

The monthly meeting of the Lower Moreland Township Planning Commission was held on the above date in the meeting room of the Township Municipal Building. Present were Messrs. Chapman, Costello, Mayer, Potok, Hamburger, Mrs. Friedrich Fogel, Mrs. Souder, Engineer Woodrow, Planner Driscoll, Assistant Manager Elton, Commissioners Devinney, Blumhardt and Kuritz and Clerk Matyas

Chair Friedrich Fogel called the meeting to order at 7:30 P.M. The Pledge of Allegiance was recited.

The minutes of the March 25, 2010 Planning Commission meeting were approved.

LD 10-01 Wawa Food Market/Philmont Avenue-Sketch Plan presented by Mr. Marc Jonas, attorney for the applicant. Mr. Jonas talked about the odd-shaped parcel at Red Lion Road and Philmont Avenue being created when the Commerce Bank development was done a couple years ago. Mr. Jonas noted that parcel is in the DR Restricted Commercial Zoning District but is also part of the proposed Revitalization Zoning Ordinance.

Mr. Jonas stated he is here to propose a Wawa Market (Wawa) at this location noting they were at the March Board of Commissioners meeting to present a conceptual idea and tonight they are presenting a sketch plan as a community development application. Mr. Jonas talked about comments from the Board of Commissioners including architecture, floodplain issues, and Temple Floodplain Study, traffic and tank construction.

Mr. Jonas stated that zoning amendments to allow the Wawa was submitted for the DR district and the proposed REV district since the zoning district could be different in the future. Mr. Jonas talked about Wawa not being permitted in either zoning district.

Mr. Jonas noted that the purpose of the REV ordinance was to bring in businesses like Wawa because of the desire to mix residential and commercial use, to expand use of transit travel and to create new employment and tax revenue for the Township. Mr. Jonas explained that even though a Wawa is not a permitted use the idea of the Wawa is what the Township is looking for.

Mr. Jonas noted that their engineer and traffic engineer are here tonight to answer any questions the Township might have. Mr. Jonas talked about how the size of the Wawa Company will help address many of the issues presented including road and traffic improvements. Mr. Jonas stated that the applicant has experience dealing with many Townships and is a very responsive applicant.

Mr. Jonas handed over the presentation to the applicant's engineer, Mr. Robert Irons of Bohler Engineering. Mr. Irons noted that his company is responsible for the design of the proposed application.

Mr. Irons explained the layout of the site including where the pumps, tanks, market, parking and entrance/exists would be. Planning Commission members asked questions about the layout including fuel storage and pump location. Mr. Irons explained that pumps are located under the canopy and the tanks are located to the east in their own area away from the pumps. Mrs. Friedrich Fogel questioned the location of the entrance/exists and Mr. Irons replied that there is one on Red Lion Road, same one T.D. Bank is using, and one additional access on Philmont Avenue.

Mrs. Souder questioned if you enter the T.D Bank entrance can you get to the Wawa and Mr. Irons replied yes. Mr. Chapman asked if T.D Bank has agreed to an easement with Wawa and Mr. Irons replied he anticipates they will because they are aware of the proposal.

Mr. Costello questioned if Philmont Avenue will be widened and Mr. Tony Dougherty, Traffic engineer, replied that it will be looked into.

Mr. Irons talked about the length of the property and its relation to the culvert under the roadway.

Mr. Costello noted that Lower Moreland Township has a tree ordinance and how will the applicant deal with the trees and Mr. Irons replied that they are working with Township staff on that issue.

Mrs. Friedrich Fogel questioned if the pumps can be behind the store and Mr. Irons replied that the cashiers need to be able to see the pumps in case of any issues per the Fire Marshal because the cashiers have an emergency shut-off. Mr. Irons went on to explain that due to interior design, prototype size and customer experience of being use to pumps in the front and store in the back, the pumps need to be located where they are.

Mr. Irons talked about the elevation of the floodplain and the building and noted that T.D. Bank had to install 1 ½ feet of flood proofing.

Mr. Irons talked about the floodplain map and noted that the colors all represent different levels of the floodplain. Mr. Hamburger questioned why Mr. Irons map is different than his and Mr. Irons replied that his map was updated with changes in accordance with comments from the Township Engineer.

Mr. Costello noted that almost the whole site is in the floodplain and Mr. Irons agreed. Mr. Tim Woodrow, Township Engineer, confirmed that the current map is an accurate depiction of the area.

Mr. Irons talked about how the building would have to be raised at least 4 feet if it was pushed closer to the front. Mr. Irons noted that building the area up allows the canopy and store to be at a higher elevation and out of the floodplain. Mr. Irons

pointed out that the lot is a unique shape which makes it difficult to implement all improvements.

Mr. Irons discussed the technical aspect of dealing with the floodplain including adding fill to the property and creating a design that the applicant needs. Mr. Irons talked about the stormwater management design which will utilize concrete pipe arches (terra structures) along with basin areas. Mr. Irons discussed how the stormwater management would work in a 100 year flood scenario.

Mr. Irons talked about how existing conditions will stay the same but their proposal will not make conditions worse, will not make any better either.

Mr. Chapman questioned how the stormwater management will work if the storm is not a 100 year flood and Mr. Irons replied that basins will collect the water and also collected in pipes and then discharged into the terra structures. Mr. Irons noted this system works like an underground basin which have been approved in this Township before like the CVS store.

Mr. Costello noted that a project was approved a couple years ago and that basin does not work well. Mr. Irons explained that some underground basins have infiltration issues and this proposed basin is not an infiltration basin just a standard basin. Mr. Irons noted that most of the improvements were made along the edge of the floodplain.

Mr. Irons stated he was not from the area and did not know how much or often this property floods and Mrs. Souder noted that this area always floods and the roads have to be blocked off which causes a Township wide traffic problem. Mr. Woodrow intervened and talked about the revitalization on Philmont Avenue and that the proposal creates an exotic solution to the stormwater/floodplain problems but if the Township wants Philmont Avenue to be revitalized exotic solutions will need to be looked at for all problems. Mr. Woodrow explained that although details have not been calculated, conceptually the proposal by Mr. Irons will work. Mr. Woodrow continued to explain that a volume is created to store the floodwater as if it was a decked structure although the building is on soil the area is like a raised parking garage. Mr. Woodrow noted that with the revitalization of Philmont Avenue the Township will be seeing more proposals like this.

Mr. Irons explained that due to rules and regulations the applicant is not allowed to make current conditions worse with their proposal.

Mr. Potok noted that if this system works, problem areas on Philmont Avenue could theoretically use this system. Mr. Potok questioned if this system was used anywhere the Planning Commission could go and see and Mr. Irons replied that for floodplain use he would have to do some research. Mr. Irons explained that these systems are more widely used as underground basins.

Mr. Irons talked about some of the technical aspects of the proposed system.

Mr. Costello questioned what other Wawa utilize this system and Mr. Jonas replied it sounds like two questions, one being where are underground basins and second where are the underground basins using the arches, Mr. Costello added with gasoline pumps on top. Mr. Jonas said he would obtain that information and provided it to the Planning Commission.

Mr. Costello questioned if the Wawa will be higher than the T.D. Bank and Mr. Irons replied it will be a 1 foot and 8 inches higher. Mr. Costello questioned if the pumps are at that elevation and Mr. Irons replied that the pumps are the same elevation as the T.D. Bank.

Mr. Costello questioned what will happen when water fills up the underground structures and Mr. Irons replied it will sit on the property just like it will do on the streets. Mr. Costello questioned what happens when water gets into the gasoline tanks and Mr. Irons replied that the tanks will be waterproof. Mr. Potok questioned what would happen to the pumps if covered by water and Mr. Irons replied the pumps and the building are at the 120 elevation line which would be the 100 year flood so they would be out of the water but everything else would be covered streets, intersection and properties.

Mr. Irons explained that he felt the Wawa at this location will not exacerbate the current flooding issue. Mr. Irons noted that they came up with a plan that really allowed them to make use of the site but he realizes there are still issues that need to be dealt with.

Mr. Potok asked how the impervious coverage was being dealt with and Mr. Irons talked about the inlets and different systems on the site.

Mr. Chapman questioned if the system will impact any other properties since it will not be sheeting over the property but being piped and Mr. Irons said the water will be taken to the infrastructure.

Mr. Irons talked about the best management practice which is a requirement when dealing with stormwater.

Mrs. Friedrich Fogel questioned how a fuel leak is handled and Mr. Irons explained there is a constant monitoring system and with the design of the tanks, if there is a drop in a certain level everything is shut down. Mr. Irons noted that if there is a spill there is an emergency shut off valve and an emergency response program.

Mr. Irons explained that if someone drives through the pumps there is a sheer valve that cuts the fuel off which leaves a small spill of maybe a couple gallons but that would be it.

Mr. Potok mentioned that Wawa must have dealt with water issues in other stores and Mr. Irons said he has dealt with water situations in New Jersey.

Mr. Irons talked about the tanks having 30 year warranties and being made out of fiberglass.

Mr. Walt Reimann, Fredericks Company, 2400 Philmont Avenue, asked about sediment getting into the volume and Mr. Irons replied that best management practices he was talking about tonight is created to take the sediment out. Mr. Reimann asked if the volume will be maintained over the years and Mr. Irons replied that there is a maintenance program that is approved by the Township and DEP where we have to continually maintain the systems.

Mr. Woodrow explained that there will be an agreement entered between Wawa and the Township that obligates them to maintain the basins and in the event they fail to maintain the basins the Township has the right to lien the property.

Mr. Reimann talked about the fact that there will still be water on Philmont Avenue and Mr. Irons agreed that there will still be water on Philmont Avenue but their development will not make it worse. Mr. Reimann questioned how much water will be absorbed in one hour and Mr. Woodrow replied that a 100 year storm about 8" of rain in 24 hour period which would cause the elevation of the floodplain to raise to 120 and less than that would just be the flooding that occurs regularly. Mr. Woodrow also noted that even with a flash flood where there might be 4" in a half an hour the water would still not reach the 120 elevation based on the Temple Study.

Mr. Irons explained that the applicant will continue to look at the Temple Study with the Township and he believed that they have the flood elevation being lower than 120 but they are still proposing the development at 120.

Mr. Potok commented that the proposal is not adding to the water problem either.

Ms. Heidi Reimann, Fredericks Company, 2400 Philmont Avenue, noted that currently the land is vacant so water absorbs into the land but the proposal has the water being piped into inlets and then drained to the street, how will she know this proposal will not adversely affect her property. Mr. Irons replied that through the basins and other systems the water will be controlled at the same rate it currently exists.

Mr. Irons showed photographs of the terra structures and explained to Ms. Reimann how that will affect her property and what she would see from her property.

Mrs. Randee Elton, Assistant Township Manager, questioned if Mr. Irons could obtain photographs of a terra structure so everyone could see what they look like and Mr. Woodrow explained that in another Township he works for, there was a terra structure used for a townhouse development and he can provide pictures for the Planning Commission.

Mr. Costello questioned why Wawa chose this site of all the available sites on Philmont Avenue and Mr. Irons replied that he could not answer that question. Mr. Michael Cooley, The Provco Group, is the developer and he could answer Mr. Costello's question. Mr. Cooley explained that he has been working with the Township for about 4 to 6 months on this development and it is a lot of information to understand. Mr. Cooley explained that Wawa is very good at finding the right location including doing a lot of research to make sure they are not making a mistake. Mr. Cooley noted that Wawa likes to be near intersections and due to the demographics of this area; this site is a prime location. Mr. Potok explained that Mr. Costello was questioning why not across the street or down the block and Mr. Cooley stated that this site fit the criteria for Wawa.

Mr. Cooley explained that if Wawa did not want this site we would not be here today but even with all the challenges faced, they are still interested and have come up with a solution that is exotic and believes this project can happen.

Mrs. Souder talked about how the traffic will be affected greatly with this proposal and the Revitalization program was trying to beautify the industrial area which is across the street but this site has a lot of trees and is not a bad looking site. Mrs. Souder noted that the site is in a floodplain and although she commends the effects taken to deal with the floodplain, she lives close by and knows the problems with traffic and flooding. Mrs. Souder commented that from her point of view another location on Philmont Avenue would be a better fit. Mr. Cooley explained that a full traffic analysis will be done and Mr. Costello interjected that he is not against the Wawa just does not like this location. Mr. Cooley noted he has built Wawas in a lot of locations and they become staples of the community.

Mr. Woodrow commented that the design team has done a good job addressing a lot of his concerns. Mr. Woodrow noted that he was involved with a Wawa in another Township and the Planning Commission spent a great deal of time with Wawa getting a design that would fit with the community and it turned out really nice. Mr. Woodrow is hoping that Wawa will make a similar commitment and work with the Township so everyone is happy with the end result so this development can become a kick-off point to the Revitalization Ordinance.

Mr. Woodrow talked about dealing with the stormwater issues with the engineers and noted that the proposed system is very expensive from a site improvement perspective. Mr. Woodrow noted that Wawa is the only retailer today that can afford to spend as much money as these terra arches are going to cost to develop this site.

Mr. Woodrow stated that everything is not finalized yet and there is still a lot of work that needs to be done but the concept is certainly valid.

Mr. Woodrow explained that the Township can use the Bank development for base knowledge in what issues to expect for Wawa.

Mr. Woodrow talked about how Wawa is not allowed in the current zoning district or the proposed district so Wawa submitted text amendments that would allow this use in either district.

Mr. Woodrow stated that if this application is supported it can be a very good start to the revitalization ordinance and can potentially bring in other developments.

Mr. Paul Driscoll, Township Planner, noted that he was not involved with this process but talked about conflicts with the Township zoning and floodplain ordinances and the proposal. Mr. Driscoll also noted that there will be traffic issues to deal with.

Mr. Driscoll questioned where the Township stands on basic zoning issues and does the Planning Commission want this type of development.

Mr. Hamburger talked about the gas stations in the area and is there really a need for another gas station. Mr. Hamburger noted there is a need for the store but not the gas station.

Mr. Chapman questioned if the gas pumps are denied would the store stay and Mr. Jonas replied that it is a combined use and the gas pumps and store go hand in hand.

Mr. Jonas talked about how there are a lot of issues to work out and there is still a long way to go but they tried to address all the problems they found in this first stage of the process to accommodate the use. Mr. Jonas stated this is a real opportunity for the Township because this applicant has staying power and a track record to really accomplish this.

Mr. Jonas points out the purpose section of the Revitalization Ordinance fits in with what a Wawa offers as part of the community. Mr. Jonas noted that Wawa is aware of the challenges ahead but still would like to be apart of Lower Moreland Township.

Mr. Jonas stated that there were signs of encouragement from the Board of Commissioners and have begun to address some of their concerns and are hoping for similar words of encouragement from the Planning Commission.

Mr. Costello asked Mr. Woodrow the cost of the culvert and Mr. Woodrow replied the initial estimate to replace the Red Lion Road culvert was one million dollars. Mr. Woodrow noted that the estimate was based on public bid process and using State funds, Mr. Costello interjected if that included widening the road and Mr. Woodrow replied yes. Mr. Woodrow continued that if the project was done with private funds the cost could be less. Mr. Costello questioned if this proposal happened, could the culvert be done at the same time and Mr. Woodrow replied yes.

Mr. William Ferrari, 2295 Huntingdon Pike, stated that he owns Ferrari Sunoco gas station and he likes Wawa, they are the best at what they do, best convenience store, they are neat and clean. Mr. Ferrari questioned if the Township wants this type of industry in the community because it will hurt a lot of small businesses. Mr. Ferrari noted it will hurt his gas business, the market in the shopping center and he questions if this will be best for this community. Mr. Ferrari would like the Township to think about this proposal a little bit and how it will really impact the community.

Mrs. Friedrich Fogel replied that Wawa is not something she feels you go to every day; she would not go to the local market or gas station because of Wawa. Mrs. Friedrich Fogel noted Wawa is convenient for off hours like early in the morning before other businesses are open.

Mr. Cooley stated that he has been involved in other revitalization projects and that other retailers want to be by Wawas because of the activity it will draw.

Mr. Costello reiterated that the question is not do we want Wawa but do we want it on this site. Mr. Jonas replied that real estate buyers and developers opportunities come as the come. Mr. Costello noted he understood that but they are faced with that challenge as a community.

Mr. Potok talked about how there are very few builders who will invest the amount of money it will take to develop this piece of land so if we want Wawa to go somewhere else who will ever build on that lot. Mr. Potok stated what other company besides Wawa will take this site, it would have to be another big company to endure the costs related to making the site developable. Mr. Potok noted the Township needs to consider that fact before making a decision that if we deny Wawa what is the fate of that lot in the future. Mr. Woodrow would agree with Mr. Potok statement.

Ms. Reimann questioned how the terra structures are sized to ensure they can handle flash floods and Mr. Woodrow replied that there are engineering calculations that determine if the terra structures are capable of handling the water issues of the area. Mr. Woodrow noted that design is very important to ensure there are no adverse affects to surrounding areas.

Mr. Michael Yench, 3388 Philmont Avenue, noted that a previous company on this property had a 24' 30" water mark because of all the flooding. Mr. Yench wanted the applicant to consider that before making the purchase. Mr. Irons explained that comment makes perfect sense due to where the elevation lines are.

Mr. Costello noted the culvert under Philmont Avenue is in bad shape and Mr. Woodrow replied he would have to look at it. Mrs. Friedrich Fogel questioned if the traffic study would look at that issue and Mr. Woodrow replied no.

Mrs. Friedrich Fogel asked the Planning Commission members to give their opinion on whether this application should pursue this process any further. Mr. Potok talked about his pros and cons of the application noting his concern is how this will affect the business of the two Sunoco stations. Mr. Potok noted that if the Township wants Wawa that will happen no matter what because Wawa comes with a gas station. Mr. Potok stated that if the Township wants that lot developed Wawa is the only company who will do it and he believes Wawa will work with the Township so that everyone is happy with the final result. Mr. Potok also noted that Wawa can help with improvements to the intersection. Mr. Potok said yes he would like Wawa.

Mr. Hamburger talked about his concerns with fuel tanks being in a floodplain but feels this is the epitome of the Philmont corridor dilemma which is that the idea of revitalization development in an area where we do not have the money to do the flood control to make the idea a reality. Mr. Hamburger said yes to Wawa.

Ms. Souder liked the design and is impressed by the engineering but she lives close to this area and is concerned about the traffic access and how this will impact that. Ms. Souder was concerned about local business and the affect on them. Ms. Souder would like to see the Wawa in a different location but she is not against Wawa.

Mr. Mayer commented that this is revitalization and this is a good chance for the Township to bring in more business and revitalized the area and he likes this idea.

Mr. Chapman talked about Wawa being the only game in town because they may be the only corporation willing and able to construct adequately on this site. Mr. Chapman wanted to applaud the engineering that was done but the traffic is the most important issue for him. Mr. Chapman noted that years ago he was sad to see the Post Office move out of its location and the CVS move in because it closed the Bethayres Pharmacy and Wawa may affect other businesses the same way. Mr. Chapman felt Wawa should be allowed to pursue the process.

Mr. Costello stated that the environmental issues have been addressed but the traffic issues will need to be addressed. Mr. Costello questioned how Wawa will address the many traffic issues that exist. Mr. Costello questioned if from the Township standpoint is this the best location for a Wawa.

Mrs. Friedrich Fogel stated that the Planning Commission is interested in Wawa and interested in having something done on the Corridor and are impressed with the engineering and how the environmental issues are being addressed. Mrs. Friedrich Fogel noted that traffic is the biggest issue. Mrs. Elton explained that the applicant's traffic engineer is present tonight but did not get a chance to speak and he will speak first at the next meeting.

Mr. Costello stated the Township will not allow further development if the culvert is not fixed. Mr. Jonas noted that Wawa gets primarily pass-by traffic and over 70%

of their customers are already on the road so Wawa is not primarily a destination based business it is feeding off the traffic already on the road.

Mr. Costello talked about how the traffic will need to be dealt with because he does not want to deal with even more traffic trying to get to Wawa.

Mr. Cooley noted they were looking for the support of the Planning Commission and Mrs. Friedrich Fogel replied that they had that.

Legislative Review

Mr. Woodrow stated that the Board of Commissioners moved to purchase the Valley View property with the help of Pennypack trust money. Mr. Woodrow noted that one of the things the Board considered when making the purchase was possibly using the land for some flood abatement.

Mrs. Friedrich Fogel questioned what the next step would be and Mr. Woodrow replied looking for money. Commissioner Devinney felt it is a good time, the interest rates are low, the real estate prices are depressed and there are multiple uses for the property. Commissioner Devinney noted some uses include ball fields, soccer fields, stormwater management. Commissioner Devinney also explained that the Firehouse is looking to upgrade their facility at some point and there is a parking need for the Township and the Library wants a new facility in the future as well. Commissioner Devinney stated it might not happen on this property but owning 27 acres and having that at our disposal makes sense.

Mr. Potok questioned the price of the land and Commissioner Devinney replied 1.4 million, it went down from 1.9 million.

Mr. Woodrow noted that the Revitalization Ordinance was advertised and Mr. Costello asked if he can have a copy of that and Mrs. Elton replied that she was going to send the Planning Commission a copy and post it on the website. Mrs. Elton noted that the Board of Commissioner will have a public hearing on this ordinance July 13th, and the Planning Commission will review it at their June meeting.

New/Old Business

Mr. Costello stated that he was asked by one of the Zoning Officer to make a motion to have the Planning Commission participate in the future with the zoning commission on rewriting the Township zoning code, not just Philmont Avenue but the whole code. Mr. Driscoll questioned who asked him about this and Mr. Costello replied the Zoning Hearing Board. Mr. Costello talked about how the by-laws allow the Planning Commission to help with legislative matters. Mrs. Elton stated that any amendments to the Zoning Ordinance or the Subdivision/Land Development Ordinance do have to be recommended by the Planning Commission but the Zoning Hearing Board may not make any authoritative ordinances on ordinances they rule on. Mrs. Elton explained that the Zoning Hearing Board would not be apart of a Zoning Ordinance rewrite. Mrs. Elton talked about the Planning

Commission and a Township Planner or an outside company would rewrite Township ordinances. Mr. Costello talked about how the Zoning Hearing Board wants to help with rewriting the ordinances because our by-laws allow it and Mrs. Elton reiterated that the Zoning Hearing Board can not be apart of any rewriting of Township Ordinances due to the rules of the Municipality Planning Code.

Mrs. Friedrich Fogel questioned how would we start that process for rewriting ordinances and Mrs. Elton replied that the Board of Commissioner, Township Manager and Township Staff would discuss how it would be done, in-house or would the Township hire a company. Mr. Driscoll noted that his company has been writing zoning ordinances since 1968 and he has been doing it for 21 years.

Mr. Costello made a motion that the Board of Commissioners, at a opportune time, review the existing code and make a decision with regards to if they want to proceed or not with updating them. Mr. Potok seconded the motion and the rest of the Planning Commission voted aye in favor of the motion.

Mr. Chapman questioned if Wawa has changes will it go through the same process the Revitalization Ordinance went through? Mrs. Elton replied yes.

Mrs. Elton announced that she was leaving Lower Moreland Township and her last day will be tomorrow. The Planning Commission thanked her for her time and wished her good luck.

By-Laws

Mrs. Friedrich Fogel rewrote the Planning Commission By-Laws to update them and after a brief discussion with the members and Township Staff and some minor changes there was a motion made to accept the new by-laws by Mr. Hamburger and seconded by Mr. Costello and the rest of the member voted aye in favor of the motion.

The next meeting is scheduled for June 24, 2010.

Adjournment

There being no further business to come before the Planning Commission, a unanimous vote for adjournment was in order at 10:00 P.M



Linda Friedrich Fogel, Chair