

**Minutes from the  
DOYLESTOWN TOWNSHIP PLANNING COMMISSION  
Regular Meeting**

March 23, 2015

The Doylestown Township Planning Commission Regular Meeting was held at 7:00 p.m., Monday, March 23, 2015 in the Doylestown Township Municipal Building, 425 Wells Road, Doylestown, PA. Members of the Planning Commission in attendance included Chairman; Judy Hendrixson, Vice Chairman; Thomas Kelso, Members; Edward Redfield. Other in attendance included Township Manager; Stephanie J. Mason and Board of Supervisor Liaison; Richard F. Colello.

**Absent: Members; George Lowenstein and Ed Harvey**

**Absent: Township Planning Consultant; Judy Stern Goldstein**

**Review of Minutes:**

In the form of a motion by Mr. Kelso; seconded by Mr. Redfield the February 23, 2015 Doylestown Township Planning Commission Regular meeting minutes were approved.

Motion carried 3 to 0.

**Public\Commission Comments – None**

**Plans for Scheduled for Discussion: 651 N Shady Retreat Road (Cino) – Sketch Plan**

Ronald G. Monkres II, PE of Gilmore & Associates, Inc. addressed the commission to discuss the proposed sketch plan located on a four acre site in the R2D District, 800 feet from the north east of the intersection at Shady Retreat Road and Limekiln Pike. The applicant is proposing a five lot subdivision with two lots of open space. One lot will be located at the rear of the parcel at one acre and joins with the township's open space parcel.

A preliminary sketch plan was submitted to township in January of 2015, where a review was completed by the professional staff. Upon a meeting on Friday, March 20<sup>th</sup>, it was suggested a 65 foot front yard should be applied to the corner lot along the frontage off Shady Retreat Road. The lot 1 area is considered under a collector classification. Currently, the applicant is deciding whether to pursue relief.

Referencing Pickering, Corts and Summerson's February 25, 2015 review letter, Mr. Monkres noted item #6, SALDO Section 153-23 by indicating the applicant is considering offering the township the parcel to the rear. The area is wooded at approximately one acre. The preliminary design will feature an access easement from the cul-de-sac to go in between lots 4 and 5 as a utility easement for the sewer main. Upon a meeting with the Bucks County and the Township's Water and Sewer Authority, both indicated they are in support of a water and sewer connection. Given the site's elevation and topography, the sewer options are gravity to a drain where a sewer easement is needed that will come through a new open parcel and connecting to township's current open space parcel. The applicants are open to discussing securing an open space easement from the township. If a connection cannot be an option, the applicants will consider grinder pumps and have it go out to the existing main which will stop short just south of the frontage. Unfortunately, the site's topography slopes away from the road and cannot have the flow uphill towards the road. The connection will then have to be a forced main. Also, the gravity connection in the back across the

township's open space parcel would be similar to the existing mahogany court development nearby. The Sewer Authority confirmed the township's sewage facility plan and allocated eight lots parcels. The plans are currently showing five lots, but can be reduced.

Along the sewer easement a pedestrian access easement will be provided over the same strip of land. The access will effectively grant access to the open space. If the open space parcel should be consolidated with a larger piece, a waiver will be requested. Mr. Kelso commented it will be a good idea and suggested instead of an easement in fee, the area be a part of the open space to eliminate future issues and will not change the plans.

Mr. Monkres then address the issue regarding dedication to Road A and assume township will not accept dedication of the private road along with the open space parcels along the rear of the site. Mr. Kelso questioned; will the six parcels be a part of the homeowner's association. Mr. Monkres indicated yes.

Mr. Kelso referenced the February 22, 2015 Michael Baker, Inc. review letter and questioned; if sidewalks will be installed along the site. Mr. Monkres answered; as per zoning calculations, the sidewalk were allocated in terms of imperious surface. Mr. Kelso suggested to delineate the sidewalk in some way, such as a rail fence, because there tends to be encroachment. Mr. Monkres indicated the issue was discussed with Michael Baker, Inc and site distance is needed to be verified.

Ms. Hendrixson questioned if there will be any request for variances. Mr. Monkres answered; no variance will be requested during the sketch plan phase. A variance may be requested for the front yard setback along the corner lot and the existing house non-confirming on the existing right of way. The request will be to eliminate the non-formality and asking for relief on the new lot.

Ms. Hendrixson then questioned what the plans for drainage are during inclement weather, such as snow. Mr. Monkres indicated one of the benefit of the site is it's singly loaded and doesn't have houses on both sides of the street. This will leave one side of the property open for drainage. However, a rain garden is being considered and best management practices on each of the lots along each of the lots along the rear of the set back. Currently the plans are in the testing phase and plans are not prepared. Within two weeks an evaluation of the property will be made to review infiltration ranges.

Mr. Monkres concluded by asking if the township would like to take dedication of the access road. Mr. Kelso responded the decision is one made by the Board of Supervisors.

**Plans for Scheduled for Discussion: Buckingham Retail Properties LLC – Proposed Zoning Amendment and Land Development Plan (Swamp & Ferry Road)**

Attorney; John Van Luvanee of Eastburn and Gray, LLC updated the commission for their February 23, 2015 presentation by reporting on the receipt of the March 4, 2014 memorandum from the Bucks County Planning commission regarding the land development plan. Mr. Van Luvanne indicated as per the last meeting, no discussion of land development will be made until the extension is completed. The only topic for tonight's meeting with be the amendment to the zoning ordinance.

Mr. Van Luvanne commented on the air observation supported by foot notes indicating the current trend in plans having eliminating professional offices complex, such as the one proposed by the applicants. The Bucks County Planning Commission's review letter notes a statement that a drive through window is permitted only in connection with a restaurant or bank in the C2 District. Upon a search, Mr. Van Luvanne could not locate a provision in the township's ordinance and requested guidance from the commission. The commission agreed to review the matter and have Ms. Mason provide an answer.

Mr. Van Luvanne then reported at the last meeting, the primary discussion was the subject of traffic. Upon taking concerns voiced by the neighbors into consideration, the applicants agreed to have a supplemental traffic study completed to view cut through and traffic concerns. Ms. Jessica Walsh of McMann & Associates is present to discuss the results of the study. Mr. Van Luvanne then introduced Real Estate Project Engineer; Mike Reedle and Environmental Consultant; Joe Stanton of Wawa who were present to address any questions.

Ms. Walsh presented the results of the traffic study by reporting three items were completed, where three tests were conducted. The first, cars were counted at the intersection of Ferry and Tedwell during all four peak hours completed in the original study. Peaks were defined as morning, from 7:00am until 9:00am, mid-day from 11:00am until 2:00pm, afternoon from 4:00pm until 6:00pm and Saturday from 11:00am until 2:00pm. In addition, a speed study was completed with an Automatic Traffic Reporter count on both Tedwell and Neal Drive. The traffic reporter counted cars for approximately four to five days at 24 hours per day. During this time it recorded the speed of traffic through the neighborhood. The last test completed was an Origin Destination Study which was conducted during all four peaks where personnel was stationed at Tedwell and Ferry Road and Neal Drive and Swamp Road. The personnel recorded the traffic plates of all vehicles entering and existing at all four roadways. The results were entered into a computer program and plates were matched to determine if the driver was cutting through the neighborhood. Several matches were found during the peak hours. However, further evaluation found most vehicles traveling through the neighborhood were residents. The determination was indicated many of the vehicles exiting the community would return with an hour. Normally, cut through traffic will exit the community and not return.

In summary, it was determined traffic along the intersection of Ferry and Tedwell Road will operate within level service A during all the peak periods now and in the future, projected out to 2021. From the Automatic Traffic Reporter, it was determined speeds along both Tedwell and Neal Drive are traveling within 15 percentile and at an average of 30 to 32 miles per hour. However, the 50 percentile speed travels right at the speed limit. This is not considered a major speed concern. The results of the Origin Destination study, it was determined only two matches for cut through trips was located during the morning peak hour and two matches during the mid-day. No cut through traffic was found during the pm and Saturday peak hours. As a result, there are no cut through issues noted through the development.

Mr. Redfield questioned if a study exists that determines approximately how many vehicles is needed to enter the Wawa property to develop a profit. Mr. Reedle indicated there is no study on record. An analysis is created to determine how much business will be generated and is not equated to the amount of vehicles entering a Wawa property. However, Mr. Reedle offered to provide a rough number, if needed. Mr. Redfield asked the same question to Ms. Walsh with regards to the proposed gas station. Ms. Walsh answered; the traffic study has a trip generation study provides an estimates of what the total development will include. She estimated two to three trips per minute are being added to the development based during peak hours. New trips entering the development are approximately 170. The assumption cannot be made the same amount of trips will happen throughout the day. Mr.

Redfield questioned if a study can be created to determine the amount of added traffic coming into the gas station and Wawa on an average day. Ms. Walsh agreed to look into the matter.

Resident; John Patterson of Sweatland Drive commented many of the local business will be monopolized by the proposed Wawa and gas station. If the site is approved, many of the other gas station will have a need to compete with pricing and may lead to several smaller business close because of the effect. Mr. Patterson continued the township risks losing more than gaining in terms of revenue.

Resident; Peter Fechtmann of 180 Tedwell Road commented the traffic study regarding the tips counts is hard to believe. Mr. Fetch explained every morning while walking his daughter to the bus stop, he counts one to two cars cutting through the community. Mr. Walsh responded; they can only rely on data received during a short time period. Upon a discussion with Dave Tomko of Pennoni & Associates, it was determined a good cross section of information was received.

Resident; Barbara Schempp of 10 Valley View Drive questioned what days were the studies completed and was the recent snow storm taken into consideration. Ms. Walsh answered; AM and Mid-Day and PM counts were completed on March 12<sup>th</sup> and Saturday trips were completed on March 14<sup>th</sup>. The snow storm entered the area on March 20<sup>th</sup>.

Resident; Kimberly Abbasi of 12 Allen Drive explained before into her current home a year and half ago, the zoning was checked to ensure it wasn't zoned for a gas station. She commented the project is extremely upsetting and in opposition. She then thanked the commission for their time in allowing the community to voice their opinion.

Ms. Abbasi presented the commission with PowerPoint slides showcasing the negative impact the proposed Wawa and gas station will have to their neighborhood and Doylestown Township.

Currently, most of the township is zoned in the C-1 District that allows an E-10 gas station. She doesn't understand the need to change the District to C-4 to allow gas stations for one property. Although, technically there are two properties that will be combined into one to benefit Buckingham Retail financially.

Resident; Mr. Abbasi continued with the presentation by explaining in Doylestown Township the C-2 District is the only zone that allows E-2 District large retail stores. One of the questions the community has is why can't C-4 District be amended to C-1 or a C-2 rather than adding a use to C4. It's believed the zoning amendment proposal is equivalent to spot zoning which the state of Pennsylvania prohibits.

The proposed zoning will be a drastic change to the environment and health of the community. Upon reading the engineer's plan, Mr. Abbasi noted the 20 foot tree buffer would eliminate 80% percent of trees along the area. The plan also notes the change in zoning is align with Plumstead and New Britain townships. Plumstead is recorded as a C1 medical area which prohibits gas stations. New Britain is recorded as industrial office which includes more than Plumstead and C4 and may prohibit gas stations. Also, in most townships a 24 hour service doesn't exist. In addition, Plumstead voted against the same project.

The proposed plan boast a 20 foot tree buffer as a benefit to the community. In the winter, the trees will have no leaves and have a full view of the property. The site will mainly bring harm to the community and out weight the benefit of a tree buffer, such with increase traffic, pollution, poisoned ground water from leaking fuel, negative financial impact to other small businesses, littering, increase crime with a convenient store open 24 hours, and loitering.

With most homes working off well water, some of the health threats include repeated high exposure to gasoline can cause lung, brain and kidney damage as documented on the NIH's National Library of Medicine. At least two studies reported living near gasoline provides a four times higher risk of childhood leukemia. There is also risk of acute non-lymphoblastic leukemia and is seven times more common among children living close to a fuel station or commercial garage. Evaporation of gasoline during the filling process provides an increase levels of airborne chemicals within 150 feet. Some of these chemicals are recognized as Benzene, which is known as a carcinogen. Benzene affects the central nervous system, respiratory track and immune system. After prolonged exposure it's shown to cause brain damage, anemia and leukemia. Another dangerous chemical found in gasoline vapor is Toluene, which is known to cause cardiac arrhythmia, liver and kidney failure and developmental problems in fetuses.

Tank leaks are a significant threat and risk the water supply and can impact soil up to a half mile. The community runs mainly on well water and has an increase threat. Tanks are mainly built to minimize environmental impact and cannot eliminate contamination. Similar to Pool's corner contamination, which affected numerous residents and resulted in a law suit. In addition, gasoline drips from filling a vehicle will eventually seep into the ground causing contamination. Gas runoff will flow into the rain gardens and pollute the soil as another risk to well water and wildlife.

Upon noting a report from John Hopkins Bloomberg School of Public Health and several new articles supporting their opposition, Mr. Abbasi concluded by stating it's not a matter of if a leak will occur, but when. Mrs. Abbasi noted if local gas stations are closed due to the proposed site, many of stations will remain vacant.

Traffic is also a concern with the increase of cut through traffic that will become a safety risk to many small children in the neighborhood that carries no sidewalks. With a 24 hour convenient store, an increase in crime is expected. The community have no street lights and is vulnerable to break-ins.

The proposed site will impact home values where many of the home owners have lived in the community close to fifty years. It will also impact young home owners who have substantial equity in their homes.

The community collectively believe there is no need for another gas station or pharmacy in the area. There are numerous gas stations and pharmacies present, specifically a CVS store located directly across the street.

The C4 District does not present a threat and hazard to the residents. The Counsel for Buckingham Retail properties indicated the development proposal is a better plan than the community is entitled to, which is insulting to the community. The residents of Doylestown are entitled to clean, pollutant and gas free well water and safe streets. Additionally Code 175-2 zoning purpose is to promote the health, safety, morals and general welfare of the township. The proposed site will violate the mission of the code.

Mr. Abbasi concluded the presentation by requesting the commission not recommend the proposed site for Board approval. Ms. Hendrixson commended the community for a wonderful presentation.

Mr. Van Luvanne indicated he cannot respond to the studies, but clarified the C10 gas station is not Wawa or Turkey Hill and the same of what was built ten years ago. The township has a provision stating convenient items can be sold as long as it doesn't take up more than 50% of the service station. Ms. Van Luvanne commented the township's ordinance is outdated with respect to the use and as per the recent Bucks County Planning Commission comments. He agrees the only provision that will allow a gas station is under the C1 District and is the reason why an E10 use was not proposed to the list of permitted uses MC4.

Spot zoning will not be proposed the comment it will does not carry any merit. The existing C4 zoning district is only comprised of two properties. Secondly, rather than proposing a re-zoning a tax amendment was requested. A tax amendment is not a map change and it's appropriate for the township to study the C4 issues. There is nothing wrong with adding two uses to an existing zoning district subject to a qualifying objective standards.

Plumstead is not reject a similar project. Instead, Plumstead Township requested the plan reconsider a Wawa, where the supervisor rejected the idea. Additionally, there was no formal application submitted and only a presentation.

There are significant differences between the plan shown and what is permitted by right in the C4 District. The applicants are willing to show a land development plan and submitted with the application. They also expected the township not enact a zoning ordinance showing exactly how the buffer will be implemented. As compared to the existing development which is permitted under the C4 regulations and what is proposing has significant more protection with significant more setbacks from buildings to property lines. The applicants are willing to commit to the implementation as shown on plan. Currently, there is a fifty foot yard with a 200 set back of the houses that are on the front of Tedwell Drive. As a result, more than a twenty foot buffer will be offered. The plan offers more of a setback that can be offered under the existing zoning and Mr. Van Luvanne doesn't recall stating it's a plan in which the residents are entitled to have.

Mr. Van Luvanne then noted at a meeting with the residents, Mr. Reedle reviewed the safety precautions that Wawa takes in the development of its facilities. Mr. Van Luvanne agrees with the statement of accidental gas spillage. Wawa has safety procedures in place to include an environmental consultant on call if there is an issue that cannot be controlled on site.

For storm water the township's ordinance does not permit direct discharges into infiltration basins that lead into storm drains. The applicants land development plans have pre-treatment for all storm waters before it touches the facilities. There is no chance of gasoline seeping into the storm water systems.

Mr. Kelso questioned if the Wawa located in Hilltown has fuel distribution. Mr. Van Luvanne indicated yes. Mr. Reedle added; Wawa didn't offer convenient stores until 1968 and full gas service stations until 1996. A large percentage of legacy store without stores and gas stations are currently being updated. However, there are no plans to update the Hilltown location at this time.

Ms. Hendrixson question if all Wawa fueling centers open 24 hours. Mr. Reedle indicated yes and approximately five years ago diesel fuel was added. All new stores will offer diesel fuel for automobiles and not for tractor trailers, as well as retrofitting the legacy stores.

A resident at Pine Mill Circle commented normally at the end of the month, if a gas station sells 500 gallons, they should have the same left in the ground. EPA provides some variance between what is sold and what is in the ground. Mr. Reedle clarified an electronic system which monitors the amount of gallons of gasoline that enter and exits the tanks. Any variation is with condensation along the tanks.

Resident; Karen Murphy of 68 Valley View Drive questioned if studies are conducted regarding possible health effects to the surrounding communities in terms of leukemia before and after installation of gas stations. Mr. Reedle indicated no studies have been conducted.

Thomas R. Tirney of 77 Pine Mill Circle commented as an aesthetician he cannot understand why an answer cannot be provided to Mr. Redfield's question. An answer from a statistical point of view is valid. Mr. Reedle responded; an answer can be provided. When Wawa analysis a site, the number of cars that enter in and out of the property is not considered. The main concern is what consumers do once they are on the property. They rely on their experts to have the property permitted for the amount of vehicles can enter or exit according to the state or county. Any other criteria viewed is related to parking spaces needed. As an answer to the Mr. Redfield question, Mr. Reedle indicated the intent to sell projections can be divided by the basket, or view other options. Ms. Walsh added an answer can also be provided by the trip generation study based on the peak hours of operation. Mr. Tirney then commented the township should look into the matter of pumping water, because water from the aqua system pumps water into tanks up to Pine Run Circle then leads to the adjacent apartments. The proposed gas stations should not be considered if there is a small possibility water can become contaminated. This will cause the township to be liable, such as with Poole's Corner. Mr. Reedle responded by stating Wawa is not in the business of contaminating water. Anything that is spilled with be captured in the storm water system. There also will be oil/water separators that will make sure no surface spills will enter the storm water and into the ground water system. The fuel systems utilized are the best and improved from five to ten years ago. Out of 425 gas stores, there have been liquid releases reported.

Ms. Hendrixson questioned if there are studies recorded supporting of no ground water contamination. Mr. Reedle answered; there is no study on file, because each site take care of their own equipment and no reports have been submitted regarding leaks from underground water systems. Only one incident regarding a vapor leak was roughly documented, where the equipment was replaced.

Resident; Vicki P Messina of 65 Valley View Drive commented the community resides along an area prone to high water levels where many of the home have French drains and sump pumps. It's the assumption water will flow towards a nearby spring which is from the proposed site and will lead directly into the neighborhood. She suggested the commission consults with an expert to assist in determining whether in twenty years the site will become a superfund. Ms. Messina then questioned; how many cars will need to enter the site or how much gas needs to be sold before Wawa can make a profit. Mr. Reedle once again indicated since there was no reason to address the data, a report or study was never implemented. However, there are studies that estimate the amount of business that will be complete at each location. A discussion ensued amongst the commission and Mr. Reedle regarding several options on how to calculate the amount of cars entering and exiting the site.

Resident; Nicole Forcini of Liberty Travel commented on the possibility of many local gas station that will remain vacant after closing due to the proposed site. She then suggested the commission conduct their own traffic study to have Mr. Redfield's question answered. Ms. Stanton responded; a superfund cannot happen because every gas station owner pays a tank insurance fee that will cover cleanup cost if any spillage should happen.

Mr. Kelso commented although the John Hopkins report was very informative, many properties have a risk of releasing chemicals into ground water. He then stated Wawa has a good reputation on their procedures in preventing spillage and well maintains their stores and gas stations. However, no one can guaranty contamination can never happen.

Mr. Redfield commented although he appreciates the John Hopkins study, he still has many questions regarding the materials provided, such as how long will it take for gasoline to contaminate the ground water and how much is evaporated.

Mr. Colello commented it's still unsure what impact would other zoning districts have to the site and suggested having Wawa submit a business plan.

In the form of a motion by Mr. Kelso; seconded by Ms. Hendrixson the Doylestown Township Planning Commission recommends the Doylestown Township Board of Supervisors not approve applicants; Buckingham Retail Properties LLC proposed amendment ordinance Section 175-175.16.D Retail and Services uses by creating a new use E-20 Motor Vehicle Fueling Center or amend Section 175.77.2.C to amend adding Use E-20 Motor Vehicle Fueling Center and existing Use E-2 large retail store as conditional use in the C4 Office and Medical Professional District.

Further, the commission does not recommend the applicants proposed zoning amendment due to

- a) The proposed site conflicts with the existing use in Plumstead
- b) Allows use in other C4 parcels with conflict to the C4 Comprehensive plan, Central Bucks Constitution, New Britain Borough with improvements to Butler Avenue
- c) Applications has not provided convincing argument the C4 amendment is an asset to the adjacent community property
- d) Addition of an E20 use presents possible long term contamination and negative environmental impact to noise and air pollution
- e) Proposes a threat of reduced property value to homes along adjacent community

Ms. Hendrixson agreed with Mr. Kelso's comments and added the proposed Wawa convenient store may serve better in a different location.

Motion FAIL with a 2 to 1 vote

Mr. Redfield indicated he prefers to have additional time to review all options and uncomfortable providing his vote at this time.

Ms. Hendrixson suggested to table the decision until May. Mr. Colello suggested the commission scheduled an additional April meeting to move the process accordingly.

MOTION AMENDED 3 to 0, upon further consideration from Mr. Redfield.

#### Warrington Township Comprehensive Plan Amendment

In the form of a motion by Mr. Kelso; seconded by Mr. Redfield the Doylestown Township Planning Commission recommends to the Doylestown Township Board of Supervisors have the Township not comment on the Warrington Township's Comp Plan amendment as it has no real impact upon Doylestown Township".

Motion carried 3/0.

**Adjournment:** The March 23, 2015 Doylestown Township Planning Commission Regular meeting was adjourned at 8:58 p.m.

