TOWNSHIP OF LOWER MAKEFIELD
PLANNING COMMISSION
MINUTES – MAY 23, 2011

The regular meeting of the Planning Commission of the Township of Lower Makefield was held in the Municipal Building on May 23, 2011. Vice Chairman Dickson called the meting to order at 7:45 p.m.

Those present:

Planning Commission:	Dean Dickson, Vice Chairman Tony Bush, Secretary Karen Friedman, Member John Pazdera, Member
Others:	Nancy Frick, Director Zoning, Inspection, & Planning Timothy Duffy, Township Solicitor James Majewski, Township Engineer Ron Smith, Supervisor Liaison
Absent:	Mark Fried, Planning Commission Chairman

APPROVAL OF MINUTES

Ms. Friedman moved, Mr. Bush seconded and it was unanimously carried to approve the Minutes of March 28, 2011 as corrected.

Mr. Pazdera moved, Ms. Friedman seconded and it was unanimously carried to approve the Minutes of April 11, 2011 as written.

#562-A – DOGWOOD DRIVE (A/K/A HARMONY LANE) PRELIMINARY PLAN DISCUSSION

Mr. Greg Glitzer and Mr. Eric Clase were present. Mr. Glitzer stated they were asked to poll the Board of Supervisors on several items which they have done. He stated there was discussion on the configuration of the road since the last Plan seen by the Planning Commission had a sweep road coming off of Delaware Rim Drive; and the Board of Supervisors recommended that they go back to the T-intersection. He stated the Plans have been engineered to detail this T-intersection which is a more conventional straight in cul-de-sac; and this will also clear up any concerns about the name of the road, and they will come up with a new name for the road.

Mr. Glitzer stated the second item discussed at the Board of Supervisors meeting was the destiny of the open space parcel, and it was the decision of the Board of Supervisors to accept that in dedication and add it to the Township's open space inventory.

Mr. Glitzer stated the third major Plan issue was the routing and proposal to sewer the adjoining properties. He stated this item is still under discussion. He stated the project proposes five, single-family dwelling units which will have grinder pumps which will tie into the gravity sewer in Dogwood Drive. He stated they are also sewering eight existing residences along Dogwood Drive and Delaware Rim with similar grinder pumps and/or gravity where gravity can be accommodated. He stated there is some question as to whether this requires a technical Waiver because the remaining frontages of the property are not sewered as they are heavily encumbered by woodlands and natural resources. He stated they have not come to a complete resolution of this issue other than the desire by both the Township and the Applicant to come up with an amicable solution to get as much benefit for both Parties as possible recognizing that there are sewer needs in the area. He stated they are still working on this with the Board of Supervisors.

Mr. Glitzer stated they are in receipt of review letters related to the "T" Plan. He stated they are largely in agreement with Mr. Majewski's letter of May 16, 2011. He stated there are also other review letters which are largely "will comply" and/or recommendations for approval. He stated there is still a question about parking along the 26' wide road and "no parking" signs; and Mr. Glitzer stated he believes that they should not install numerous "no parking" signs, and that it should be self-regulated.

Mr. Bush stated he felt there was also an issue about ownership of the road beyond the T/sweep intersection whether this was dedicated to the Township or some of the residents owned it, and he felt that this issue was going to be resolved between the Applicant and the Township. Mr. Glitzer stated this remains an open issue. He stated they do not have confirmation that it was dedicated. Mr. Majewski stated Mr. Fedorchak indicated that based on the input from the residents, it is his thought that the Township would like to take dedication of the last little stretch of road to make it work out better for the residents as a whole.

Mr. Majewski noted Item 1.B. where they are requesting a Waiver on pavement core samples; and Mr. Majewski stated that due to the condition of the road past where they know that it is dedicated, they would like to see some core samples further down the road to make sure that the road is adequate to handle the traffic load that would come down. Mr. Glitzer asked if he is looking for a cross-section analysis or a sub-grade analysis; and Mr. Majewski stated it would depend on what the section is made of.

Mr. Majewski stated if it is only a couple of inches of paving over a few inches of stone, it may be that the developer will have to re-construct the road; and he would like to know this in advance.

Mr. Dickson asked when they feel they will be ready to come back before the Planning Commission with the Revised Preliminary Plans recognizing that they need to do the core samples and resolve the road dedication issue; and Mr. Glitzer stated he could not say. He stated he feels they could do it within the existing review period, and they would certainly see this at Final Plan relative to the core samples and their offer of Dedication for what would be the developer's half of the road. He stated he does not have a return date for the core samples and other revisions.

Ms. Friedman asked if they will get something concrete so that they know who will be taking care of the strip of land. Mr. Duffy stated it would be shown on the Plans that it is being offered for Dedication. Ms. Friedman asked if they will get a letter of acceptance from the Township. Mr. Duffy stated this would be done at the end and sometimes the Township will do a Deed, adding it is only the Board of Supervisors that can accept it. Mr. Majewski stated it would be part of the Development Agreement that they are conveying this and bringing everything up to standards. Mr. Majewski stated they do have a Note on the Plan saying that the area is offered for dedication to Lower Makefield Township.

There was no comment from the public.

Mr. Clase stated they need to know what they are revising for the next submission. Mr. Dickson stated they could go over the review letters, but there were some issues that were still outstanding and he noted the road and the core samples. Mr. Glitzer asked if they are denying the request for Waiver, and the Planning Commission agreed. Mr. Glitzer asked that they go over the remaining Waivers. Mr. Majewski stated he has no issues with the other Waivers.

Mr. Majewski stated with regard to the Waiver for core samples, there could be a partial Waiver so that it is deferred until prior to Final Plan Approval if the Planning Commission felt this was appropriate. He stated he feels the road may be sufficient, but he does not want to get to the point of construction and then have to try to agree to what the pavement section would be. Mr. Glitzer stated he would agree that this would get done prior to Final Plan Approval.

Ms. Friedman asked if there was discussion with the Board of Supervisors as to how sewers were going to be addressed, and Mr. Glitzer stated he had already indicated that they did discuss this with the Board of Supervisors, but there was no final conclusion. Mr. Glitzer stated there was a desire to work together with the Board to get the most benefit for the properties along the route. He stated they do not have direction from the Township on extending further down Delaware Rim Drive. He stated there is confidence that this can be resolved. Mr. Bush asked if they are waiting to hear from the Township, and Mr. Glitzer stated they are waiting to get to the Board of Supervisors to have this discussion. Ms. Friedman stated she felt the Planning Commission sent the developer to the Board of Supervisors already and asked if nothing concrete was decided. Mr. Smith stated they are waiting to hear from the sewer engineer in that respect as to a final solution. Ms. Friedman stated at this point there is nothing definitive. She stated there were several options as to how to run the sewers, but nothing has been designed. Mr. Glitzer stated they have a proposal for the force main that goes to gravity as soon as they can along Dogwood Drive, they tie in eight off-site properties, and they have asked for a Wavier of the requisite Subdivision Ordinance. Mr. Bush stated Mr. Smith indicated that they are still waiting to get a report from the sewer engineer; and in view of this, he does not feel there is anything the Planning Commission can vote on this evening.

#590 – ARIA HEALTH PRELIMINARY LAND DEVELOPMENT DISCUSSION

John VanLuvanee, attorney, was present with Eric Britz, engineer. Mr. VanLuvanee stated he had a discussion with Ms. Frick on Friday and indicated that they would offer the Township an extension of ninety days from the date the time expires on June 24, 2011 since this is the first opportunity they have had to have a discussion with the Planning Commission concerning this Plan, although there have been significant discussion in other forums regarding this project.

Mr. VanLuvanee stated they received Mr. Majewski's review letter last week, and they received the sanitary sewer review letter on May 19. He stated they intend to revise the Plans, and some of the revisions will depend on direction they get from the Planning Commission and the Board of Supervisors. Mr. VanLuvanee stated this evening they would like to go over the review letters recognizing that a number of them are "will comply," and others are "will resolve," and their engineers will meet with Mr. Majewski to determine the best solutions for the project.

Mr. VanLuvanee stated this is a proposal to construct a three-story hospital and 180,000 square foot footprint with a total of 455,000 square feet incorporated into the design connected to this one building. He stated there is an 8,000 square foot medical office building. He stated the Zoning Hearing Board Special Exception which is on Appeal granted a Special Exception for both the hospital use and the medical office building use subject to Conditions. He stated those conditions, among other things, addressed traffic related improvements. He stated Mr. Majewski spelled out in his review letter the traffic related improvements that the Applicant intends to provide. Mr. VanLuvanee stated those were offered at the Zoning Hearing Board and were made Conditions of the Zoning Hearing Board Approval.

Mr. VanLuvanee stated they did provide an Environmental Impact Assessment (EIA). Mr. VanLuvanee stated there is a comment in the review letter concerning whether there are any historical buildings in the vicinity, and there was a comment on a note which Ms. Frick sent to the Applicant from a member of the Historical Commission suggesting that a study should be done to determine whether there was a cemetery on this property. Mr. VanLuvanee stated included in the EIA was a Cultural Resource Reconnaissance Report dated 6/19/08 from Cultural Resource Consulting Group. He stated it comments on the Eastburn House which is currently the Third Federal Savings Bank as well as on the cemetery question. Mr. VanLuvanee noted Page #15 of the Report which indicates that they contacted a member of the Lower Makefield Township Historical Architectural Review Board by e-mail on 4/14/08 and that individual responded with information about a historic cemetery that was mentioned in historic records as being near located near the project area. It was noted that a historic research and reconnaissance survey of the property did not identify a cemetery.

Mr. VanLuvanee noted the 5/16/11 review from Mr. Majewski. He noted the two Waivers being requested one being a request for Waiver for core samples; and Mr. VanLuvanee stated in his Waiver letter, he attached a letter from PennDOT suggesting that it was not an appropriate time to take core samples at this point. Mr. VanLuvanee stated both Waivers, since they are dependent on the scope of road improvements and whether PennDOT wants them to take core samples from PennDOT roads, are requests that these be deferred until Final Plan stage. Mr. VanLuvanee stated they are hopeful that during the course of the Preliminary Plan review, the extent of the traffic improvements will be resolved; and at that point, they will know where the widenings have to go and this will relate to the second Waiver request as to cross sections and existing and proposed center line profiles for each proposed or widened street.

Mr. VanLuvanee stated they will comply with Item #2, but they are looking for clarification as to whether the landscaped area of 10' in width is a landscaped area that is immediately adjacent to the parking areas or around the periphery of the site.

Mr. Majewski stated his interpretation would be parking lots. This was acceptable to the Planning Commission.

Item #3 was noted. Mr. VanLuvanee stated Mr. Majewski has indicated that the Board of Supervisors has the power to permit a reduction in parking space size from 10' by 20' to 9' by 18'. Mr. Majewski has then indicated that if all the parking spaces were reduced in size, it would reduce impervious surface by approximately 35,000 square feet.
Mr. VanLuvanee stated they had discussion with the Hospital on this issue; and in some areas particularly where there would be heavier turn over, it should be left at 10' by 20', but staff parking could be reduced. Mr. VanLuvanee stated they would like to get direction from the Planning Commission on their feelings generally with 9' by 18' spaces, and they will then try to get direction from the Board of Supervisors.
Mr. VanLuvanee stated they cannot direct the Hospital to revise the Preliminary Plan showing 9' by 18' spaces until they know that the Board of Supervisors would agree to this. Mr. VanLuvanee stated he would normally recommend to a client that they keep high traffic areas at 10' by 20' and more stable areas could be 9' by 18'. Mr. Pazdera stated he would agree with this. Ms. Friedman stated she would be in favor of delineating high traffic versus employee areas, and Mr. VanLuvanee stated they will do this if they get this direction from the Board of Supervisors. Mr. VanLuvanee stated because of the concerns with stormwater issues, if they can reduce impervious and still maintain parking space sizes that work, this would be better for everyone.

Mr. VanLuvanee noted Item #4 which indicates that the Board may allow for a portion of required parking area to be built at a later date. Mr. VanLuvanee stated they do intend to review the anticipated parking needs with the Hospital, but they would still do the stormwater design based on the full build out of the parking. Mr. VanLuvanee stated he feels Item #3 is more critical with respect to the design of stormwater facilities.

Mr. VanLuvanee asked if the Planning Commission would prefer that some parking be set aside if the Applicant can demonstrate that the demand will be less than the Ordinance requires. Ms. Friedman stated she would be in favor of this particularly if the Hospital and Medical Office are to be done at the same time. She stated possibly there is an area in the parking lot that will not have much use at all, and they could use the grass pavers in those areas. Mr. VanLuvanee stated he feels if they are going to build parking, they will want to build it permanently, but he will discuss this with the Hospital.

Mr. VanLuvanee stated they will comply with Items #5 through #12.
Mr. VanLuvanee stated Item #13 was already discussed which was the issue whether there was any historical significance to the bank on the adjacent property, and he feels the report covered this. He feels while it is an old building, he feels the integrity of the building has been compromised interior wise by the conversion to the bank. He stated he does not feel it makes sense to put a Note on the Plan when they have the report.

He stated if there was a historic resource that was on their property which they had agreed to preserve, he feels this would have to be on the Plan; but since this is an off-site building, he does not feel it needs to be on the Plan. Ms. Friedman stated they should attach the Report, and Mr. VanLuvanee agreed to this.

Mr. VanLuvanee stated they will comply with Items #14 through #17.

Mr. VanLuvanee stated they will comply with Item #18, and they will discuss this with the Fire Marshall regarding fire hydrants. He stated they will put the fire hydrants and fire connections where they are told to do so by the Fire Marshall.

Mr. VanLuvanee stated Item #19 discusses the route to the emergency room, and this will be reviewed. He stated they do agree with Mr. Majewski that the twenty-one parking spaces he has referenced will need to be re-located since it is not a safe condition.

Mr. VanLuvanee stated they will comply with Item #20.

Item #21 was noted, and Mr. VanLuvanee stated he assumes the amount of the Impact Fee will be established per the Ordinance.

Item #22 was noted, and Mr. VanLuvanee stated this has been discussed previously. He stated Mr. Majewski has indicated that the Applicant should consider constructing an access drive through the adjoining property to Campus Drive. Mr. VanLuvanee stated they agree that this would be a good idea; however, the Hospital does not have the ability to condemn an easement across the adjoining property. He stated if the adjoining property owner were to be cooperative, the Applicant would agree that this makes sense; however, to this date, they have not agreed that they would be willing to provide that access. He stated they would appreciate help from the Township to get that access easement. Mr. Majewski asked if they have had discussions with the adjoining property owner, and Mr. VanLuvanee stated he understands that there have been discussions.

Item #23 was noted, and Mr. VanLuvanee stated they agree there are probably locations where curbs can be removed; but there are others where they do not feel they can. He stated they feel they should have their engineers meet with Mr. Majewski to discuss this further and determine what makes sense.

Item #24 was noted, and Mr. VanLuvanee stated they need further clarification on this Comment from Mr. Majewski. Mr. Majewski stated the comment relates to sidewalks, and the Ordinance requires that sidewalks be provided along all roads; however, there is flexibility in areas where they do not feel it is desirable or necessary. Ms. Friedman asked what a sidewalk would connect to in this area. Mr. Majewski stated there is a County park across from Campus Drive, and he feels people will be walking to the park.

Mr. Majewski stated the Hospital's boundary would abut Third Federal, and he asked what they would do at this location. He asked if they should stub this and anticipate that Third Federal will put in a sidewalk at some point in the future, and Mr. Majewski agreed.

Ms. Friedman asked if there are safety concerns having people walking on a sidewalk along Route 332, and Mr. Majewski stated it will not be right along the road but will be set back. Ms. Friedman asked if there will be more than a 3' buffer, and Mr. Majewski stated there is sufficient room on the lot to provide a sidewalk well off the road. Ms. Friedman stated she would like to see it set back as far as possible from 332 because of the speeds being traveled on the road. Mr. VanLuvanee stated they will look into this further adding that they know that there may be an issue with potential disturbance of steep slopes to install the sidewalks. He stated there is an area near the road where they had to re-design the Plan to eliminate encroachment into the manmade steep slope. He stated this issue came up during the Zoning Hearing Board process. He stated at the property there are some terraces on the farm fields which were clearly manmade, but they are regulated under the Township Ordinance. He stated they would have to take the sidewalk through the slope which would be a disturbance of the steep slopes. He stated they may need to have a Zoning Variance to put in the sidewalk, and he feels this would be a justification for a Waiver or the Township's support for the Variance. He stated if they cannot get the Variance to put the sidewalk in, he feels they would be entitled to a Waiver.

Mr. VanLuvanee asked if the sense of the Planning Commission is that they should put the sidewalk in if they can find a way to do it so that it is not immediately contiguous to the road. Mr. Pazdera stated he feels this is the sense of the Planning Commission. Mr. VanLuvanee stated they will look at the impact on the steep slopes.

Item #25 was noted which suggests a sidewalk connection to Holy Family College. Mr. VanLuvanee stated he feels this would make sense if they connect the Hospital drive to Campus Drive; but if they do not connect the drive, he does not see the point of the sidewalk connection. With regard to walkways in the parking lots, Mr. VanLuvanee stated the Hospital is not in favor of providing any additional walkways in the parking area as they feel they create more problems than they solve. He stated at the present time, they are not amenable to providing additional walkways through the parking lot although they will look at this further.

Mr. VanLuvanee stated they will comply with Items #26 and #27.

Item #28 was noted, and Mr. VanLuvanee stated the Hospital has committed to the signalization at the intersection of the main entrance with Stony Hill Road.

Mr. Dickson asked if the Township requested that Capstone have a traffic signal opposite the farm; and Mr. Majewski stated he recalls that the Planning Commission and Board of Supervisors would like to see a traffic light there, and the Applicant was amenable to that provided that they met the PennDOT warrants in order to justify having a traffic light there. He stated by itself, Capstone probably does not warrant a traffic light; however, Shady Brook Farm is across the street, and with further development on that site, a traffic light would be warranted lining up Shady Brook Farm with Capstone Terrace.
Mr. Dickson stated it appears that there are going to be two traffic signals on Stony Hill Road, and Mr. Majewski stated there will be four – one at Stony Hill and Township Line, one potentially at Capstone Terrace and Shady Brook Farm, a third at the Hospital and the Corporate Center, and the light at Stony Hill and 332. Mr. Bush stated there will therefore be four lights in approximately one half mile. Ms. Friedman stated there was a discussion about synchronizing these lights to make them work better. Mr. Majewski stated in one of his later comments, it is recommended that they work with the Township and PennDOT to address all of the improvements and traffic issues including coordination of the lights. Mr. VanLuvanee stated they would agree with this.

Mr. VanLuvanee stated they will comply with Items #29 and #30.

Mr. VanLuvanee stated Item #31 deals generally with the subject of lighting, and they will have their experts work with Mr. Majewski on this. He stated the signage package will be done separately once they know exactly what the Site Plan looks like. He stated they have not designed the signage at this point. He stated there has been considerable work done on the lighting plan as well as attention to selection of the proper fixtures. Mr. VanLuvanee stated Mr. Majewski had recommended the use of LED lights to reduce energy consumption; and he stated the fixtures that are proposed, although they are not LED, are actually more efficient than LED. He stated they are a ceramic fixture, and they can provide Mr. Majewski with the specs.

Mr. Britz stated the fixture itself is not more efficient than LED, but to apply LED to this lot, you would need more LED fixtures than you would with this particular type of fixture. He stated these are a new type of fixture that is much more efficient than the standard fixture. He stated the lighting designer has indicated that it is 40% more efficient. He stated it is a full cut-off fixture so the sky glow issue should not be a problem. Mr. Britz stated the Hospital had asked them to look at LED early on; and a study was done and a Plan using LED was compared to the Plan they are proposing, and it would take more wattage to run the LED fixtures and light the parking lot adequately and safely compared to what they are proposing. Mr. VanLuvanee agreed to provide Mr. Majewski with this detailed information.

Ms. Friedman asked if there is any height difference between the two difference fixtures; and Mr. Britz stated this was part of the consideration, and the intent was to meet the Township Ordinance with the light height standard, and given that height restriction, they would have needed a lot more fixtures to cover the parking lot than what they are proposing today. Ms. Friedman stated she would be interested in seeing the two different plans, and Mr. VanLuvanee stated they will provide them for distribution. He stated they could also provide a report to go with the two plans so they can read about the differences.

Item #32 was noted, and Mr. VanLuvanee stated he feels this is a legal issue. He stated the comment suggests that they need stormwater easements where the stormwater is being discharged. He stated there are two points of existing discharge from the property which are both points at which discharge is presently concentrated. He stated they are not changing the discharge points, and they will stay the same. He stated the pipe size is different, but they believe that the rate of run off can be maintained at the same rate. Mr. VanLuvanee stated in his view easements are not necessary to be obtained. He stated he can share Court Decisions with Mr. Truelove and Mr. Duffy that relate to this that indicate that unless there is an increase in the rate of run off or you are concentrating flow where it was not previously concentrated, an easement is not necessary. Mr. VanLuvanee stated the points of discharge are exactly where they are now – there is one in the southwest corner and one in the northwest corner.

Item #33 was noted with regard to infiltration, bio-retention, porous pavement, etc.; and Mr. VanLuvanee stated they did do the infiltration testing, and they will provide the results to Mr. Majewski. Mr. VanLuvanee stated they feel they meet the intent of the Ordinance and they will discuss this further with Mr. Majewski. Mr. VanLuvanee stated he does not feel the Township Ordinance has clearly objective standards, and there are different ways to accomplish the intent of the Ordinance. He stated they did attempt to design the Plan from a stormwater management standpoint in compliance with the requirements of the Ordinance.

Item #34 was noted with regard to street trees, and they need to clarify this with Mr. Majewski to see if they can reach an agreement on this.

Item #35 was noted, and Mr. VanLuvanee stated they feel they have complied with the Ordinance. He stated his experts have indicated that they do not want to add bio-retention areas in each island, and they do not feel the Ordinance requires this. He stated they could eliminate the curb though, and this is part of what was discussed earlier.

Mr. VanLuvanee stated he feels this is an item they will need to discuss in detail with Mr. Majewski to see if they can reach an agreement.

Mr. VanLuvanee stated they will comply with Item #36.

Mr. VanLuvanee stated Item #37 is a recommendation to use porous pavement. Mr. VanLuvanee stated they have discussed this with Aria Health, and they are not in favor of this because of maintenance issues as well as concern about how long it would last.

Item #38 was noted, and Mr. VanLuvanee stated they will discuss this with Mr. Majewski to see where Mr. Majewski feels they have not complied with regard to pedestrian crosswalks.

Mr. VanLuvanee stated they will comply with Items #39 to #45.

Mr. VanLuvanee stated Item #46 is a request to provide the results of the infiltration testing, and Mr. VanLuvanee stated they will provide these to Mr. Majewski.

Mr. VanLuvanee noted Items #47 and #48 which are technical comments, and they will resolve these to Mr. Majewski's satisfaction.

Mr. VanLuvanee noted Item #49, and stated they will need to discuss this with Mr. Majewski.

Mr. VanLuvanee stated Item #50 has to do with emergency spillway design; and since this is a technical issue, they will discuss this with Mr. Majewski. He stated they will also discuss Item #51 with Mr. Majewski.

Mr. VanLuvanee stated Item #52 is essentially the same comment as Item #32 as to points of discharge.

Mr. VanLuvanee stated with regard to Item #53, they have already submitted to the Conservation District.

Mr. VanLuvanee stated they will comply with Items #54 through #57.

Mr. VanLuvanee stated Item #58 is a suggestions that the Applicant use some of the excess topsoil to construct landscape berms along Route 332, and they will discuss this with the Hospital. He stated if they have to install a sidewalk, they will not put the sidewalk behind the berm as he feels it should be visible.

Mr. VanLuvanee stated Item #59 relates to PennDOT, and if they connect to the PennDOT drainage system, they will comply.

Mr. VanLuvanee stated they will comply with Item #60.

Mr. VanLuvanee stated Item #61 is a repeat of Item #52 related to the points of discharge of stormwater onto adjacent properties.

Mr. VanLuvanee stated they will comply with Items #62 and #63.

Mr. VanLuvanee stated Items #64 through #67 are technical comments which they will resolve to the satisfaction of the Township engineer.

Mr. VanLuvanee stated they will comply with Item #68.

Mr. VanLuvanee stated Item #69 is a comment regarding the Permits needed.

Mr. VanLuvanee noted the Remington & Vernick letter dated 5/15/11 regarding sewer, and he feels they can resolve all of these issues.

Mr. VanLuvanee stated they do not yet have the review letter from the Township's traffic engineer, and they need to see these comments before they revise their Plans.

Mr. VanLuvanee noted the letter from the Bucks County Planning Commission dated 5/3/11. He noted Item #1A with regard to site access/signalization, and he stated this involves the Stony Hill Road/Corporate Drive intersection; and the Applicant's traffic engineer has advised that the warrants already justify a signal today so they do not anticipate any problem. He stated Aria will install this signal as he noted earlier this evening. With regard to the improvements at 332, they do not feel this is a Hospital issue. He stated the comment indicates that someday an additional turning lane for westbound 332 at Stony Hill Road will need to be added, but they do not feel this is a direct consequence of the Hospital project. He stated they agree that this would be a good idea at some point. He stated this would be an off-site improvement; and the Applicant is required to make a traffic impact contribution in addition to what they have already agreed to provide in the way of traffic improvements.

Mr. VanLuvanee stated the letter also indicates there is a weaving problem for westbound traffic leaving the southbound ramp and working across both lanes of 332 and that this could potentially worsen. Mr. VanLuvanee stated he did not understand the comment since adding an additional lane would not help this situation. He stated they will wait to see what comments the Township traffic engineer has, and they could then have a meeting with PennDOT with both sets of consultants to see if an agreement can be reached. Mr. VanLuvanee stated while he recognizes that there is a weaving problem, he did not see a solution being recommended in the letter. He stated they did indicate that the addition of a through lane would improve the capacity, but this would not address the weaving. He stated adding an additional westbound lane would just put traffic further right that would have to go further to the left, and he feels this could exacerbate the

condition rather than alleviate it. Mr. Majewski stated he feels this ties into his suggestion that they pursue trying to get the access out to Campus Drive which would eliminate a number of traffic congestion problems. Mr. VanLuvanee stated they agree that this is a good idea, and maybe the Township can help them achieve this. He stated he understands the first Sketch Aria presented showed this in concept, but the dialogue did not result in any agreement to provide the easement.

Mr. VanLuvanee stated Comment #2 relates to the location of the emergency room, and this is the same issue that Mr. Majewski raised in his letter.

Mr. VanLuvanee stated Comment #4 relates to the elimination of the twenty-one parking spaces that were near the emergency room that Mr. Majewski also raised, and they will address this.

Mr. VanLuvanee stated Comment #5 was discussed previously regarding the landscape buffer, and the Bucks County Planning Commission interprets this the same way Mr. Majewski does; and they will agree to revise this.

Mr. VanLuvanee stated with regard to the comment related to the parking lot trees, they will resolve this. They will also address the comment regarding tree species. He stated if tree protection fencing is not shown on the Plan, and is an Ordinance requirement, they will add this. He stated the Bucks County Planning Commission also discusses lighting; and as noted earlier, he will provide additional information on lighting.

Mr. VanLuvanee stated the Bucks County Planning Commission notes that there is an existing sidewalk on Stony Hill Road, but not on 332; and this has already been discussed this evening with the Planning Commission. He stated the comment regarding internal walkways was also covered in Mr. Majewski's letter. He stated they will provide a clear sight triangle.

Mr. VanLuvanee stated the Bucks County Planning Commission discusses refuse collection facilities, and they will follow SALDO requirements and are not asking for a Waiver. He stated they will show what is proposed if it has not been shown already.

Item #13 relates to the PennDOT review, and Mr. VanLuvanee stated this has been discussed already.

Mr. VanLuvanee stated Bucks County Planning Commission has commented that the Township should be satisfied that the Plans comply with the Low Impact Development design standards related to stormwater management, and he stated they will need to meet with Mr. Majewski to make sure everyone is in agreement.

Mr. VanLuvanee stated he is unsure what is meant by Comment #15, and Mr. Majewski stated if you look at the Traffic Impact Study, they have a different layout than what is proposed; and Mr. VanLuvanee stated there have been some changes, and they will look into this further.

Mr. VanLuvanee noted Comment #16 regarding sewage facilities planning, and Mr. Britz stated they have provided this already.

Mr. VanLuvanee stated this is Preliminary, and they do intend to revise the Plan. He stated they also need to meet with Mr. Majewski primarily on stormwater; and once they see the traffic review, they will meet with the traffic engineer once they know who that is.

Ms. Friedman stated when the Plan originally came before the Township, there was a Traffic Impact Study presented. She noted the report presented most recently dated March, 2010. She stated when the original study was presented, she had asked about emergency room visits. She stated the paperwork she has now indicates that Aria expects 28,000 emergency room visits per year, and she asked if this number is reflected in the Traffic Impact Study numbers. Mr. VanLuvanee agreed to look into this.

Ms. Friedman stated she feels very strongly that they need to find a way to have Campus Drive be one of the main entrance roads into the Hospital. She stated she is concerned with people coming down Lindenhurst and trying to get to the right when making a left turn onto 332 going east. She stated she lived in this area, and it is very dangerous. Ms. Friedman stated she would prefer not to have a right in/right out on 332, but realizes this is acceptable to PennDOT.

Ms. Friedman stated when Frankford first came before the Planning Commission she had asked about helicopter service and was advised that they would have this on top of the Hospital; however, she has not seen this addressed in any of the Plans. She asked if this is still going to be considered in the near or distant future. Mr. VanLuvanee stated he does not feel you can get a hospital license today without this, but he will look into this prior to the next meeting. Ms. Friedman stated there could be an environmental or noise impact, and she does not know how many times the helicopter would be used per week. Mr. Dickson stated it may be that only a regional trauma center has this requirement; and Mr. VanLuvanee stated he will get this information to the Planning Commission at their next meeting. Mr. VanLuvanee stated this was discussed at the Zoning Hearing Board; and he feels this would require a separate Special Exception, and they did not make that part of the Zoning Hearing Board Application at the time.

Mr. Bush stated he understands they are going back to the Zoning Hearing Board. Mr. VanLuvanee stated while this is correct, they are not going to put on any testimony at the Zoning Hearing Board, although they may have rebuttal Witnesses depending on what is presented. Mr. Bush stated in the study dated March, 2010, it indicates on Page #20, anticipated local traffic growth; and the only thing that is identified is the Capstone Terrace office complex which is not yet constructed. Mr. Bush stated it does not appear to have anticipated the completion of Floral Vale III which is a four-story office building, Edgewood Village which has been in the Master Plan for three decades, potential traffic-calming measures on Lindenhurst Road, or office development in the Newtown Industrial Complex. Mr. VanLuvanee stated the development in Newtown is part of the Remand. He stated the residents group and the Township both requested the ability to supplement the record to address potential impact of traffic from Newtown Township. He stated the point raised by Mr. Bush about what projects were and were not considered was the subject of one or two nights of Hearings before the Zoning Hearing Board, and there was extensive cross-examination of the Applicant's expert regarding what projects were and were not included. Mr. VanLuvanee stated he feels that during the course of the Zoning Hearing Board this will all be discussed again and added it was extensively covered the first time. He stated part of the Remand was to go back over traffic issues, and they have asked their traffic engineer to look at some of the same issues Mr. Bush has just raised.

Mr. VanLuvanee stated the March 2010 study is a year old and some of the projects have been built and some have been abandoned. He stated they must consider what was required by the Township Ordinance, and the Applicants felt they had covered this. He stated the Zoning Hearing Board will be reviewing these issues again.

Mr. Bush stated he understands that the other item is the expansion of the Scudders Falls Bridge and the traffic related to this. Mr. VanLuvanee stated the Township and the residents group have been given the opportunity to put on evidence regarding this issue according to the Remand. Mr. VanLuvanee stated the Applicant's traffic engineer testified to this previously before the Zoning Hearing Board and indicated that you cannot testify to the impact on the local site of a temporary condition.

Mr. Geoff Goll stated he is present representing the EAC. He stated he assumes the Applicant must meet the components of the revised LID Ordinance, and Mr. Majewski stated this is correct. Mr. Goll stated part of the LID Ordinance requires that the Township engineer witness the soil logs and all test pits, and he asked if these were witnessed by the Township; and Mr. Majewski stated they were not. Mr. Majewski stated they would have to request a Waiver of this. Mr. Goll asked how many test pits were completed, but Mr. Britz did not know the number. Mr. VanLuvanee stated Mr. Majewski had commented that there may be the need for more testing which is one of the issues they will discuss with Mr. Majewski.

Mr. Goll asked if the Applicant went through the four-step process, and Mr. VanLuvanee stated he indicated that he believed that they complied with the requirements of the Ordinance. He stated in his view the four-step process was not mandatory under the Ordinance. Mr. Goll asked if they looked for the optimal location for the building considering recharge and building siting to make sure they were maximizing the infiltration for the site. Mr. VanLuvanee stated they had to design the site to comply with the requirements of the Zoning Ordinance and this creates parameters. He stated they did not start with the testing and decide based on that where to locate the building, nor do they believe that is an enforceable provision of the Subdivision and Land Development Ordinance.

Mr. Goll stated he feels they are stating that they completely skipped the Low Impact Development process, and Mr. VanLuvanee stated he is not saying this. He stated he has indicated that they skipped this procedural step, but they considered the intent of the Ordinance and designed the stormwater management and attempted to comply with what they believe to be the intent of the Ordinance as it would relate to a project of this size. He stated they did not scale the Hospital down because of some infiltration testing results. He stated the Ordinance is a very difficult Ordinance to read; it is not objective, and it is very subjective. He stated they are willing to discuss this, but they will not let the stormwater infiltration design a project like this, nor do they feel the Township has the power to require this. Mr. VanLuvanee stated they started with the Special Exception because that was what was required; and you do not start with the Subdivision and Land Development requirements before you file the Special Exception.

Mr. Goll stated he feels Mr. VanLuvanee is saying that you should design the site without any regard for stormwater, and Mr. VanLuvanee stated this is not what he stated.
Mr. Goll stated he wants to get on the record that they did not follow the four-step LID process as recommended by the Ordinance; and Mr. VanLuvanee stated they did not because they were required first to file a Special Exception, and once they had the Special Exception they were required to file Land Development Plans consistent with that.
Mr. VanLuvanee stated they needed to come in with a Plan that complied with the Zoning criteria in order to get the Special Exception. He stated you cannot design and take the Plan through Subdivision until you know you have a Use. He stated in their view Zoning has to come first to be followed by the compliance with the Subdivision criteria and Subdivision Ordinance.

Mr. Goll stated the Plan is therefore based on their ability to comply with Zoning so they can meet the Special Exception and they could accept the Plan as a Sketch which could be changed. Mr. Goll stated they put a lot of engineering into it, and Mr. VanLuvanee agreed.

Mr. Goll asked Mr. Majewski to address the issue of bio-retention islands. Mr. Majewski stated part of the LID Ordinance indicates that wherever possible you should try to make water flow overland rather than be channeled by curbs into inlets and storm pipes and be piped out to where it will ultimately go; and a number of citations he had made from the Ordinance were that they had not provided places where the parking lot could drain over land to bio-retention areas which are basically mini detention basin areas between parking stalls prior to going into the larger basins. Mr. Goll asked if this is recommended by the Pennsylvania Best Management Practices Manual, and Mr. Majewski agreed it is. Mr. Goll stated they have run off that goes to inlets and right into the detention basins or the underground basins, and Mr. Majewski stated this is correct in many instances. Mr. Goll stated he feels they have sited this design without any consideration toward low impact development not only recommended by the Township Ordinance but also recommended by the Pennsylvania Best Practices Manual. Mr. Majewski stated one of the questions he raised in his comments was that for the stormwater management report, the narrative does not go through how they arrived at this design, what options were investigated, and why they were either utilized or not utilized. He stated at this time, they do not have this information.

Mr. Goll noted the stormwater discharge points and the rate of discharge. He asked if they will reduce the volume of discharge that is being sent off site. Mr. VanLuvanee stated he doubts this. Mr. Britz stated on the lower order storms, the volume will be decreased as required by the Ordinance; but for the higher order storms, the peak rate will be decreased and the volume will be handled as required by the Code and the State although the volume will increase. Mr. Goll stated since the volume will be increased off site, they are not complying with "no discharge without an easement." Mr. VanLuvanee stated this is not what the legal standard is. He stated the legal standard does not say you cannot increase the volume of stormwater that is discharged onto a neighboring property, but says that you cannot unreasonably increase the rate of discharge or decrease the quality of the stormwater. He stated when you develop a property that sits higher than the adjoining property, over time more water has to be discharged onto that property; and he stated this is a Common Law right that any property owner has to discharge without an easement. He stated you do not have the right to concentrate flows and change the points of discharge, concentrate the flow, or increase the flow to a point that may adversely impact your neighbor or decrease the quality so that you have an adverse impact. He stated these are legal principles. Mr. Goll stated he wants the Planning Commission to consider that increased volumes of discharge will increase the contact time for flood waters downstream off site which will increase erosion and will subsequently cause property damage downstream. He also stated that the increase in volume for a neighbor could also be considered a hydrological trespass issue, and there could be potential liability for the Township. Mr. VanLuvanee stated that is a private matter between property owners at that point. Mr. Goll stated he wants it on the record that they are willing to discharge more water off site, and he feels there are more ways that they could keep more of the water on site although they would have to change the Plan.

Mr. Goll noted the sidewalk and urged the Planning Commission to keep the sidewalks and bike paths and not waive this requirement so that there can be pedestrian/bicycle circulation in the future.

Philip Couth stated he is an obstetrician/gynecologist and has lived in the Township since 1968. He stated he is an associate at Thomas Jefferson University. He stated he wishes to address the traffic flow patterns from a medical standpoint. He stated he feels Aria is abandoning the working class in the southern part of the County in preference to the creation of an oversupply of medical options to the wealthier areas in the County.
He stated they are hampering access and ultimately health care to the lower portion of the County. He stated as an OB/GYN he understands the need for rapid access to health care which cannot happen if you have to wait for a very large freight train to pass. He noted the number of new developments in the area which further increase the congestion and access. He noted the number of single lane roads in the area. He questioned how ambulances would be able to make turns and will have to wait for freight trains.
He stated allowing Aria to move their Hospital is a travesty, and they are denying the people of the lower portion of the County access to health care. He stated Lower Bucks Hospital is in bankruptcy, and he questions who will serve the people. He stated there is already access to great medical care at Capital Health system which is five minutes from the intersection of 332 and Stony Hill Road and St. Mary's which is ten minutes from that intersection. He stated both have University affiliations and tremendous faculties.
He stated he feels they are wasting medical supplies, and they will be unable to get nurses to populate this Hospital as there is already a huge shortage of nurses.

Mr. Robert Dusett stated he is the owner of the adjacent property occupied by Third Federal Bank. He stated he is interested in the project, and stated they are concerned with the drainage aspects of this significant development. He stated he has discussed this project with his lessee, and neither he nor they are in opposition to this project; and to a certain degree, they welcome the continued development of the area and the additional health care services that this provides. He stated Dr. Couth made reference to taking away the health care facility one exit below this proposed hospital, and he feels that hospital is somewhat old with limited expansion potential. He stated he feels these are good reasons why Aria would want to proceed with this project. Mr. Dusett stated with regard to Campus Drive, he is the owner of the adjacent property, a certified planner, and an architect, and he feels this discussion makes sense and should be further explored.
He asked that the Planning Commission protect his property particularly from the run off, and he expects that the engineering will adequately address this. He stated he does have concerns with the sidewalk issue as it relates to 332. He stated in front of his building, there is a significant elevation change between the By-Pass; and his property is significantly lower than the By-Pass with a huge drainage ditch in front of the property and a substantial drainage area behind the property. He questions where they would be able to add a sidewalk.

OTHER BUSINESS

Ms. Friedman stated at the prior Hearing for Aria, the Zoning Hearing Board would not allow her to speak on behalf of the Planning Commission, and she was only allowed to speak as a member of the public since she did not have a letter authorizing her to speak on behalf of the Planning Commission. She stated she and Mr. Dickson are interested in attending the Zoning Hearing Board meetings; and while she would like to have the rest of the Planning Commission members present, if they are unable to attend, she would like to have a letter giving permission to a couple of Planning Commission members to attend and represent the Planning Commission. She stated she would like to know the opinions of the other members including any restrictions and whether this would be a risk as it may not give the particular opinions of individual Planning Commission members. She stated she would like to know the opinions of the Commission members before she would make any representation at the Zoning Hearing Board.

Mr. Dickson stated he feels they would need a Motion from the Planning Commission to approve he, Ms. Friedman, and others attending and representing the Planning Commission. Mr. Duffy asked if there were issues with the Planning Commission itself taking a position, and Ms. Friedman stated she felt it was important for the Planning Commission to have its opinions and questions on certain very pointed issues such as traffic documented in the Zoning Hearing Board Minutes so that if the Township ever Appealed it, the Planning Commission could revisit this and keep letting them know how the Planning Commission feels about the impact of this particular development.

Mr. Duffy asked if the Planning Commission itself has taken any action, and Ms. Frick stated for the Special Exception they did provide a memo to the Zoning Hearing Board. Mr. Bush stated the issue was that the Planning Commission indicated they did not have enough information, and Ms. Frick stated this is what was stated in the memo. Mr. Duffy stated nothing has really changed, and this is still part of the Record.

Ms. Friedman stated she feels there is now an opportunity since they are re-opening the Hearing, and it would be helpful to have the Planning Commission provide their opinion; and they would need a letter of permission from the Planning Commission so that any one member who is available could go to the Hearing and represent the Commission.

Mr. Pazdera stated he feels they need to have the traffic engineer's report before they can formulate anything. Ms. Friedman stated she is concerned that the Zoning Hearing Board meeting is scheduled for June 21 and the Planning Commission does not have that many meetings before that time and Planning Commission members may be on vacation.

Mr. Bush stated there are a number of traffic questions and he feels the Planning Commission members would be comfortable with someone from the Planning Commission advising the Zoning Hearing Board that issues were raised at the Planning Commission regarding traffic, but they did not get answers to their questions. Mr. Pazdera stated they have not yet seen the Township traffic engineer's report.

Ms. Friedman asked if the Planning Commission members would be open to having something drafted so they are prepared if they have to send a Planning Commission member. She stated she does not feel they can do this at the last moment, and they need to be prepared. Mr. Pazdera stated he wants to see the Township traffic engineer's report, discuss it, and then they would have a better basis.

Mr. Dickson asked if they can go to the Zoning Hearing Board if they have not yet seen the Township traffic engineer's report, and Ms. Frick stated they can. Mr. Dickson stated Aria requested to come before the Planning Commission, and Ms. Frick agreed that they indicated they wanted to review some items with the Planning Commission before they revised their Plans. Ms. Frick stated there are a voluminous amount of details to be reviewed by the Township traffic engineer, and this is why it is taking so long.

Mr. Majewski stated the Remand back to the Zoning Hearing Board allows Testimony limited to just a few issues: 1) Consistency with the Comprehensive Plan, 2) Impact of traffic from Newtown Township, and 3) Impact of traffic from the Scudders Falls Bridge.

Mr. Bush stated the Planning Commission could still ask about other issues such as the impact from Floral Vale, etc.

Mr. Dickson stated he was concerned with Mr. VanLuvanee's comment that the LID Ordinance is subjective and not objective; and Mr. Dickson stated he feels it is very objective. Ms. Friedman stated they drafted an Ordinance to protect the people who live in the Township. Mr. Majewski stated Mr. VanLuvanee was indicating that it does not list exactly what you have to do. Mr. Majewski stated the Ordinance gives a choice of many ways and they need to consider all of these ways. Mr. Majewski stated he feels it has objective standards with flexibility.

Mr. Dickson stated the Planning Commission is an advisory board representing the people of the Township as to health, safety, and welfare. Ms. Friedman stated the mission is also to maintain consistency with the Master Plan. Mr. Duffy stated the Planning Commission is an advisory board, but they are only advisory to the Board of Supervisors, and they are not a consultant to the Township as a whole. He stated only the Board of Supervisors can take a position in support or opposition of an Application before the Zoning Hearing Board. Ms Frick stated she felt they were advisory to the Zoning Hearing Board because it is a Special Exception.

Mr. Dickson stated the Remand is only for three issues, and he asked if the Planning Commission can give additional advice; and Ms. Frick stated her understanding is that they cannot.

Mr. Duffy stated if the Township traffic engineer comes out with the report between now and the date of the Zoning Hearing Board meeting, the Township could present that document.

Mr. Dickson asked if the Planning Commission could offer additional concerns about Edgewood Village, and Mr. Duffy stated they cannot since the Remand is very limited.

Mr. Duffy stated the Township is a Party so they could submit evidence, and he could look into how the Planning Commission could tie into the Township's ability to introduce supplemental evidence. Ms. Friedman stated she does not want to miss an opportunity if it presents itself. Mr. Dickson again discussed a possible Motion about drafting a letter to be reviewed by the Planning Commission although he feels it would have to be at an open meeting because of the Sunshine Law. Mr. Duffy stated if it means this much to the Planning Commission, he feels they should have a public meeting at which the Applicant could address the issues.

Mr. Majewski stated once they get the Township traffic engineer's letter, the Planning Commission could review it to see if they have any additional concerns about the items that are open to discussion at the Zoning Hearing Board. Mr. Majewski stated he understands that it will be available before the June 21 Zoning Hearing Board meeting. It was noted the next scheduled meeting of the Planning Commission is June 13, 2011 and they could discuss the traffic report if it is available by that time.

There being no further business, Mr. Pazdera moved, Ms. Friedman seconded, and it was unanimously carried to adjourn the meeting at 9:40 p.m.

Respectfully Submitted,

Tony Bush, Secretary