

**WARWICK TOWNSHIP PLANNING COMMISSION**

**December 22, 2021**

**7:00 p.m.**

**Warwick Township Municipal Building**

Chairman Tom Zug convened the December 22, 2021 meeting of the Warwick Township Planning Commission at 7:00 p.m. In attendance were Commissioners Tom Zug, Jane Windlebleck, John Gazsi, Craig Kimmel, Dan Garrett, and Robert Kornman. Also in attendance were Brian Harris, Township Manager; Dan Zimmerman, Warwick Township; Billy Clauser, Township Planner; Pat Dennis, Landmark Homes; Kevin Ember, Rettew; Mark Will, 1213 Orchard Road; Steve Gergely, Harbor Engineering, Inc.; David Trimble, 349 W. Woods Drive; and Brian Donmoyer, 59 Pebble Creek Drive.

**APPROVAL OF MINUTES:** On a motion by C. Kimmel and seconded by J. Gazsi, the Board unanimously approved the October 27, 2021 minutes were approved as submitted.

**KEN KAUFFMAN RESIGNATION** – T. Zug noted that Ken Kauffman has moved to a seat on the Warwick Township Board of Supervisors.

**DALE ST. CLAIR KEENEY RESUME** – T. Zug stated that Dale will be sworn in at the January 26, 2022 meeting.

**CONSIDERATION ON THE WALTON HILL PRELIMINARY PLAN, PREPARED BY RETTEW ASSOCIATES, DATED 09/24/2021** – K. Ember from Rettew, along with P. Dennis from Landmark, addressed the Board. This project is a residential development of 25 acres that sits just off of West Woods Drive, connecting to Tupelo Street. There are 42 proposed residential lots and three open space lots containing environmental features, wetlands, and Bachman Run which runs through the eastern side of the site. In October, there were several comments from ELA, the Authority, and emergency services that needed addressed. Ember stated that they did get updated review letters from all of them. Most of the technical comments have been addressed. There are some minor design related items noted in the ELA letter dated 12/16/2021 and most of the remaining comments are more applicable to final plan, agreements, etc. There is one request for a waiver/modification related to the storm water ordinance which was discussed previously. The waiver/modification is related to the spillway width of the basin which would be the basin closest to the stream, to allow for wider spillway width to disperse the water more as it would go into the riparian buffer in the event that the spillway would be engaged. There were three points discussed by the Planning Commission at the October 27, 2021 meeting. An adjoining neighbor had requested additional buffering along the property line where their driveway comes through. Evergreen trees were added to the plan to buffer that area. There was a question about the proposed walking trail and potential connection through the property. Previously the trail was dead ended because permission was not granted from the adjoining property owner to connect through the property. They analyzed bringing the trail up to Road B cul-de-sac, but there is a very steep grade, approximately 30 feet, from the top of the cul-de-sac to the trail. It was determined that would not be a feasible option. They are proposing adding an additional trail loop that comes back on itself, allowing the easement to be maintained to the property line in the event that in the future the trail may be able to be extended. They also looked at naturalizing the grading on the south side of Bachman Run to try and balance cut and fill on the site. On a motion by Dan Garrett and seconded by Craig Kimmel the Board unanimously approved the waiver request. T. Zug stated that the applicant attempted to address the dead end trail. D. Garrett asked David Trimble if he cared to share with the Board the difficulty with extending the trail. Mr. Trimble stated that he had not seen the sketch. Mr. Trimble stated that there is a trail pointed to their shed in the back of their property. The plan for the walking trail shown on the sketch



was explained. B. Kornman asked about the feasibility of connecting the trail to Road B. Ember responded that there is a large grade difference, about 30-35 feet, from down at the creek up to the cul-de-sac. With this amount of grade, steps would need to be done to make it accessible, and that would likely not be approved by the Authority over their easement. Kornman asked if lots 36 and 37 are buildable considering the grade. Ember stated that there are retaining walls proposed in the rear of those lots and those units would also be exposed walk out basements at the back to help make up that grade, but along the side of the building it would be about a 3:1 slope. Kornman questioned the amount of trees being proposed for along the creek. Ember stated that the idea there is that it would be proposed as a riparian buffer to be one of the storm water BMP's. Kornman also asked what kind of vegetation will be planted along Bachman Run. Ember stated that it will be native species planted. Kornman stated that there are shade trees, evergreen trees, and shrubs planned, but he cannot differentiate those on the plan, but it appears that the evergreens and trees appear to be planted very close together. Ember stated the PCSM plans are the plans that have the riparian buffer plantings. Kornman asked for a review of the planting because you may have trees that should be on 50 foot centers, and it looks like they are on 5 foot centers on the plans. K. Ember stated that in the past that type of buffer they plant trees on 10-15 foot centers. In a DEP approved scenario where they are using that scale as BMP because the idea is that they want that to be like a forested riparian buffer. Kornman shared his concern in regards to plantings having the space for adequate growth. He also noted that the trees are to be planted in a straight line, which is not in a natural way. He reiterated that the spacing and the linear planting should be reconsidered. D. Zimmerman stated that when riparian buffers are done, the planting is on 10 foot centers in anticipation of a high mortality rate. A discussion was held as to why plantings are done as planned and possible alternatives. Kornman asked if the street has been named. P. Dennis stated that he is working with the Walton's in regard to their complex mail situation. He noted that it will be a conversation at a later date. He notes that they are trying to keep things moving forward with their house and their agreement of sale. On a motion by J. Windlebleck and seconded by C. Kimmel, the Board unanimously approved the recommendation of conditional approval of the preliminary subdivision land development plan for Walton Hill.

**CONSIDERATION ON THE WEST WOODS DRIVE FINAL PLAN SUBMISSION, PREPARED BY HARBOR ENGINEERING, DATED 09/20/2019** – Steve Gergely from Harbor Engineering, along with Mark Mill from WP Partners, addressed the Board. Gergely stated the property is 4 acres on the north side of West Woods Drive. It is being subdivided into 7 lots for single family dwellings served by a private street, with associated storm water management and other utilities. He stated they were before the Board in the fall of 2019 for the plan, which the Planning Commission recommended conditional approval for. They had a complicated NPDES permit which was reviewed by the South Central Regional Office. It took approximately 16 months for that approval to come through. They went to the Board of Supervisors in May of 2021 in which they granted conditional approval for the plan and the modifications. There have been a few off-site requested changes from the adjoining property owner, which required them to make some small modifications to the plan. They have resubmitted the plans to share the modifications and two waiver modification requests that the applicant is asking to modify from the previous approvals. There is a private street from West Woods Drive, a turnaround, associated right-of-way, and they are extending the public water and sewer from further to the west, up West Woods Drive and into the site for the public utilities. There were 3 easements on the plan. There are extensive wetlands on the adjoining property that come on to the applicants equitably owned property. There was a conservation easement proposed on the existing wetlands. There was a riparian buffer corridor and associated plantings and an easement for the sewer extension to be on the shoulder of West Woods Drive, instead of in the cart way of West Woods Drive. They have eliminated all those easements as part of the new plan. The changes they have made physically to the plan include connecting the water and sewer on the north side of West Woods Drive and running them down the shoulder outside of the right-of-way within the easement, they are proposing to run those from the south side of West Woods Drive, coming up to the northern travel lane in the travel lane of the road, which is in the right-of-way, and then servicing the site. With that request, they previously had a modification for a waiver of road widening improvements, curbing and sidewalk. That is still the modification request that they have now. The condition of approval for that previously was that the applicant still does a mill and overlay to the center line of the road and then pays a fee in lieu of for the widening, curbing and sidewalk. That is still the request. The change is that now because they are trenching in West Woods Drive for the



water and sewer extensions, the condition of approval was changed to do the mill and overlay all the way down West Woods Drive, offsite further to the west, to include the area that is being trenched in the road. The other modification is the storm water management waiver. Before the Planning Commission and Board of Supervisors had approved modifications for both rate and volume control for the site. Some modifications have been made to reduce the rate control but they are asking for a modification for the storm water volume control. The difference is that before the applicant had offered the off-site easements for conservations and the riparian buffer. Everything drains from east to west down towards Bachman Run and there are extensive wetlands on and off site. They did infiltration testing with a geologist to identify the subsurface conditions and to see if the site was suitable for infiltration as would typically be done for NPDES permit and to meet the Township requirements. What the geologist determined was that the ground water on the site would move down the gradient through the site. Incidental infiltration would be okay but large concentrations of water into seepage beds or rain gardens or typical storm water BMP's would not be appropriate or would work for the site because of the movement of ground water down gradient, which would cause seeps and erosions and could cause problems with the foundations and other infrastructure and utilities that are being proposed as part of the plan. The applicant made that modification request and also submitted an NPDES permit which went to the DEP's regional office because they are not infiltrating to the 24 hour volume and they had justified to them, as well as the Township Engineer and Boards, that they could not infiltrate and they had a suitable alternative. The suitable alternative in this case was two detention basins with constructed soil media that mimic the discharge flows as closely as possible to the existing wetland areas. The DEP's primary concern was to maintain the health of the wetlands and ensure they had enough rate to mimic what was existing and also volume to keep them functioning long term. They also proposed additional water quality benefits on site. They have amended soils, disconnected roof areas, impervious areas, and protection of trees within 100 feet of disturbed areas. They also have water quality features in the basin outlet control structures. They meet all the water quality requirement alternatives through the NPDES permit protocols, which went through extensive review through the DEP and it was approved. They did offer the off-site riparian buffer easement and conservation easement on the off-site wetlands. Since that is no longer being proposed, they want to ask again for that modification and make the Board aware that it is no longer there, but the design itself otherwise is exactly the same. The DEP did not recognize the off-site conservation easement or riparian buffer because the way that they look at it is the site has what is considered to be regulated water courses which are the wetlands on site. That is where their analysis stops. Any riparian buffers off site or away from that, they did not take into consideration as part of the NPDES permit. They have spoken to them at length and reviewed the changes. It will be a minor permit modification, but as far as they are concerned, it is very minor and does not affect their previous approval. The applicant will have to get a revised general permit for the storm water. For the sewer line crossing under Bachman Run will be minor as well. The redesign has been reviewed by Entech and WTMA. They have both indicated that it is technically okay, though they are waiting to approve the plan following discussions with the Board and the Planning Commissions to make sure that they are approving the revised plan changes. S. Gergely did note that there is no downstream adjoining property owner, but they are mimicking the flows as closely as possible while meeting the Township rate reduction requirements to the wetlands which are regulated water courses. The Township Engineer is also recommending that modification as well with conditions. A Commission member asked if the storm water will be maintained by the individual lot owner or would it be part of the HOA. Gergely stated that all the storm water facilities collectively within the road right-of-way and the storm water basins, swales, etc. will be maintained by the Homeowner's Association. He also noted that they have a seed mixture that was discussed with LandStudies for this resubmission for the basins and the no mow zones. B. Kornman asked if there is a way that the applicant can technically meet the volume control without a waiver. Gergely stated there is not a way to meet the volume control without a waiver. If there were, they would have done it. He noted that their plan is not a less expensive way to do it, nor a time-consuming way to do it. As part of the DEP approval for this plan, the wetlands have to be monitored every 3 years both while the permit is active and then for 6 years after the permit to ensure that the wetlands do not decrease in size. They have to be surveyed and evaluated by a professional. G. Smith stated that the first indicator of the volume is the geotechnical investigation for the feasibility to infiltrate, are they dealing with karst geology or other modeling limiting zones. As S. Gergely indicated with the high ground water and the other subsurface issues and the professional recommendation by the geologist not to put in specific infiltration systems like was done on similar projects where seepage pits or individual



rain gardens were used. The applicant has taken the approach of providing the primary management within the BMP facilities. The basins are designed with amended soils, bioretention, and extended dewatering to maintain a proper flow to the wetlands. The extended dewatering is matched to achieve it, very similar to what has happened on other projects, such as Traditions and Lititz Bend where there were extended dewatering basins. Also within this project, it is a fairly low impact project with a house, driveways, and a roadway. Everything is disconnected with the impervious and everything is directed to swales on site before it is conveyed to the detention facilities, besides the roadway. The roadway is directed directly to those facilities. When you are unable to infiltrate the required volume, DEP does permit a managed release concept where no specific volume control facilities are utilized. A Commissioner asked how many permits the applicant is waiting for approval on. Gergely stated that there are no permits waiting for approval, but they will process a minor permit modification and a revised general permit for the stream crossing, but those are minor permits. Those are amendments to existing permits. Gergely also stated that just the local conservation district will approve both permits. T. Zug questioned there being a slight increase of volume of water leaving the site, but since it is attenuated over a longer period of time, it will not be noticeable. Gergely stated that is their assertion and DEP has agreed with that. He stated that they are discharging specifically not to someone's property, they are discharging to wetlands on the applicant's property, mimicking those flows. In fact, it may be detrimental to cut off more of the volume to get into those facilities. In the smaller storm events, these infiltration BMP's are designed to take that water and put it right back into the ground. The DEP was very concerned with the permit review process, that the wetlands are maintained as they are, mimicking the hydrology as best they can. The extended dewatering at a rate consistent with pre-development flows, should be beneficial to maintaining the health of those wetlands. Kornman questioned the rate not increasing, so there should not be a detrimental effect on adjacent properties. Gergely stated they are meeting the Townships rate reduction requirements, which is 50% reduction, however it is based on the amount of impervious surface being put down, so there is a slight decrease in rate, but it does meet the reduction requirements. The DEP asked the applicant to look at not just the property line, but the flows going to two fingers of wetlands and the pocket of wetlands, mimicking each of those as closely as possible to pre-existing conditions. A Commissioner asked what the distance was from the discharge point to the property line and the wetlands. Gergely stated 50-60 feet for the one to the south and something similar to the one to the north. The northern one goes to a stone plunge pool to further dissipate the flows which are already being reduced by the basin before it gets to the wetlands. The one to the south goes to a gabion mattress level spreader to help disperse the flows as well to mimic the flows to that wetland area. D. Zimmerman questioned the assignment to monitor the wetlands. He asked if that monitoring is assigned to the owner of the NPDES permit or will it be transferred to the HOA? He also asked if the NPDES can be terminated even though that monitoring is not complete. Gergely stated that the way it is worded it's a certain interval while the NPDES permit is active and then when the NPDES permit is terminated there is an additional 6 years that has to be monitored at 3 year intervals that is to be evaluated by a wetlands biologist or a qualified professional and surveyed to verify the boundaries continues. There was a discussion in regards to a funding source so that the monitoring work is guaranteed. The monitoring funding will be captured in the Stormwater Management Agreement and the Township will hold that funding to ensure that is completed. B. Kornman brought up the grading on the plans being existing or 3:1. He noted that some of the 3:1 grading is right adjacent to the homes. He suggests researching ways to lessen the slope in as many of the areas as possible so you don't go from flat to 3:1 because it looks very artificial and makes it very difficult for a home owner to maintain. He also asked why there is a turnaround on lot 5. Gergely stated that the turnaround is for any visiting vehicles, emergency service vehicles, and delivery vehicles. Kornman asked if they are expecting that lot owner to allow anybody to park on their property. Gergely stated that there is an easement associated with, a split rail fence around it to separate the turnaround area from the lot, there will be no parking signs and white paint striping to discourage parking. D. Zimmerman asked if that area will be maintained by the HOA. He stated that it is common open space. This same situation was done on a property close by. Kornman asked if there is any reason why the applicant doesn't try to get that at the end of the drive, instead of in the people's front yard. He also stated that the driveway coming in to lot 4 had a greater radius it could be placed further away from the property line and be able to get the turnaround in there. Gergely stated that this is the solution they arrived at during the plan review process. Kornman notes that it is very imposing on the property owner to have people turning around in their front yard and there is a reasonable solution, but if it has already been discussed with the Supervisors, then it is done. David

Planning Commission  
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Trimble wanted to know if the applicant asked the wildlife who are being pushed out what they think of this. He stated that he walked through the area and it shouldn't be 7 lots. He stated that it would destroy his soul if the plan happens. On a motion by C. Kimmel and seconded by D. Garrett, the Board approved the recommendation of approval of the modified modifications and the West Woods Drive final subdivision plan in a 5-1 vote. B. Kornman opposed the motion.

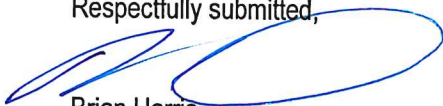
D. Zimmerman thanked the Board and conveyed that it has been a pleasure and privilege to work with them.

**ADJOURNMENT:** On a motion by C. Kimmel and seconded by D. Garrett, the Board approved the adjournment of the meeting at 8:00 p.m.

**NEXT MEETING:** January 26, 2022 at 7:00 p.m.

**ADJOURNMENT:**

Respectfully submitted,



Brian Harris,  
Township Manager