

**TOWNSHIP OF FALLS
PLANNING COMMISSION MEETINGS
OCTOBER 28, 2014**

Meeting commenced: 7:30 p.m.

Meeting adjourned: 8:05 p.m.

Members present: Binney, Goulet, Miles, Rittler, Shero, Vergantino

Members absent: Perry

Also present: Thomas Hecker, Esquire, John McGrath and Pat Flannigan, representing New Falls Road, LLC (McGrath Homes)

For the Township: Joseph Jones, P.E. (T&M Associates); Tom Bennett, CCEO & Zoning Officer; Diane Beri, Recording Secretary

Item #1: New Falls Road, LLC, 9172 New Falls Rd., (St. Joseph the Worker Church) TMP# 13-024-001 Zoned IN; and 9188 New Falls Rd., (Frank and Maureen Walsh) TMP #13-020-306, Zoned NCR. Application to re-zone both parcels to AQ (Age Qualified)

Thomas Hecker presents the application. My client, New Falls Road, LLC, whose principal owners are John McGrath and Pat Flannigan, have been building 55-and-older communities in Bucks County for approximately 20 years. These projects have been successful in different communities by keeping a large segment of the 55 and older population within the area that they've lived in for so long. This type of community is what we call an adult active community – it is strictly independent living. It does not provide any type of assisted living or skilled nursing facilities.

These properties have been identified as a great location for a 55-and -over community. The combined properties are a little over 12 acres gross, slightly under 12 acres net. As shown on the plans, this application pertains to the balance of the property surrounding the church as well as a small parcel owned by Frank and Maureen Walsh, which is under agreement with New Falls Rd, LLC. We have an agreement of sale to acquire the balance of St. Joseph the Worker parcel (which does not include the church, school and gym buildings).

Atty. Hecker continues that the Township had anticipated the need for this use when it included the AQ designation in its ordinance, which is basically providing for housing for the elderly as defined under the Federal Fair Housing Act.

The re-zoning of a property is a legislative decision –a policy decision – a determination made by the people in the community, specifically the Board of Supervisors. Does the proposed zoning fit in the grand scheme of things or is the proposal suitable for the particular property are questions that people in the community ask when looking at re-zoning.

If the re-zoning is granted, our proposal is to construct a townhouse community in substantially the layout as shown on the plans. We have not fully engineered the site, so it's possible there might be changes to the plan. The current plan shows two entrances, with a full access driveway. There is a second driveway for emergency access only. These are private communities so we like to restrict the access to these communities. The internal roadways are intended to be owned by the Association. This plan shows 76 townhomes. Every unit owner in the community would be a member of the Association contributing toward dues. The Association is initially funded in part by the developers, assessments are charged at settlement, and monthly dues are paid by the community association for the upkeep of the roads, snow plowing, landscaping, and maintenance of stormwater facilities. The advantage to the Township is that it takes any burden away from the municipality because it does not have to provide services.

As a result of the fact that it is a 55-and-over community, it does not have a significant demand for services. There is normally a positive cash flow to taxing bodies as a result of this type of community. There is no impact on the school district as there are no children. Other than an occasional EMT call, there is very little need for public services generally. We believe this would be a great fit for the community.

Member Binney asks about non-property tax revenue, on the last page of the impact statement in the chart. It lists income of \$17,388 of non-property tax revenue. How is this figure calculated?

Atty. Hecker states that he doesn't know and doesn't want to speculate, but he will supply it at a later date.

Member Binney states that one of the major issues he has is the remnant parcel. This proposal will create a lot that does not conform to existing zoning. You are going to take an existing, conforming lot as far as bulk area requirements, setbacks, impervious, etc. You are going to have a 100% paved parking lot there. What is going to be the future use of that building? How is the parking going to function? How is the traffic flow going to function?

Atty. Hecker states he does not know now what the future use of the church building will be. My clients would like to acquire it and do a use very consistent with what we are trying to do here. It may be a different housing type, but we would anticipate this could very easily become part of the same community, perhaps with a different style of housing.

Member Binney states that it is speculative. If we move forward with the zoning subdivision and zoning change, we are going to be left with a property that does not conform. Based on the possible uses in an Institutional zoning district, whether or not there is adequate parking, traffic flow and things of that nature – that's a big concern I have with the current layout.

Another big concern is that it appears with the current layout there are numerous buildings that are going to require variances. When you are asking us to do a minor subdivision and change the zoning, the construction should be in strict accordance with the zoning requirements for the proposed zoning district.

Atty. Hecker states that hasn't always been my experience. There are some flood plains in the back of the property and the variances that are likely deal with some setback issues, but I don't see it as something out of the ordinary. If you are working with a pristine piece of property, it is easy to re-zone and comply with every item but that is not always the case on a redevelopment scheme. We admit that there will be some variance relief that is necessary.

Member Binney also states that there is a wetlands line in the back and yet the wetlands margins isn't shown. You can disturb only 20% of it, and it appears that 50% of the stormwater management is going to be in that wetland margin. That will impact the magnitude of this development. In its current form, there are too many unknowns, especially this remnant lot.

Atty. Hecker states that when we fully engineer the plans, we will know what the yield is, we'll know whether what we are showing is possible, whether we lose density because of margin areas after we delineate the wetlands. Those things will be addressed in land development. This is really a policy decision – is this a good location for a 55-and-older community.

Member Binney states that one of the issues not addressed in the impact statement is the proximity to public transportation that is required in the AQ district. The only place you can get public transportation is at the corner of New Falls and Tyburn Roads.

Atty. Hecker responds that one of the things they are able to do in other communities is to reach out to the transportation providers, in this case SEPTA, and ask to arrange a more convenient bus stop. We don't do that until it is likely that the project will move forward.

Member Binney asks when are the peak times?

Atty. Hecker states 7:00 a.m. to 9:00 a.m. and 4:00 p.m. to 6:00 p.m., Monday through Friday.

Member Binney states that there is a chart which indicates that peak p.m. traffic distribution anticipates that there will be a total of 11 trips in and out of that driveway at rush hour. I think that number is low.

Atty. Hecker says that the trip generation is out of the IT Trip Generation manual, which is the bible for transportation engineers. Secondly, a lot of those people are working part time or are working different hours. They are not leaving at 7:00-7:30 in the morning to drive somewhere. They are going at different times and are not working full time. The average age in these 55-and-over communities is somewhere around 70 or 71. That has been the experience of McGrath in the other communities that they have built. If you accept that fact, then it's easier to understand the numbers.

No public comment.

Member Binney states that personally he is not in favor of this application as it presently sits in front of the Board. It is appropriate to answer the questions about what is going to happen to the remnant parcel and to demonstrate that it can be developed in accordance with the current zoning requirements. It is also appropriate for us to ask for additional information to alleviate some of these variances.

Atty. Hecker states that in reviewing the Bucks County Planning Commission letter and T&M's letter, it suggested that the re-zoning of the institutional property (St. Joseph property) may not be necessary – that what we are proposing to do can be done by conditional use application. We are not opposed to leaving the St. Joseph portion of the property Institutional and proceeding under a conditional use application with the Board of Supervisors. If we were to do that, the re-zoning request is limited to the Walsh property. That way it might address your concern about the remnant parcel. We are not showing a use on it, but the end would be the same as the rest of the St. Joseph property. Then the Walsh property could then be considered separately for re-zoning.

Member Binney states that he disagrees with the opinion that the Conditional Use is allowed. I believe the language clearly indicates that the only Conditional Use that is permitted is for a multi-family use and townhouse by definition in the ordinance is clearly a single family use.

Atty. Hecker states that he cannot find the definition of multi-family anywhere in the ordinance. There are many communities where townhouses are considered multi-family dwellings because you have one roof covering 3 to 8 units. If conditional use was the route to go, it would limit the re-zoning to the Walsh property only.

In other words, the St. Joseph property would remain Institutional, and we would revise the application so that the Walsh piece would be re-zoned Institutional. The remainder portion (where the church, school and gym are located), which we do not control, would remain Institutional.

Member Binney states that you would still end up with the net result of a subdivision that separates the lot where the church buildings are and it would still be a non-conforming lot. That issue wouldn't be resolved.

Member Rittler asks if the church and school are both closed.

Atty. Hecker states that first the school closed and then the church.

Member Rittler asks if you can't get a firm commitment from St. Joseph.

Atty. Hecker states that at some point, the church will be offered for sale. We have made an offer on the church. At the present time, I believe there has been a commitment to leave the church building open for a year from its closure. St. Joseph's has merged into St. Francis Cabrini in Fairless Hills, and a lot of the parishioners have moved over to St. Francis, but that process has not been completed. At some point, that will be completed. I believe that

because of the proposed use which people envision to be a good use for the community, we will be able to acquire that property. I just can't tell you tonight, however, that it's a done deal.

Member Miles asks for clarification on leaving St. Joseph property as Institutional and re-zoning the Walsh property to Institutional.

Member Rittler asks Mr. Jones which is the less restrictive of the two zoning categories – Institutional or Age Qualified.

Mr. Jones states that it goes both ways. The Institutional district actually utilizes the tables for Highway Commercial for setbacks, so you gain some in certain areas and you lose some in other areas. I think you'd have a bigger building coverage and impervious allowance under the Institutional because it would revert back to Highway Commercial, but they don't have a density. You could get more units if you left it Institutional then if you changed it to Age Qualified.

Member Binney makes a motion to **DENY** the application of New Falls Road, LLC to rezone the Walsh and St. Joseph parcels to Age Qualified. There is a lot more information to be provided, particularly with regard to the remnant piece. They want to create a lot that is almost 100% impervious which would violate almost every setback, and the plans don't show appropriate parking, traffic flow. With Institutional use, there are a multitude of uses. We would be giving them a valid reason for as many variances as they want.

Member Goulet seconds the motion.

All in favor 6-0 – APPLICATION IS DENIED FOR ZONING CHANGE.

Atty. Hecker asks if the Board would consider the second option discussed – leaving St. Joseph school portion as Institutional.

Member Binney states that he would not be amenable to that recommendation because if the zoning was to go forward for just that property and the consolidation never occurred, we would be left with a mess. So at this time, I would not be in favor of that option.

Item #2: Approval of minutes

Motion to approve September 23, 2014 minutes.

All in favor 4-0 (Shero and Goulet absent from meeting)

Meeting adjourned 8:05 p.m.