



RESOLUTION 2023-R-23

***AMENDED AND RESTATED RESOLUTION APPROVING PRELIMINARY/FINAL
PLANS OF LAND DEVELOPMENT OF ELITE PLAZA TRACT
TMP NO. 50-022-036***

WHEREAS, Elite Plaza LLC (“Developer”) is the owner of a single parcel containing 29,316 square feet located at 1248 Easton Road (TMP No. 50-022-036) within the BZ Business Zone Zoning District (the “Property”).

WHEREAS, the Board of Supervisors adopted Resolution 2023-R-21 (“Resolution”) approving Preliminary/Final Plans pertaining to the Site that were prepared by LVL Engineering Group, consisting of ten (10) sheets, dated March 31, 2023 with latest revision date of May 30, 2023 and a response letter prepared by LVL Engineering Group dated May 30, 2023, a waiver request letter from LVL Engineering Group dated March 30, 2023 with latest revisions dated May 4, 2023 (the “Approved Preliminary/Final Plans”).

WHEREAS, the Approved Preliminary/Final Plans propose to construct two additions totaling 1,100 square feet to expand the existing commercial building, construct two 1-bedroom apartments on the second floor, reconfigure and restripe the parking area to provide 11 paved parking spaces in the front of the building, 7 parking spaces in the gravel area near the rear of the building, and 2 garage parking spaces for a total of 20 parking spaces in order to utilize the property as a retail store for kitchen and bath cabinetry, with showrooms, office space and client meeting/conference space along with second floor residential apartments (the “Development”); and

WHEREAS, the Resolution required Developer to work with the Township Engineer to resolve with North Wales Water Authority and Bucks County Water and Sewer Authority to determine whether utility easements are needed in the rear of the Property, and to modify the project landscaping plan to incorporate native species plantings;

WHEREAS, after discussions with North Wales Water Authority and Bucks County Water and Sewer Authority, it has been determined utility easements exist in the rear of the Property and that plantings in the utility easement areas are not possible and Developer has

proposed the installation of a fence instead of the plantings;

WHEREAS, Developer submitted a revised version of the Record Plan prepared by LVL Engineering Group with latest revision date September 13, 2023 (the “Revised Preliminary/Final Plans” or “Revised Plans”);

WHEREAS, the Revised Plans otherwise conform to the Approved Preliminary/Final Plans; and

WHEREAS, the Board of Supervisors at the September 12, 2023 public meeting moved to adopt this Resolution approving the Revised Plans;

NOW THEREFORE, be it, and it is hereby RESOLVED by the Board of Supervisors of Warrington Township, Bucks County, Pennsylvania, that the Revised Plans are hereby approved as Preliminary/Final Plans of Land Development, subject to the following conditions with which the Developer agrees:

1. Except as hereafter provided, the Developer shall revise the Plans to comply with all comments stated in the Second Revised Preliminary Plan review letter and the Second Revised Final Plan review letter prepared by CKS Engineers, Inc. (“Township Engineer”) dated June 12, 2023 which are attached hereto as Exhibit “A”, and incorporated herein by reference, and any subsequent comments generated by those revisions; except as otherwise provided herein.

2. The Property shall be developed in accordance with the special exception granted by the Warrington Township Zoning Hearing Board Decision dated December 8, 2022 allowing for the expansion of a non-conforming structure and variances to reduce the number of off-street parking spaces, the required side yard setback and the buffer requirement subject to the following conditions:

a. Sidewalk be installed along the frontage to connect the existing sidewalks to the north and south of the Property;

b. No changes are to be made to the ingress/egress to the Property; and

c. Subject to compliance with all other applicable governmental ordinances and regulations.

3. The Board of Supervisors approved deferrals or waivers from the provisions of the Warrington Township Subdivision and Land Development Ordinance as follows:

a. A waiver from Section 305-504.B which requires the submission of a preliminary plan.

b. A waiver from Section 305-505.E.4.n which requires the submission of an Environmental Impact Statement.

c. A waiver from Section 305-324.F.4 which requires that non-residential parking areas have one tree for every six parking spaces.

d. A waiver from Section 305-325.E.7.a which requires that the perimeters of off-street parking lots be buffered in accordance with the regulations for softening buffers, contingent upon a 6 foot high vinyl fence with access gates being installed along the easterly side of the existing thirty foot (30') wide utility easement as shown on the Revised Plans.

e. A waiver from Sections 305-325.C.4.b and 305-329.D.7 which require that the landscape plan be prepared by a registered landscape architect.

4. Prior to recording of the Record Plans, Developer shall provide satisfactory evidence of the following:

a. Bucks County Conservation District approval for sedimentation and erosion control measures.

b. Sewage Facilities Planning Approval from the PA, Department of Environmental Protection.

5. Prior to recording of the Record Plans, Developer shall obtain approval from North Wales Water Authority for the proposed increased water usage and/or public water system modifications/connections proposed in conjunction with the Development.

6. Prior to the recording of the Record Plans, Developer shall obtain the approval Bucks County Water & Sewer Authority for the proposed increased wastewater usage and/or public sewer system modifications/connections proposed in connection with the Development.

7. In consideration of the Developer's installation of off-site sidewalks, landscaping and the limited nature of the Land Development, the Board approves a reduction in the Open Space Fee required by Zoning Ordinance Section 370-504 from \$27,244 to \$13,622. The required open space fee of \$13,622 shall be paid in two installments with each installment being due upon the issuance of an occupancy permit for each of the residential apartments.

8. The Board approves the architectural elevations and drawings of the proposed building renovations and finds that the same are in compliance with the Corridor Overlay District requirements in SALDO Section 350-317.C.

9. Prior to recording of the Record Plans the Developer shall address the

recommended conditions of approval as set forth by the Township Planning Commission at their meeting of May 4, 2023.

10. Prior to the recording of the Record Plans and the issuance of any building permits or commencement of any construction authorized by this approval, Developer and/or Owner shall enter into a Professional Services Agreement (“Agreement”) in lieu of a Land Development and Financial Security Agreement with the Township, prepared by the Township Solicitor, and shall deposit adequate financial security in a form approved by the Township and containing terms and conditions acceptable to the Township Solicitor, to cover the costs of engineering, inspection, legal and other professional services that Township incurs in connection with the construction of the improvements.

11. Prior to the recording of the Record Plans and the issuance of any building permits or commencement of any construction authorized by this approval, Developer and/or Owner shall pay all costs incurred by the Township in the review of the Plans including engineering, legal and administrative costs.

Failure to appeal the conditions imposed by this Resolution within thirty (30) days of the date it is approved by the Board of Supervisors, shall constitute acceptance of the conditions. Non-acceptance and/or non-compliance with the conditions recited above voids the Plan approval and the waivers granted by the Board of Supervisors and the Plan is denied due to the deficiencies noted in the Township Engineer’s review letters dated June 12, 2023.

ENACTED and RESOLVED, this 12th day of September, 2023.

BOARD OF SUPERVISORS OF WARRINGTON TOWNSHIP

ATTEST:



Barry P. Lubber
Township Manager



Fred R. Gaines, Chair



Ruth Schemm, Vice Chair

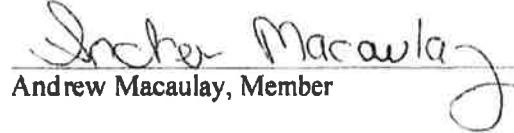


Michael Diorka, Member





Vanessa Maurer, Member



Andrew Macaulay, Member

I HEREBY AGREE TO THE ABOVE CONDITIONS OF PRELIMINARY/FINAL PLAN APPROVAL:

ELITE PLAZA LLC

By:



Exhibit "A" CKS Engineers, Inc. ("Township Engineer") Review Letters dated June 12, 2023



June 12, 2023
Ref: #4262
(C0004610.00)

Warrington Township
852 Easton Road
Warrington, PA 18976

Attention: Barry P. Luber, Township Manager

Reference: Elite Plaza LLC: TMP No. 50-022-036
Land Development – 1248 Easton Road (SR 0611)
Second Revised Final Plan Review

Dear Barry:

We have received the Second Revised Final Plan Submission pertaining to the above-referenced land development that was recently forwarded to our office for review by the applicant's engineer. The Second Revised Final Plan Submission consists of a set of ten (10) sheets prepared by LVL Engineering Group dated March 31, 2023 with latest revisions dated May 30, 2023 and a response letter prepared by LVL Engineering Group dated May 30, 2023.

Relative to this matter, we note that the site proposed for development is located on the western side of Easton Road (SR 0611) between Bristol Road (SR 2025) and Park Avenue within the "BZ – Business Zone" Zoning District. The property consists of a single parcel with a site area of 29,316 SF which contains an existing commercial building with a garage and associated parking areas. The applicant is proposing to construct two additions adding a total of 1,100 SF to expand the commercial building and construct two 1-bedroom apartments on the second floor. The parking area will be reconfigured and restriped to provide for 11 paved parking spaces in the front of the building, 7 parking spaces in the gravel area in the rear of the building and two (2) garage parking spaces for a total of 20 parking spaces. The applicant is proposing to use the property as a retail store for kitchen and bath cabinetry, with showrooms, office space, and client meeting/conference space along with second floor residential apartments. The mixed use is classified as "E35 – Combined Office/Commercial Multifamily Building" with an "E15 – Retail/Store, Trade and Service Use".

There is a Zoning Hearing Board Decision with a hearing date of October 24, 2022 regarding the proposed development. The applicant obtained approval of a special exception to allow for the expansion of a non-conforming structure (Zoning Ordinance ("Z.O.") Section 370-801) and three variances noted below:

1. A variance from Z.O. Sections 370-601 and 602 to reduce the number of required off-street parking spaces from 32 to 20.
2. A variance from Z.O. Section 370-425.5.A.6 to reduce the required side yard setbacks from the ten (10) feet required.
3. A variance from Z.O. Section 370-806.A.1 to be relieved from the requirement to provide a 50 foot buffer between the Subject Property and the adjacent residential use.

The Zoning relief was granted with three (3) conditions as follows:

1. Sidewalk is to be installed along the frontage to connect the existing sidewalks to the north and south of the property.
2. No changes are to be made to the ingress/egress to the property.
3. Subject to compliance with all other applicable governmental ordinances and regulations.

As per your request, we have reviewed the second revised final plan submission pertaining to the proposed land development and thereby offer the following comments for consideration by Township Officials:

I. ZONING ISSUES

All zoning issues noted within CKS Engineers, Inc., Second Revised Preliminary Plan review letter pertaining to the proposed land development dated June 12, 2023 (copy attached) must be resolved by the applicant.

II. SUBDIVISION AND LAND DEVELOPMENT ORDINANCE

The following comments are based upon the requirements of the Warrington Township Subdivision and Land Development Ordinance ("S.O.")

1. All subdivision and land development ordinance issues noted within CKS Engineers, Inc., Second Revised Preliminary Plan review letter pertaining to the proposed land development dated June 12, 2023 (copy attached) must be resolved by the applicant.
2. The applicant should submit a suitable Development Agreement pertaining to the proposed land development, in a format acceptable to the Township Solicitor, which includes posting of adequate financial security for the public/site improvements that are being constructed in conjunction with the project to the Township (S.O. Section 401.1)

III. GRADING, STORMWATER MANAGEMENT/STORM DRAINAGE, AND EROSION AND SEDIMENTATION CONTROL

All grading, stormwater management/storm drainage and erosion and sedimentation control issues noted within CKS Engineers, Inc., Second Revised Preliminary Plan review letter dated June 12, 2023 (copy attached) must be resolved by the applicant.

IV. WATER AND SEWER FACILITIES

All water and sewer facilities issues noted within CKS Engineers, Inc., Second Revised Preliminary Plan review letter dated June 12, 2023 (copy attached) must be resolved by the applicant.

V. GENERAL ENGINEERING CONSIDERATIONS

All general engineering considerations noted within CKS Engineers, Inc., Second Revised Preliminary Plan review letter dated June 12, 2023 (copy attached) must be resolved by the applicant.

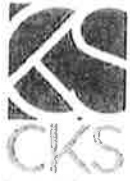
If you should have any questions concerning the comments as outlined above, please do not hesitate to contact me.

Very truly yours,
CKS ENGINEERS, INC.
Township Engineers

Thomas F. Zarko, P.E.

TFZ/paf
Enclosure

cc: Terry W. Clemons, Esq., Township Solicitor
Vicki L. Kushto, Esq.
Christian Jones, Assistant Township Manager
Brad Fisher, P.E., NWWA
James Napoleon, BCWSA
Elite Plaza, LLC
Kris J. Reiss, PE, LVL Engineering Group
Mary R. Stover, P.E., CKS Engineers, Inc.
File



June 12, 2023
Ref: #4262
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Warrington Township
852 Easton Road
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Relative to this matter, we note that the site proposed for development is located on the western side of Easton Road (SR 0611) between Bristol Road (SR 2025) and Park Avenue within the "BZ – Business Zone" Zoning District. The property consists of a single parcel with a site area of 29,316 SF which contains an existing commercial building with a garage and associated parking areas. The applicant is proposing to construct two additions adding a total of 1,100 SF to expand the commercial building and construct two 1-bedroom apartments on the second floor. The parking area will be reconfigured and restriped to provide for 11 paved parking spaces in the front of the building, 7 parking spaces in the gravel area in the rear of the building and two (2) garage parking spaces for a total of 20 parking spaces. The applicant is proposing to use the property as a retail store for kitchen and bath cabinetry, with showrooms, office space, and client meeting/conference space along with second floor residential apartments. The mixed use is classified as "E35 – Combined Office/Commercial Multifamily Building" with an "E15 – Retail/Store, Trade and Service Use".

There is a Zoning Hearing Board Decision based on a hearing date of October 24, 2022 regarding the proposed development. The applicant obtained approval of a special exception to allow for the expansion of a non-conforming structure (Zoning Ordinance ("Z.O.") Section 370-801) and three variances noted below:

1. A variance from Z.O. Sections 370-601 and 602 to reduce the number of required off-street parking spaces from 32 to 20.
2. A variance from Z.O. Section 370-425.5.A.6 to reduce the required side yard setbacks from the ten (10) feet required
3. A variance from Z.O. Section 370-806.A.1 to be relieved from the requirement to provide a 50-foot buffer between the Subject Property and the adjacent residential use.

The Zoning relief was granted with three (3) conditions as follows:

1. Sidewalk is to be installed along the frontage to connect the existing sidewalks to the north and south of the property.
2. No changes are to be made to the ingress/egress to the property
3. Subject to compliance with all other applicable governmental ordinances and regulations.

As per your request, we have reviewed the second revised preliminary plan submission pertaining to the proposed land development and thereby offer the following comments for consideration by Township Officials:

I. ZONING ISSUE

The following comment is based upon the provisions of the Warrington Township Zoning Ordinance ("Z.O."):

1. Open space should be provided in accordance with Z.O. Section 370-504. The required active open space should be calculated and noted on the plans. The response letter submitted by the applicant's engineer indicates that the applicant is requesting that the Township waive the open space fee. (Z.O. Sections 370-425.5.A.11, 370-504, 370-505 & 370-506)

II. SUBDIVISION AND LAND DEVELOPMENT ORDINANCE

The following comments are based upon the requirements of the Warrington Township Subdivision and Land Development Ordinance ("S.O.")

1. Trash and garbage collection areas should be fully screened and constructed of materials that are visually compatible with the structure to which it is associated. A white vinyl fence is proposed to screen the proposed collection area. In addition, the detail should indicate the size and location of the proposed gate. Further, information should be provided which details the means of trash truck access to the proposed collection area. (S.O. Section 305-329.D.2.e)
2. The applicant has submitted architectural elevations and drawings of the proposed building renovations that should be reviewed with the Board of Supervisors to determine compliance with Corridor Overlay District requirements. (S.O. Section 305-329.C 2)
3. Nothing should be permitted to be placed, planted, set, or put within the area of an easement necessary for access and maintenance on any utility or drainage way contained within that easement, unless approval is obtained from the applicable easement grantee. The shrubs along the rear parking area are located within the utility easement. Permission should be obtained from the appropriate party. (S.O. Section 350-317.C)

III. GRADING, STORMWATER MANAGEMENT/STORM DRAINAGE, AND EROSION AND SEDIMENTATION CONTROL

The following comment pertains to the grading, stormwater management/storm drainage, and erosion and sedimentation control aspects of the current plan submission and is based upon the

requirements of the Warrington Township Stormwater Management Ordinance ("S.M.O."), Erosion and Sediment Control Ordinance ("E.S.C.O.") and/or Subdivision and Land Development Ordinance ("S.O.):

1. The plans should include proposed spot elevations for the new sidewalk along the front of the building including the ramp and the accessible route from the ADA parking space. (S.O. Section 305-321.B & C)
2. The applicant obtained approval of the Bucks County Conservation District for the proposed Erosion and Sedimentation Control Plan in a letter dated February 27, 2023 for plans dated January 23, 2023. The plans have been revised since this date. Updated plans should be submitted to the Conservation District for approval. (S.O. Sections 305-318.B.6 and 320.A.3 and E.S.C.O. 165-1.D)

IV. WATER AND SEWER FACILITIES

The following comment pertains to the water and sewerage service aspects of the proposed project:

1. The applicant must obtain Sewage Facilities Planning Approval from the Pennsylvania Department of Environmental Protection and capacity approval from the Bucks County Water and Sewer Authority and North Wales Water Authority if increased wastewater and/or water usage will be required in conjunction with the proposed development. (S.O. Sections 305-415 and 305-413)

V. WAIVER REQUESTS

The applicant is requesting several waivers from the requirements of the Warrington Township Subdivision and Land Development Ordinance, as noted in the attached letter dated March 30, 2023, revised May 4, 2023 from LVL Engineering Group (copy attached), which are as follows:

1. S.O. Section 305-504.B; which requires the submission of a preliminary plan.
2. S.O. Section 305-505.E.4.n; which requires the submission of an Environmental Impact Statement.
3. S.O. Section 305-324.F.4; which requires that non-residential parking areas have one tree for every six parking spaces.
4. S.O. Section 305-325.E.7.a; which requires that the perimeters of off-street parking lots be buffered in accordance with the regulations for softening buffers.
5. S.O. Sections 305-325.C.4 b & 305-329.D.7; which requires that the landscape plan be prepared by a registered landscape architect.

VI. GENERAL ENGINEERING CONSIDERATIONS

The following items are general engineering considerations pertaining to the project that were noted by our office during the course of our review of the Preliminary Plan Submission:

1. The applicant must obtain Fire Marshall approval of the site access design and layout. (S.O. Section 305-303.A)



March 30, 2023
Revised May 4, 2023

Christian R. Jones, MPA, Assistant Township Manager/Deputy Zoning Officer
Warrington Township
852 Easton Road
Warrington, PA 18976

568 Main Street, Suite 230
Bethlehem PA 18018

1458 Ferry Road, Building 500
Doylestown, PA 18801

2766 Rimrock Drive
Stroudsburg, PA 18360
Malling
P.O. Box 689
Carlonsville, PA 18321

**SUBJECT: WAIVER REQUEST
ADDITIONS AND ALTERATIONS TO 1248 EASTON ROAD
WARRINGTON TOWNSHIP, BUCKS COUNTY, PA
PROJECT NO. 229011**

Dear Mr. Jones:

On behalf of our Client, we are submitting the following waiver requests for the above referenced plan.

1. Provide Preliminary/Final Plan (SALDO SECTION 305-504.B)

We are requesting a waiver from this requirement, if required by the Township, as the project is for additions to an existing commercial facility, and there would be no difference between preliminary and final plans for this project.

2. Provide an Environmental Impact Statement (SALDO SECTION 305-505.E.(4)(n))

We are requesting this waiver as the project site is an existing commercial facility, and the project proposes additions and alterations to the existing building, over the existing impervious and developed land. There are no special protection environmental resources on the property, and the project is proposing a decrease in impervious cover, from 75.96% to 75.44%.

3. Provide one tree for every six parking spaces (SALDO SECTION 305-324.F)

We are requesting a partial waiver from this requirement, as the parking spaces exist and the project is proposing an additional street tree and 2 Magnolia Trees. In addition, rows of shrubs have been added along the parking spaces.

4. Provide screening along residential properties (SALDO SECTION 305-325.E.7.a)

We are requesting a partial waiver from this requirement, as screening exists along the northerly property line and adequate buffers exist along the Westerly property line. Rows of shrubs have been added along the parking spaces.

5. Provide a landscape plan prepared by a landscape architect (SALDO SECTION 305-329.D.7)

2. The applicant should address the comments that will be provided within the McMahon Associates, Inc. review letter pertaining to the current plan submission.

If you should have any questions concerning the comments as outlined above, please do not hesitate to contact me.

Very truly yours,
CKS ENGINEERS
Township Engineers

Thomas F. Zarko, P.E.

TFZ/paf
Enclosures

cc: Terry W. Clemons, Esq., Township Solicitor
Vicki L. Kushto, Esq.
Christian Jones, Assistant Township Manager
Brad Fisher, P.E., NWWA
James Napoleon, BCWSA
Elite Plaza, LLC
Kris J. Reiss, PE, LVL Engineering Group
Mary R. Stover, P.E., CKS Engineers
File

Christian R. Jones
March 30, 2023
Page 2 of 2

We are requesting a waiver from this requirement, as the plan proposes general landscaping using Township approved species.

If you should have any questions or concerns, please do not hesitate to contact me.

Sincerely,



Kris J. Reiss, P.E.
Director of Civil Engineering Services

KJR/tms

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