle residents will be able to see the only roof of the townhouse units and will not see the roadway.

Mr. Dellavecchia stated that Mr. Houtmann mentioned that there is a legal agreement for an access easement at the rear of the Pond's Edge property that will be developed as an emergency access for Pond's Edge. Mr. Riper explained that the right-of-way is supported by an easement agreement of record and the Pond's Edge development will have a right of access.

Kevin Gale, 9 Overlook Circle, stated that the distance from his property to Donovan Drive and the offsite parking area is approximately 20 ft. Mr. Houtmann pointed out that from the cartway to the property line is approximately 20 ft., and from the curb line would be a little over 30 ft. The off-site parking at that location would be approximately 16-18 ft.

Mr. Gale stated there appears to be enough room to allow Donovan Drive to curve farther away from the property line, and the road could cross the riparian buffer farther down. He noted that the curve in the road would cause drivers to slow down. Mr. Houtmann pointed out that there are limitations on configuring a curve in a road. The Point Ardashes road swung up off site and then back down and was angled at the property line. There is no way to do that on the Pond's Edge property. He stated that the applicant believes that the road as designed provides a benefit for the Overlook Circle residents.

Mr. Gale pointed out that the offsite parking and buildings on the Point Ardashes plan were not located within 100 ft. of the boundary, and the Pond's Edge plan does not show everything outside the 100 ft.

Mr. Gale suggested that the trees should be planted closer together to screen the view of the townhouse development from Overlook Circle. Mr. Houtmann stated that double rows of evergreen trees could be planted and could be staggered to increase their density.

Mr. Gale agreed that some type of guard rail should be provided on top of the retaining walls, and suggested that white vinyl fencing would be attractive and would provide a good visual screen.

Mr. Gale stated he shares the concern about a possible clog or backup in the runoff collection system. Mr. Houtmann noted that Mr. Rothe prefers an end wall with an open ended pipe instead of inlets, and the applicant has agreed to make that change.

John Gallagher, 16 Overlook Circle, stated that the density of the Pond's Edge development should be reduced. The total tract is 57 acres with 32 acres designated for open space. He noted that portions of the open space are not usable for active recreational purposes because of wetlands, steep slope and setback for the petroleum pipeline. Mr. Houtmann explained that the plan complies with the Township requirements for open space.

Mr. Gallagher agreed with his neighbors that it appears the road could be moved away from the common boundary line with Pond's Edge. Mr. Houtmann noted that directly behind Mr. Gallagher's dwelling is a substantial amount of green area. The property is in a wooded area and the trees will be preserved. The Homeowners Association will be responsible for maintaining the trees in perpetuity.

Mr. Petrosa opened the floor for comments and questions from the audience.

Geoffrey Waterfield, 80 War Admiral Lane, asked what the maximum allowable height is for the townhouse units. Mr. Houtmann stated that the maximum height for the residential units is three stories or 40 ft., whichever is greater. The proposed ordinance does not specify a maximum height for commercial buildings, and they followed the Township's general standards for building height.

Kathleen Smith, 48 South Pennell Road, pointed out that there are a number of subterranean springs and streams throughout the Township and questioned whether that was considered in calculating the subsurface drainage system. Mr. Houtmann explained that a geotechnical engineer took a series of test borings and all sources of water were included in the calculations.

Stuart Issacs, 7 Overlook Circle, inquired whether sidewalks will be installed along the access road. Mr. Houtmann replied that at the present time sidewalks are shown on the secondary access but not on Donovan Drive. They will look to the Township for direction regarding sidewalks.

Mr. Issacs asked if there will be some way to prevent vehicular traffic from using the emergency access as an access to the townhouse development. Mr. Houtmann noted that they will be consulting the Township Fire Marshal and Fire Departments regarding some type of a break-away gate or lock to prevent access by other than emergency vehicles.

Ms. Bradshaw stated that the meeting has already gone over time and Mr. Riper has at least one additional witness who is prepared to testify. Mr. Riper stated he would agree to defer further testimony to the September 9th Council meeting.

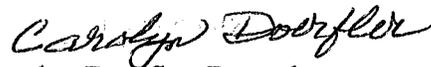
Mr. Kirchgasser moved to continue the Public Hearings on the Zoning Ordinance Amendment and the Conditional Use Application to the Council meeting of September 9, 2013. Mr. Quinn seconded the motion, and the motion was unanimously approved 6-0.

Mr. Kirchgasser moved to table consideration for adoption of the Ordinance amending and restating a Land Conservation Easement and review of the Preliminary Subdivision Plan for the Pond's Edge development to the Council meeting of September 9, 2013. Mr. Quinn seconded the motion, and the motion was approved by unanimous vote 6-0.

8. Adjournment

The meeting was adjourned at 9:30 PM.

Respectfully submitted,



Carolyn Doerfler, Recorder