

TOWNSHIP OF LOWER MAKEFIELD
PLANNING COMMISSION
MINUTES – AUGUST 22, 2011

The regular meeting of the Planning Commission of the Township of Lower Makefield was held in the Municipal Building on August 22, 2011. Chairman Fried called the meeting to order at 7:35 p.m.

Those present:

Planning Commission: Mark Fried, Chairman
 Dean Dickson, Vice Chairman
 John Pazdera, Member

Others: Nancy Frick, Director Zoning, Inspection, & Planning
 Vince Magyar, Township Solicitor
 James Majewski, Township Engineer
 Ron Smith, Supervisor Liaison

Absent: Tony Bush, Planning Commission Secretary
 Karen Friedman, Planning Commission Member

#597 – FLOWERS FIELD AT EDGEWOOD PRELIMINARY PLAN DISCUSSION

Mr. Edward Murphy, attorney, was present with Mr. Kurt Rittler, engineer, and Mr. C. T. Troilo.

Mr. Murphy stated it has been some time since they have been before the Planning Commission and Board of Supervisors on this project, and the last time they were before the Planning Commission was late March, 2010. He stated at that time they appeared jointly with Carter VanDyke who is the Township consultant for both this project and the project across Stony Hill Road since these are the first to be developed under the TND Ordinance of which Carter VanDyke was the principal architect. Mr. Murphy stated when they were present in March, 2010, they reviewed Mr. Majewski's letter including the Waivers and Variances that they needed to obtain. Mr. Murphy stated Mr. VanDyke was present that evening to support those requests since it was the first time there was an effort to implement the TND Ordinance. Mr. Murphy stated they made a similar presentation before the Board of Supervisors in May, 2010. Mr. Murphy stated in between those meetings they met with PennDOT and representatives of the Township including Mr. Majewski and the traffic consultants in an effort to go over with PennDOT what their expectations were as to the improvements to Langhorne-Yardley Road and Stony Hill Road. Mr. Murphy stated they also appeared before the Zoning Hearing Board last October and received the relief requested that had previously been discussed by the Planning Commission and Board of Supervisors.

Mr. Murphy stated earlier this year Mr. Rittler took over as the engineer, and he has since submitted two sets of Revised Plans, one set which was submitted in March and most recently earlier this month. Mr. Murphy stated they received Mr. Majewski's review letter today and on Friday they received a partial review of the Plans from TPD, the Township's traffic consultant. He stated TPD submitted a review of the Plans but not a review of the updated, and recently re-submitted Traffic Study which is in the process of being reviewed. He stated they have also seen "benign" comments from the Police Department regarding signage, the Pennsbury School District, and the fire review. Mr. Murphy stated a majority of those issues have already been addressed and re-submitted.

Mr. Murphy stated the Plan itself has not changed appreciably since the Planning Commission last saw it. He stated since they obtained the relief from the Zoning Hearing Board, the Plan has remained constant, and they have been addressing the engineering and stormwater management details. He stated PennDOT has still been actively involved. He stated they had another meeting with PennDOT one month ago at which Mr. Majewski was present to continue to refine the road improvements including the intersection improvements at Yardley-Langhorne and Stony Hill Roads especially on the opposite side of the street where there is a limited amount of right-of-way where the Sill Insurance building is located. He stated the PennDOT plans are still in process, and there has been good communication with PennDOT.

Mr. Murphy stated the larger issue is the sewer issue. He stated there has been significant progress in that area since they were last before the Planning Commission, and a Grant has been obtained which will contribute toward the extension of public sewers to ultimately serve the Village of Edgewood. He stated bid specs are still being prepared, and the work could commence late this year or early next year. Mr. Majewski stated the sewers will extend up Stony Hill Road to service all the properties on Stony Hill Road to include even the outparcels, and all the way down Yardley-Langhorne Road to the bridge. He stated all the properties in Edgewood Village will have access to sanitary sewers.

Mr. Fried asked what the next steps will be. Mr. Murphy stated this will depend on whether anyone feels there is a need to submit another set of Plans to address the comments in Mr. Majewski's 8/19/11 review. He stated there are Waivers listed which had been discussed previously. He stated these are all Waivers from the TND Ordinance, and Mr. VanDyke was in support of these and had explained why they made sense. Mr. Murphy stated he does not feel any of the comments in Mr. Majewski's letter under Section 2A would require much in terms of revisions. He stated they plan to come back to the Planning Commission for a recommendation and then go to the Board of Supervisors; but to the extent that it is felt that more revisions are required, this would delay the process. He stated he acknowledges that the updated Traffic Study is still being reviewed by the Township consultants, and he understands the Planning Commission

would want to wait to get a review on this. He stated he feels the engineers can continue to work on any Plan issues; and Mr. Majewski stated he agrees with this assessment. Mr. Majewski stated there are no major issues in his letter, but he has not had a chance to review everything in the TPD letter.

Mr. Rittler noted the 8/18 letter from TPD and stated there are four comments regarding the external roadways and driveways, and they will comply with these issues. He stated the next section deals with internal roadways and circulation, and he stated they will comply with Item #9. Mr. Rittler stated the next section deals with pedestrian facilities and in Item #21 they are asking for some additional bollards and/or wheel stops on the western side of Buildings #1 and #2, and they will comply with this.

Mr. Rittler noted Item #22 regarding accessibility to the site between Buildings #11 and #12 which is at the intersection of Stony Hill and Langhorne-Yardley where there are two existing buildings. He stated one will be turned into a restaurant, and there is a row of handicapped parking stalls there; and they have added a handicap ramp. He stated TPD has asked that they shift it forward to be outside of the parking stall area, and they will discuss this further with TPD.

Mr. Rittler noted the July 6 review comment #33 deals with Traffic Impact Fee which will emanate from the review of the Traffic Study.

Mr. Rittler stated Item #34 discussed traffic entering Stony Hill Road and making an immediate left turn into the retail parking area, and Mr. Rittler showed this area on the Plan. He stated they had previously discussed the amount of stacking distance for outbound traffic coming out onto Stony Hill Road; and if there was a back up, it would be difficult for cars to make a left turn; and Mr. Rittler showed on the Plan where they intend to put “No Left Turn” signs so that there will not be a problem. Mr. Majewski stated this would mean that if someone came in off of Stony Hill Road, they would have to make the whole loop around past the houses to get in, and Mr. Rittler agreed. Mr. Rittler added that he feels that once someone does this, they would in the future come to the intersection and make a right and go in that way. He stated they did not want to shut off the entrance as it makes sense for outbound traffic. Mr. Rittler stated it does not appear from the Traffic Study that there are a lot of left turns from Stony Hill northbound or right turn traffic from Stony Hill southbound into that entrance. Mr. Majewski stated he questions whether the prohibition of left hand turns is really necessary. Mr. Murphy stated they are following the Township traffic consultant’s recommendation.

Mr. Fried asked the distance in car lengths between the entrance and where a driver can make a left hand turn. Mr. Rittler stated if you assume a car length of 20’, they could have five cars stacking from the cartway to where you make a left. Mr. Fried asked the distance to the next turn, and Mr. Rittler stated at Road B it would be another 200’.

Mr. Fried asked Mr. Rittler why he feels there will not be a lot of traffic going in and out at this location. Mr. Pazdera stated while he has not seen the Traffic Study, he does not feel anyone will wait to make a left onto Yardley-Langhorne if they are coming northbound on Stony Hill, and he feels they will go down and go in the back way as he does not feel they will sit at the intersection. Mr. Rittler stated he would agree with this under the current conditions at the intersection, but part of the project includes a reserved left-turn lane for northbound Stony Hill and a left-turn lane for southbound Stony Hill. He stated they are creating a fairly large intersection with left turn light phasing for both directions.

Mr. Dickson asked if it is anticipated that they will eliminate the cross hatching on the shoulder since currently there is a sign that says “Keep Off Shoulder.” He stated currently drivers go around there which has caused multiple accidents as people stack up with the left-hand turn. He stated he assumes they will add a light with a left-hand turn signal, and Mr. Rittler agreed. Mr. Dickson asked about the shoulder area where people tend to go around. Mr. Rittler stated since they will have a dedicated through lane and left turns will have their own lane, the shoulder area will not be touched. He stated the alignment of Stony Hill Road north of the intersection is such that they could not utilize the existing paving. He stated it will stay striped and unused. Mr. Majewski stated PennDOT will probably still require the striping on the shoulder. He stated he feels drivers will still use it make a right even though they are not supposed to.

Mr. Majewski asked as you make a left or right into the site from Stony Hill Road and then want to make the quick left to go to the restaurant, stores, etc. is it possible to widen the road slightly so that there could be a left turn lane; and even if you stack one or two cars, they could come in and go around. Mr. Rittler stated the Plan submitted in March did show left-hand turn lanes for the site access driveway at locations he noted on the Plan, but added they did not have enough right-of-way to get in the appropriate widening that PennDOT would approve. Mr. Rittler stated besides this the Traffic Study indicates that left-turn warrants are not met for the site access driveway. Mr. Majewski stated he was discussing the interior road going into the site, have a left-turn lane, and then have a by-pass around. Mr. Rittler noted the area on the Plan and stated they would probably lose one on-site space, but he agreed to look into this further.

Mr. Fried asked where the entrances are for the properties across Stony Hill Road, and Mr. Rittler showed these on the Plan.

Mr. Fried stated it had been indicated that there was concern with the location of the existing insurance agency, and he asked how this will be handled. Mr. Rittler noted the location of the building on the Plan and stated the building is elevated up off the road. He stated with the widening that is proposed, they will have to put in a retaining wall and move a utility pole that is on the corner. He stated they will not have room for sidewalks

on either the Stony Hill approach or the far side of Yardley-Langhorne Road, and there will not be a pedestrian crossing. He showed on the Plan where they will have a pedestrian crossing. Mr. Murphy stated this was the subject of a meeting with PennDOT on 7/19 to show the impact on the building and to determine what PennDOT wanted them to do recognizing that this is a historic building. He stated what has been shown on the Plan is what PennDOT has decided.

Mr. Fried noted they received a memo from Karen Friedman who was unable to attend the meeting this evening. She expressed her concerns with the traffic. Mr. Fried stated they are all concerned with this and are waiting for the Traffic Study report. He stated Ms. Friedman also expressed her concern with the way that the project will look and hopes that it will maintain its historic village feel based on how the residential buildings will be built. She has also commented on where the residential units will be located. Mr. Dickson stated Ms. Friedman echoed the concerns of the Historic Commission over the use of brick, and they felt that in keeping with existing Edgewood Village it would be more appropriate to use stucco or clapboard siding. Mr. Majewski stated they recommended that HARB look into this. A copy of Ms. Friedman's memo was attached to the Minutes.

There was discussion on Mr. Majewski's 8/19 letter, and Mr. Rittler stated they will work with Mr. Majewski to address his concerns.

Ms. Frick asked if TPD will be issuing another review letter on the Traffic Study, but Mr. Rittler stated he has not discussed this with them. Mr. Pazdera asked if PennDOT has seen this, and Mr. Rittler stated they received this prior to the time they had the joint meeting with them. Mr. Majewski stated they are still working with PennDOT on the traffic issues.

Mr. Majewski stated he feels the Applicant has been able to address all the stormwater issues. He stated they did supplemental testing and made some modifications.

Mr. Majewski stated the Historic Commission does have concerns about the materials to be used and general scale of the project.

Mr. Smith asked what needs to happen before construction can take place. Mr. Murphy stated as indicated previously they have to hear back from the Township consultants on the Revised Traffic Study and they also have to determine whether Mr. Majewski feels the Plans need to be reviewed to address any outstanding issues in his 8/19 letter. Mr. Smith stated it does not appear that there is anything significant to be addressed in Mr. Majewski's letter, and Mr. Murphy agreed. Mr. Murphy stated the biggest inhibitor to moving the project ahead is the sewer because if sewers are not available, they cannot move forward. He stated once the Township gets the bid specs and approval by the agency providing the Grant, they can proceed. Mr. Murphy stated he feels the earliest

they could proceed with construction would be eight to nine months if everything went ahead smoothly. He stated he heard that the sewer extension project could not begin until late this year or early next year. Mr. Smith stated it appears the earliest they could start construction of the project would be the summer of 2012, and Mr. Murphy agreed. Mr. Fried asked how long they feel construction will take once construction begins, and Mr. Murphy stated this is difficult to determine given the state of the economy. Mr. Majewski stated they feel that they will probably have to phase in the project. Mr. Murphy stated there is interest since today he fielded calls from interested buyers. Mr. Murphy stated the sewer is still the decisive issue. He stated the award of the H2O Grant required that certain steps be implemented by a certain time, and he feels everyone does want to move forward so that they can take advantage of the State money that is available.

Mr. Fried noted Captain Roche's letter of 8/11, but the Applicants indicated that they had not received a copy of this. After review of the letter, Mr. Murphy stated this is a reiteration of his earlier concern regarding on-street parking with a 45 mile per hour speed limit. Mr. Majewski stated PennDOT has indicated that they cannot currently reduce the speed limit; and since people are currently going 45 miles per hour, they have to design it for 45 miles per hour; however, they have also indicated that once everything is built, they can lower the speed limit. Mr. Murphy stated the project across the street was approved with some on-street parking as everyone agreed that on-street parking would act as a traffic-calming device. He stated PennDOT was initially reluctant, but when they met with PennDOT everyone encouraged PennDOT to be more flexible and permit the on-street parking. He stated at the 7/18 meeting PennDOT indicated they do not have an issue with the on-street parking and had also indicated that once the project across the street is built, they could re-apply, and they would entertain a reduction in the posted speed limit from 45 to 35. He stated they also indicated that once Flowers Field is fully built, they should apply again to go from 35 to 25 although this will be some years in the future. Mr. Murphy stated they were very confident that they could go from 45 to 35.

Mr. Fried noted the 8/17 letter from the Historic Commission, and Mr. Murphy stated while he has not seen this, Mr. Rittler or Mr. Troilo could comment on this. Mr. Fried stated the Historical Commission is discussing the fact that the residents will have to maintain the historical look of their property. Mr. Fried asked if there would be any restrictions in their Deeds concerning the look and additions to the properties once they take possession. Mr. Murphy stated he assumes a Certificate of Appropriateness would be issued for the units, and any efforts to modify that which has been approved would also require a new Certificate of Appropriateness. Ms. Frick stated this is correct as anyone who wishes to make changes to the outside of their property in the Village has to obtain a Certificate of Appropriateness and go through HARB and the Board of

Supervisors. Mr. Fried asked what the process would be if someone were to do something without going through the process, and Ms. Frick stated the Township would see them in Court. Mr. Troilo noted that Mr. VanDyke has been their liaison with the Historic Commission.

Ms. Virginia Torbert, 1700 Yardley-Newtown Road, stated she is the Chair of the Citizens Traffic Commission. She stated they sent a letter to the Planning Commission several weeks ago expressing their concerns, and Ms. Frick stated the Planning Commission members did receive this. Ms. Torbert stated she is curious why Yardley-Langhorne Road is presented as a collector road as she understands that it is an arterial road. She added that it goes through three Townships. Mr. Majewski looked into this and reported that Yardley-Langhorne Road is classified as a collector road. Ms. Torbert stated it does go through a number of Townships and links up with other major roadways. She asked why it is not an arterial. Mr. Majewski stated he is not sure how they classified the roads in the Township, but feels primarily it is based on traffic volumes. He stated the roads listed as arterial in the Township are Heacock Road, Oxford Valley Road, Yardley-Morrisville Road, I-95, Route 532, Pine Grove Road, Stony Hill, Township Line, and Yardley-Newtown. Ms. Torbert stated she does not understand why Pine Grove or Yardley-Newtown would be classified as an arterial and not classify Yardley-Langhorne as an arterial since she feels it functions as an arterial. She noted it is one of the oldest roads in the County, and she feels it has always functioned as an arterial.

Ms. Torbert stated the Citizens Traffic Commission does not try to be traffic engineers, and they deal with traffic from the point of view of citizens driving through the area. She stated she has seen the Revised Traffic Study, and she is concerned with the statement that the traffic impact of this development will be “negligible” or “minimal.” She stated the traffic counts were taken on the last day of school which she feels is questionable since traffic is completely different when school is out.

Ms. Torbert asked if there will be any significant improvements to Yardley-Langhorne Road or are they just to the intersection. She asked if there will be any widening to Yardley-Langhorne Road. Mr. Majewski stated they did discuss this with PennDOT. Mr. Rittler stated there is widening on the project side of Yardley-Langhorne Road, and that widening will accommodate the on-street parking. He stated when they eliminated the left turn lane off Yardley-Langhorne Road and Stony Hill Road, they kept the widening and alignment on the project side to the extent that it would have had to have been had the turning lanes been included except where they would have encroached on private property. He stated if in the future additional right-of-way is secured at locations he showed on the Plan, the left turn lanes could be added. He stated there is a 14' through lane and 8' parallel parking stalls on the project side. Mr. Rittler stated Stony Hill Road is similar and has already had some widening on the opposite side.

Ms. Torbert stated the Citizens Traffic Commission is primarily concerned with the four accesses which they feel is too many in that short an area on Yardley-Langhorne Road.

Ms. Torbert stated in the Revised Traffic Study the comment under the Development Description states, “as patrons to this mixed-use development become familiar with the lay-out, they would learn to make their visit to the drive-thru bank their last stop at the site.” Ms. Torbert stated she feels this is unrealistic as people may wish to go to the bank before they go shopping.

Ms. Torbert stated this is a high-volume intersection, a high accident area, and also one of the tiniest intersections in the Township. She stated when the Traffic Commission was first formed, the residents were surveyed; and this intersection was one of the most commented upon and complained about. She stated she recognizes that only so much can be done, but she feels this is going to lead to a tremendous amount of frustration. Ms. Torbert asked what the Level of Service will be at the intersection once all the improvements are made. Mr. Rittler reviewed the report and stated in the A.M. peak it will be a Level of Service C but was unable to determine what it would be in the P.M. peak; and agreed to provide this information. Ms. Torbert stated she would anticipate that the P.M. peak would be a C or below, and she feels there will be significant stacking and a lot of frustration.

Ms. Torbert stated if there is any way they can reduce the four accesses, she feels this would be a good idea. She also commented on the importance of the pedestrian facilities as she feels many people are going to want to walk here, and they need to make sure that the pedestrian/bicycle facilities are safe.

Mr. Matthew DiSantos showed the location of his home on the Plan. He stated he was told that there is an issue with public water, and that the Grant was only for sewers. Mr. Majewski stated there were two parts – one from the State and one from the Federal Government, but the Federal Government did not come through with the money. He stated water is therefore “up in the air.” He stated water will have to be provided for the new project. He stated they will have to discuss this matter with Pennsylvania American Water Company. Mr. Majewski stated this new development would help give enough customers to make the cost of extending the lines feasible. Mr. DiSantos was directed to email Mr. Fedorchak with his questions.

Mr. Alan Dresser, 105 E. Ferry, was present on behalf of the Environmental Advisory Council. He stated he feels it would be advantageous for the developer to add some additional green space on the Plan to make it a nicer place to live and shop. He stated currently 11.3% of the space is designated as green space, and the Ordinance requires 8%; however, if you look at what they are showing as green space on the Plan, almost half of it is the detention basin which the Ordinance indicates cannot be counted as green space and another 15% is in front of Heston Hall. Mr. Dresser stated he does not feel this

should qualify as green space as to be considered green space it is to be freely accessible to the residents. He showed on the Plan areas where he feels they should have green space, and he also suggested that they have a playground at a location he showed on the Plan.

Mr. Dresser stated with regard to tree replacement it comes to 456 trees, and he asked where these will be put. He asked if they will be on the site or on another site in the Township. Mr. Murphy stated this is still to be discussed with the Township. Mr. Dresser stated there is some confusion on the number of trees, and Mr. Majewski stated by his count 456 are required, and they are providing 368 trees so there is a shortfall. Mr. Dresser stated the Ordinance indicates that “replacement trees may be planted within but not in place of required street trees, trees in parking lots, trees planted on individual lots, or common open space.” He asked if they can use required trees as replacement trees. Mr. Majewski stated he will have to review the Ordinance in this regard. Mr. Dresser stated if these cannot all be put on site, he feels they should get fee-in-lieu and use the money to put trees in Memorial Park, Macclesfield, and the new baseball complex.

Mr. Dresser stated he is disturbed that the only control for volume run off from the site is the underground infiltration basin, and feels you cannot consider this an LID Development. He stated it is unfortunate that they did not do more infiltration testing on the east side of the site, and he noted on the Plan areas where he feels there is moderate infiltration and they could have had permeable paving and rain gardens to minimize the amount of run off. Mr. Dresser showed on the Plan where the underground infiltration basin will be located. Mr. Rittler stated they are in the process of evaluating several systems. Mr. Dresser stated it is important that the infiltration basin operate as it should. Mr. Rittler described what is proposed and the location of the inlets. He stated they will also minimize if not eliminate the amount of sediment. Mr. Dresser asked about the maintenance to be followed, and Mr. Rittler stated they will comply with the requirements of the Operations and Maintenance Agreement that is agreed upon with the Township. Mr. Majewski stated they have provided a draft of the Agreement within the Report. Mr. Murphy noted the Township will not maintain this as it is a private facility.

Mr. Majewski stated this Agreement would be approved by the Township prior to Final Approval. Mr. Fried suggested that Mr. Dresser put his comments about the maintenance in writing and provide them to Mr. Majewski.

Mr. Dresser noted the location of existing pipes and the direction the water runs currently. He stated at the current time the run off is about 2.2 acres, and after construction this will increase to approximately 13 acres including 8 acres of impervious surface so that there will be a lot more run off. Mr. Rittler stated there will not be any more flow in terms of peak rate. Mr. Dresser stated he feels that volume is the key.

He reviewed the amount of rainwater that falls in the various types of storms. He stated originally there was to be a Regional Stormwater Management Plan, and he questions what happened to that Plan. Mr. Dresser stated the detention basin behind Giant did fill up after the latest rain storm. Mr. Majewski noted the intensity of the most recent storm. He stated the Regional Stormwater Management Plan had been discussed previously so that the smaller and even the larger site would not have to have detention basins everywhere so that it would look more like a town; however, this Applicant has managed to control the water underground so that they do not need this.

Mr. Dresser stated he is still concerned about volume. He stated he reviewed the Minutes from the Planning Commission meeting in 2007, and there was discussion about deepening the Patterson Farm ponds. Mr. Majewski stated they are handling the volume from this site. He stated the DEP and EPA have acknowledged that you can control volume from storms although there are limitations on this, and the general limitation they have come up with is the two year storm which is about a 3” to 3 ½” rainfall over 24 hours. He stated the most recent storm exceeded that amount; and you get to a point that unless you build large detention basins everywhere, water gets to a point where no more can seep into the ground immediately, and it runs off. He stated the threshold generally is the two year storm. Mr. Dresser stated he feels they should deepen the detention basin downstream to prepare for all this water. Mr. Majewski stated they have elected to control all the water on site, and they are meeting the Ordinance requirements. He also stated they are required to get the NPDES Permit from the State, and the State only discusses controlling the volume from the two year storm.

Mr. Fried stated he understands Mr. Dresser’s concern is the volume issue, and the Ordinance and other requirements are based on peak flow, and Mr. Dresser feels there should be additional discussion about volume. Mr. Dresser noted Ordinance #173 and read portions of this Ordinance to the Planning Commission.

There being no further business, Mr. Dickson moved, Mr. Pazdera seconded and it was unanimously carried to adjourn the meeting at 8:55 p.m.

Respectfully Submitted,

Mark Fried, Chairman

