

TOWNSHIP OF LOWER MAKEFIELD
PLANNING COMMISSION
MINUTES – APRIL 28, 2014

The regular meeting of the Planning Commission of the Township of Lower Makefield was held in the Municipal Building on April 28, 2014. Ms. Friedman called the meeting to order at 7:33 p.m. Ms. Friedman noted that Mark Fried has resigned from the Planning Commission.

Those present:

Planning Commission: Karen Friedman, Chair
John Pazdera, Vice Chairman
Dean Dickson, Secretary

Others: Nancy Frick, Director Zoning, Inspection, & Planning
Nathan Fox, Township Solicitor
Mark Eisold, Township Engineer (left meeting in progress)
Kristin Tyler, Supervisor (left meeting in progress)

Absent: Tony Bush, Planning Commission Member
Dan McLaughlin, Supervisor Liaison

APPROVAL OF MINUTES

Mr. Pazdera moved, Mr. Dickson seconded and it was unanimously carried to approve the Minutes of January 27, 2014 as corrected.

Mr. Dickson moved and Mr. Pazdera seconded to approve the Minutes of February 10, 2014 as corrected. Motion carried with Mr. Dickson abstained.

Mr. Pazdera moved, Mr. Dickson seconded and it was unanimously carried to approve the Minutes of February 24, 2014 as written.

#438-P – GRACE POINT CHURCH PARKING LOT MODIFICATIONS DISCUSSION AND APPROVAL OF PRELIMINARY/FINAL PLAN

Mr. Keith Brown, attorney, Mr. Tom Hanna, engineer, and Mr. Glenn Ely, Chairman of the Building Committee, were present. Mr. Brown stated this is an expansion to the parking lot which includes three different sections – a western, a northern, and an eastern section. He stated they are considering doing this in two phases rather than

all at one time. He stated the first phase would be the western parking lot and the other phase would include the northern and the eastern lots. He stated the Church has had growing parking problems beginning several years ago. He stated this caused the necessity for off-site shuttling and many of the members were being asked to bring just one car per household. He stated they also had people pulling into the parking lot and then leaving because they could not find a place to park.

Mr. Brown stated they went to the Zoning Hearing Board and received approval of an increase in the impervious surface ratio allowing for this additional parking, and one of the Conditions of that approval was that they would need to include pervious paving as opposed to all impervious surfaces. He stated as a result, they started working on a fundraising campaign. Mr. Brown also stated Orleans owns the property across the street, and in that development there is a sewer connection to the sewer system, and the Church has obtained from Orleans a temporary easement.

Mr. Hanna noted the location of the property on the Plan. He also showed the phasing line for Phase I and Phase II. Mr. Hanna stated they met with the Township engineer this morning to go over the Township engineer's review letter. He stated five Waivers had been requested, but they need to add some additional Waivers.

Mr. Hanna noted Page 3 of the review letter which are the Subdivision and Land Development comments. He noted Item #2 where they were asked for additional Certification of the Wetlands, and he stated this had been documented on the original Development Plan; and there was a Conservation Easement established around those wetlands. He stated they have provided a copy of the original Certification to Boucher & James from the original Plan, and they feel that satisfies Item #2; and Mr. Eisold agreed.

Ms. Friedman asked Mr. Hanna to review the Waiver requests first. Ms. Friedman asked the impervious coverage they were granted, and Mr. Hanna stated it was 29.45%. Ms. Friedman noted Waiver #1, and she stated she has no problem with this Waiver.

Ms. Friedman noted Waiver #3 asking not to be required to have four planted islands, and she asked why they are making this request. Mr. Hanna stated in the western parking lot there are twenty-one spaces in each of the rows, and there is a maximum requirement of twenty spaces before you are required to break it up with a planted island. He stated if they had to put in an island it would remove one of the spaces from each of the rows; and if the Waiver were not granted, they would just reduce the parking lot by four spaces in that area.

Ms. Friedman noted the request not to be required to have pedestrian crosswalks, and she stated the parking seems very deep away from the building; and she is concerned that people will have to walk through a lot of the parking lot without any crosswalks or areas of safety. Mr. Hanna showed on the Plan how he feels pedestrians would walk in the western parking aisle to get to the sidewalk. He stated this is not like a shopping center where there are a lot of cars coming and going at all times of the day. He stated to create additional crosswalk aisles would eliminate parking stalls and could create issues with drainage, and they would have to put in additional storm sewers to catch the run off.

Mr. Pazdera stated this would also add more paving. He asked Mr. Eisold his opinion, and Mr. Eisold stated the parking is circular around two-thirds of the building. He stated he feels it would be difficult to determine where to put the walkways as everyone would be walking directly to the building, so the question would be how many places would they have to put crosswalks and will people use them. Mr. Eisold stated he assumes people are currently walking directly to the building.

Ms. Friedman stated her concern is for the safety of those arriving on Sunday morning. She asked those in attendance at the meeting this evening if they have used this parking lot, and a number of people present stated they did not feel there were any safety problems.

Ms. Friedman noted Waiver #5 and asked who is responsible for maintenance of the basin. Mr. Eisold stated the Church would be responsible for maintenance, adding the proposal is for a naturalized basin that will not require a lot of maintenance which is what the EAC is promoting in the Township. Ms. Friedman stated the statement in the Waiver includes "not provide regular maintenance," and she asked how much maintenance they are looking to exonerate themselves from. She stated a naturalized basin does need some maintenance. Mr. Hanna stated the Ordinance requires mowing of the bottom of the basin. He stated the side slopes of the basin have certain types of seed mixes which will grow and flower in a naturalized way and will be cut once or twice a year; however, the bottom of the basin will not be mowed because there is vegetation which grows with a wet basin and a filter mechanism for the stormwater and mowing that on a monthly basis is not going to happen. Ms. Friedman stated if they are looking to be granted a Waiver of not providing regular maintenance, she asked who is providing any maintenance.

Mr. Hanna stated the Church will take responsibility for the basin. He stated there is currently a basin on the property which the Church maintains. Mr. Hanna stated typically in a naturalized setting, once a year at the end of the growing season, the

vegetation is cut down. Mr. Brown stated the existing basin has been maintained by the Church for ten years and has been acceptable to the Township, and they will continue to do this on an on-going basis.

Mr. Dickson stated he would be more comfortable if the wording of this Waiver was changed so that they are required to provide “periodic” maintenance as opposed to not provide “regular” maintenance. Mr. Eisold stated they could add another sentence to indicate that the Church will be responsible for periodic/as needed maintenance; and this was acceptable to the Planning Commission.

Ms. Friedman stated Mr. Hanna had indicated that he would be asking for additional Waiver requests, and Mr. Hanna stated the first one relates to minimum pipe size on Page 3. He stated the western parking lot has two discharge pipes out of it which would be 8” pipes as opposed to the required 18” pipes, so they are asking for a Waiver of Section 178.93F3C. Ms. Friedman asked Mr. Eisold if this will be adequate since this is a lot of impervious surface on the lot. Mr. Eisold stated the Ordinance requires 18% which is typically in a Subdivision which would be a dedicated street. He stated for this situation, they have designed it for an 8” pipe which is sufficient for their requirements. He stated if it gets clogged, the Church will have to maintain it. He stated he does not have a problem with this 8” pipe which is a private pipe which will be owned and maintained by the Church. The Planning Commission agreed to adding this additional Waiver.

Mr. Hanna stated they also discussed another Waiver with Boucher & James. He noted Item #14 on Page #4 and stated there was concern about the location of the test pits that were previously dug by Del-Val Soil. Mr. Hanna stated they had pits on either side of the parking area on the western lot, but they do not have one directly in the middle of the parking lot. He noted Section 178-93D2A in the Stormwater Ordinance which alludes to the number of test pits required to be dug given the size of the development, and they feel this is the best section that would relate to this comment. He stated they do not feel that by digging additional pits, they would learn anything new that they do not already know from the soil tests that were dug before. Mr. Hanna showed on the Plan where the test pits had been dug. He stated the soils are slow draining on the site in general, and they are making the best of what they can. He stated they have a porous pavement system which a stone base underneath so that there is opportunity for infiltration. He stated they do not feel digging an additional test pit in the middle of the two which had been dug will tell them anything that they do not already know. He feels they are meeting the intent of the Ordinance from a stormwater management standpoint.

Mr. Hanna stated they will comply with Item #1 on Page 3. He stated Item #2 discusses the Wetlands Certification which they will provide to the Township engineer from the original Plan. He stated they will comply with Items #3 through #7. He stated Item #8 was discussed previously, and is an additional Waiver. They will comply with Items #9 through #13. Item #14 was discussed previously and is an additional Waiver.

Mr. Hanna stated they discussed Item #15 with the Township engineer. He stated there was a concern about a seasonal high water table; however, based on his review of the test logs that were done, they do not feel it is a seasonal high water table that is coming up but is actually slow-draining water moving down through the soil. He stated they will provide an explanation on this to Boucher & James. Ms. Friedman asked if any stormwater management efforts going forward will reduce any of this; and Mr. Eisold stated the soils will not change, but what they are doing is removing the existing basin and constructing a new stormwater basin for this project. He stated where they are adding the new parking is where the existing basin is located, and they will push the basin further toward the angle point. He stated he understands that they have all the Permits for this; and Mr. Hanna stated they originally had the NPDES Permit, but since they have made some modifications, they need to get it updated and have it renewed.

Mr. Hanna stated they will comply with Items #16 through #18. Mr. Hanna showed on the Plan how the water drains, and they will provide storage requirements in the basin to take care of the volume reduction; and with the plant material and the amended soil in the bottom, they will cover their stormwater requirements. He stated the original basin is close to bedrock so they are not getting infiltration into the bedrock soil, but they are re-designing the basin so that they can meet the volume requirements through the NPDES Permit. He stated the western area is self sufficient. He noted which areas of the site will drain to the new basin.

Mr. Hanna stated they will comply with Items #19 through #24.

Mr. Hanna noted the letter from Traffic Planning & Design which indicated that they had no further comments.

Ms. Friedman asked how many parishioners the Church has, and Mr. Ely stated it is between 750 and 800. He stated they have three services with the middle service being the most heavily attended. Ms. Friedman asked if the services are the biggest use of the Church at this time, and Mr. Ely agreed. Ms. Friedman stated if there were 500 people at the middle service, there would not be 500 cars as some of the people would be coming together in one car. She asked if they are anticipating that much growth that they would need 494 spaces. Ms. Friedman stated she is questioning why they need so much parking on the site.

Mr. Ely stated currently they have a culture where people come for more than one service which could be that they are attending Sunday School or for fellowship before or after a service so there is overlapping. He stated at different times in their history, they have had to do off-site shuttling of a small number of cars. He stated it is also a problem when people come and cannot find a spot, and then leave. He stated they also have a plan, the timing of which is not yet determined, to build a new Sanctuary which would be a 650 seat Sanctuary. He stated currently they use the Family Life Center as the Sanctuary, and it seats 400.

Ms. Friedman asked how many people they are shuttling from off-site; and Mr. Ely stated while it has varied, it has gotten up to as many as thirty-five cars. He stated there is then also the need for personnel to do that shuttling, and it is another reason for people not to come to Church or to choose another Church.

Ms. Friedman stated the Ordinance calls for one parking space for three permanent seats but the ratio they have is one parking space for 1.57 seats. Mr. Eisold stated the Ordinance addresses a standard Church-type use; and the way their program is set up and with people staying longer, it seems that they have more of a demand for parking than the "typical" Church. He stated they are designing for what they have found that they need. Mr. Fox stated they have indicated that this is currently a problem, and they are trying to prevent future problems.

The 4/12/14 letter from the Environmental Advisory Council was noted.

Mr. Hanna noted Item #1 A and B discusses their concern with the western parking lot and the grass area draining into the porous paving, and he stated they will take appropriate measures during construction to stabilize the grass area, and the Church will maintain the lawn so they do not see the water flowing off of the grass area onto the porous paving will be a problem. He stated they do have the two-year volume capacity in the stone, and they can demonstrate that what they have proposed is adequate.

Mr. Hanna stated Comment #2 refers to the eastern lot. He stated the eastern lot will be constructed where the existing basin is located, so they have to place a fair amount of fill there to fill in where the existing basin is located now. He stated the concern was that they are not infiltrating in that area, and he stated the soil does not have much infiltration capacity. He stated they will be providing stone under the porous pavement which will provide some benefit, and the water will be directed into the naturalized basin so there will be a volume reduction, and they are meeting the stormwater management requirements with a combination of the porous paving and the basin design.

Mr. Hanna stated Item #3 was discussed with regard to the number of parking spaces. He stated with regard to Item #4 there is a Maintenance Agreement which the Church is agreeable to making part of the Approval. He stated they will comply with Item #5.

Ms. Friedman stated she feels that this is a difficult property regarding infiltration, and she asked Mr. Eisold if he feels it is being adequately addressed or will there be future problems with the site since they are increasing the impervious surface. Mr. Eisold stated they are putting 2' of stone underneath the parking which is used for infiltration and storage. He stated a portion of the water will infiltrate, but they also have the drain lines pulling the water away to the basin through the 8" pipe discussed earlier. He stated they are also reconstructing the new basin to the current standards. He stated even though the soil is not very pervious, they are providing other things that will compensate.

Mr. Hanna showed on the Plan how the western portion drains and stated the discharge will feed the wetlands.

Mr. Brown stated with regard to Item #4, the Maintenance Agreement, Mr. Hanna had indicated that they will comply; and in fact, the Township Solicitor and he have already worked on a Maintenance Agreement which is in place.

Mr. Pazdera asked the timeframe for the phasing; and Mr. Ely stated they have raised the funds for Phase I, and they hope to be able to move forward by the summer. He stated Phase II has not yet been determined. He stated he feels it will probably be done with the Sanctuary addition.

There was no public comment.

Mr. Eisold stated Phase II also includes the sanitary sewer connection, and he understands that they want to build Phase I before they obtain approval for the Planning Modules that would be part of Phase II. Ms. Frick asked if they intend to come back for approval for Phase II. Mr. Brown stated they would like to get approval for all the parking with the understanding that they would still do it in two Phases. Mr. Eisold stated the concern is how would they make sure that the Planning Modules would be approved, and Ms. Karen Friedman stated the Planning Commission could not give an approval on something they have not seen. Mr. Brown stated they could make it a Conditional Approval for the second Phase. Ms. Frick stated Planning Modules have to come before the Planning Commission anyway, and she asked what benefit there would be to give them Phase II approval if they do not have the Planning Modules at this time. Mr. Brown stated if they had approval for the whole project at this time, they would be coming back to request

approval of the Planning Modules alone. Mr. Pazdera stated if Phase II is ten years in the future possibly the building addition will change as well, and their needs could be different. Ms. Friedman stated she is also concerned about setting a precedent.

Mr. Alan Dresser, EAC, asked about the pervious pavement Maintenance Agreement; and he asked if he could see a copy of what they have agreed to. Mr. Brown stated they will work with Mr. Garton to make sure that it conforms to the Ordinance.

Mr. Dresser stated in terms of the new Pervious Paving Ordinance, he feels the western parking lot is fine; however, the eastern parking lot is problematic especially from about one third the way down to the south, and he noted the seventy-six spots that will be built on fill. He stated they will have to bring in a lot of dirt to bring it up to the right elevation; and when you do this and put pavement on it, they will pack the fill, and they will not get any infiltration. He stated they will get some storage in the gravel, but most of it will run into the detention basin. He stated while it is not as bad as impervious pavement, it is not the pervious pavement system they have discussed; and the EAC is concerned about this. Mr. Dresser stated in March, 2011, the Zoning Hearing Board discussed their concern with the stormwater runoff; and they asked for pervious pavement to get the benefits of pervious pavement, and they will not get it where the seventy-six spots are proposed. Mr. Dresser stated they are asking for 500 spots for 775 people, and he feels this is a lot of cars for that number of people. He stated he feels they could eliminate these seventy-six spots.

Ms. Friedman stated the Planning Commission has decided that they are only voting on Phase I, and Mr. Dresser asked that they remember his comments for future consideration.

Mr. Pazdera moved, Mr. Dickson seconded and it was unanimously carried to recommend to the Board of Supervisors Approval of the Phase I Preliminary/Final Plan dated last revised 2/18/14. The Planning Commission recommends Approval of the following Waivers:

- 1) Section 178-18 to request Preliminary and Final Approval contemporaneously;
- 2) Section 178-20E29 to not require core samples of the existing roads abutting the site;
- 3) Section 178-57C to not be required to provide four planted islands at the proposed west parking area;

- 4) Section 178-57Q to not be required to provide pedestrian crosswalks and refuge islands in the parking areas;
- 5) Section 178-93D3 to not be required to provide regular maintenance, mowing, and periodic desilting and reseeded of the proposed naturalized stormwater detention basin to allow for periodic maintenance as necessary by the Church;
- 6) Section 178-93F3C to provide an 8" pipe in lieu of an 18" drainpipe;
- 7) Section 178-93B2A from the number of test pits required

Approval is subject to compliance with the following:

- 1) Boucher & James letter dated 4/15/14
- 2) James V. C. Yates letter dated 3/12/14 regarding fire service
- 3) Traffic Planning & Design letter dated 4/14/14.

Mr. Brown stated they did not receive a copy of the letter from Mr. Yates, and Ms. Frick provided them a copy this evening.

#340-C – MANOR CARE/ARDEN COURTS PRELIMINARY/FINAL LAND DEVELOPMENT PLAN FOR PROPOSED ADDITIONS/MODIFICATIONS

Mr. Neil Stein, attorney, was present with Mr. Mike Davis, engineer. Mr. Stein stated the Plan provides all the information required for Preliminary/Final Land Development Plans; and in addition they have received the NPDES Approval and the Planning Modules Exemption.

Mr. Stein stated there were two Zoning Hearing Board Decisions related to the project one in 2012 and one in 2013, and those Decisions are noted on the Land Development Plans.

Mr. Stein noted the review letter from Boucher & James which summarizes the Application for a modest expansion to the Arden Courts Building located off Stony Hill Road and a modest expansion to the skilled nursing facility located off Oxford Valley Road. Mr. Stein stated there are also sixty-seven additional parking spaces

that have been proposed along with stormwater management to address the additional impervious coverage. Stormwater management includes both rain gardens and an underground infiltration basin.

Mr. Stein stated he does not feel there are any comments of note to address in the Boucher & James letter other than the Waivers. He stated there are two minor comments on Page 4 with which they will comply.

Mr. Eisold stated they do not have a copy of the Planning Module Exemption, and Mr. Davis stated he can provide this along with the NPDES to the Township.

Mr. Eisold stated the other comment they had was with regard to the Operations and Maintenance Agreement for Stormwater, and Mr. Stein stated this would not be a problem. Mr. Stein stated they will comply with Items #5, #6, and #7 in the Boucher & James letter.

Ms. Friedman stated they were granted 30% impervious surface coverage for the property, and she asked what they will be at when this project is completed. Mr. Davis stated they were granted 29%, and they will be at 28.49%.

Ms. Friedman stated they are requesting a Waiver to allow parking within 20' of the building, and she asked for an explanation. Mr. Davis stated this condition currently exists at both Arden Courts and the skilled nursing facility, and he showed on the Plan where this currently occurs. He stated they are looking to continue that condition so that they can reduce the amount of site disturbance by providing the majority of the parking along the internal access road he showed on the Plan. He also showed where several other smaller pockets of parking will be put up against the building where it is possible to do so. He stated currently they are meeting the Ordinance parking requirement to the exact number which is 188 spaces, and it has been a challenge given the tight constraints of the site to find the ability to provide this parking. Mr. Davis showed all the locations on the Plan where the parking within 20' of the building will occur. He also noted an area where they are eliminating parking.

Ms. Friedman noted the request for the Waiver to allow the required buffer trees to satisfy a portion of the required replacement trees. Mr. Davis stated the parking being proposed on the north side of the skilled nursing facility is impacting a very small portion of an existing buffer that was predominantly provided to satisfy the original development. He stated in order to accommodate the parking in this area, they are removing that buffer. He stated there are also some other trees being removed from the site for other reasons, so they have a lengthy tree replacement criteria to meet. He stated with regard to the existing buffer on the north side of the skilled nursing facility that was provided to meet the Buffer Ordinance, they are

actually meeting it per the buffer requirements of the Zoning Ordinance; and they will be providing a mix of evergreen trees, deciduous trees, understory trees, and shrubs at a higher ratio than if they were purely providing tree replacement. He stated rather than satisfy both tree replacement and buffer requirements, they are asking for a Waiver from the nineteen trees that are impacted in that area.

Mr. Davis showed a copy of the Landscape Plan.

Ms. Friedman stated her issue is that they advocate that any trees that are removed, should be replaced tree for tree so that there is not a reduction of trees in the Township. She stated she feels the EAC made this comment as well. She stated there will be ninety-four trees required to be replaced, and they are looking to replace seventy-five which is a difference of nineteen trees. Mr. Davis stated nineteen are required, but in accordance with the buffer requirements. Ms. Friedman asked if they are planting the nineteen in the buffer, and Mr. Davis stated they are in addition to shrubs and evergreen trees. Mr. Davis stated the removal of those trees can be satisfied through two different mechanisms in the Ordinance.

Mr. Dresser stated the purpose of the Tree Replacement Ordinance is to discourage developers from developing where there are existing large trees and to maintain the Township's tree canopy. He stated they are going to take out some fairly large trees, and the Tree Replacement Ordinance specifically states that you cannot use buffer trees or street trees in place of replacement trees. Mr. Dresser stated he feels there are plenty of places where they could plant nineteen trees on the property.

Mr. Davis stated they are required to provide street trees along both Oxford Valley Road and Stony Hill; and those trees currently exist so they are not proposing to meet that requirement. He stated this makes them fifteen trees short of the requirement. He stated they are adhering to the Type I Buffer requirements, which for the area of buffer that they are disturbing they will replace that in accordance with the buffer requirements; and that generates a requirement of nineteen trees, fifty-four shrubs, and five hundred thirty-eight ground cover plants. He stated they are also required to provide thirteen parking lot trees for the increase in parking spaces. He stated with regard to tree replacement, they are removing with a caliper of between 10" and 18" results in the need to replace eighty trees. He stated they are removing seven trees between 18" and 30" in caliper which generates fourteen replacement trees, and they are removing no trees over 30" in caliper or greater. He stated the sum total of this generates ninety-four tree replacement trees. He stated they have asked for the reduction of nineteen from that ninety-four to only provide eighty because they are satisfying the tree removal criteria for the buffer standard instead. He stated where they are proposing nineteen trees per the buffer standards, they have asked for that reduction in tree replacement fully aware

that tree replacement is expected to be above and beyond the other Ordinance requirements. He stated they are also providing a great deal of rain garden landscaping above the Ordinance requirements since there is no requirement for that. He stated they are required to plant one hundred fifty trees, fifty-four shrubs, and five hundred thirty-eight ground cover plants; and they are providing one hundred seven trees, one hundred fifty shrubs, and five hundred thirty-eight ground cover plants plus one thousand one hundred thirty-four perennial plants for the rain gardens. He stated there is a reduction in trees between the required and provided of thirty-three trees which are the street trees plus the nineteen for which they have asked for a Waiver from buffer. He stated the question is can the nineteen trees they are providing for the buffer satisfy the tree replacement requirements.

Mr. Eisold stated typically there are two separate requirements although here there is a little gray area because the trees they are taking down that they are replacing are actually buffer trees so the question is if they are actually buffer trees they are taking down and putting new buffers back in the same spot, should they also be required to also put those trees somewhere else. Mr. Davis agreed that only buffer trees are being removed. Ms. Tyler asked the size of the trees being removed from the buffer; and Mr. Davis stated they are removing twenty trees between 10" and 18" caliper and two trees between 18" and 30" caliper. He stated they are removing twenty-two trees which generates eighty replacement trees.

Mr. Dresser stated they should remember that the replacement trees are much smaller than what is being replaced. Mr. Eisold stated there is a formula based on the caliper and how many trees they need to replace so more trees are required to be installed because they are putting in smaller trees compared to the larger ones they took out.

Mr. Eisold stated the question is are the nineteen trees acceptable because it is buffer to buffer or should they be completely separate, and Ms. Friedman stated they need to make sure because she does not want to set a precedent in the wrong way and have a problem in the future with other developments.

Mr. Fox asked if the developer is unable to plant the nineteen trees on site, and Mr. Stein stated they could find somewhere for them. Mr. Fox stated if they could not be planted on site, they could be put in a "tree bank," and they could be placed elsewhere in the Township; and Mr. Stein stated this would be fine. Ms. Friedman stated if they can be planted on site, this is fine as well. Mr. Davis stated they will find a way to get the nineteen trees on site so the Waiver will not be necessary.

Ms. Friedman stated she read information that indicated providing underground infiltration is difficult for some of the stormwater management. Mr. Davis stated through the geo-technical infiltration testing, they encountered soils on certain portions of the property that were unsuitable for infiltration of stormwater; and they will use two areas on the site where there were acceptable areas for infiltration – one on the north side and one on the south side of the Arden Courts building. Ms. Friedman asked if they will also have rain gardens, and Mr. Davis stated they will.

Ms. Friedman asked if they are indicating that they do not want to use pervious paving at this time, and Mr. Stein stated they feel they have provided reasons why it might not be the best idea; however, if this is something that the Planning Commission and the EAC are “wedded to,” they have brought a Plan that shows where this can be done. Ms. Friedman stated she agrees with what the EAC has indicated in their letter with regard to pervious paving. Mr. Davis showed on a Plan where they could provide pervious paving which would be where they would expect to have the lowest turnover of parking on the site. This would be approximately fifty-two parking spaces. This was acceptable to the Planning Commission and Mr. Dresser.

Mr. Pazdera moved and Mr. Dickson seconded to recommend to the Board of Supervisors approval of the Preliminary/Final Plans dated 12/12/13, Sheets 6 and 18 dated 2/20/14. The Planning Commission recommends approval of the following Waivers:

- 1) Section 178-20E23 to not require a traffic impact study
- 2) Section 178-20E29 to not require pavement and core samples from adjacent roads
- 3) Section 178-20G to not require an Environmental Impact Assessment report to be performed
- 4) Section 178-47B a partial Waiver to permit a reduction in the sidewalk connections between the parking areas and the building
- 5) Section 178-57G to allow parking within 20’ of a building
- 6) The Waiver from Section 178-85H4 regarding planting of buffer trees is withdrawn by the Applicant

Approval is subject to compliance with the following:

- 1) Boucher & James letter dated 3/17/14
- 2) Review and acceptance of the 1/19/14 Lower Makefield Township's Historic Commission letter
- 3) Review and acceptance of the James V.C. Yates 1/16/14 letter regarding fire service
- 4) Bucks County Planning Commission letter dated 2/12/14 except for the comment about a woodlands study
- 5) With regard to the Lower Makefield Township Environmental Advisory Council's letter of 2/15/14, the Applicant has agreed that the fifty-two new parking spaces in the area north of the skilled nursing facility will be of pervious pavement
- 6) Payment of all fees by the Applicant
- 7) Compliance with the 1/31/14 Tri-State Engineers and Land Surveyors review letter

Mr. John Coleman, 1436 Oxford Valley Road, stated he just received a letter about this project on Friday, and he asked what is being developed. Mr. Coleman was shown a copy of the Plan and had no further questions.

Motion carried unanimously.

COMPREHENSIVE MASTER PLAN UPDATE

Ms. Lisa Wolff and Ms. Gail Friedman were present.

Ms. Karen Friedman stated some residents are present this evening who would like to comment on their concerns about the area around the proposed Community Center and the surrounding region.

Ms. Catherine Beath, 1049 Countess Drive, stated her concern is with the traffic and whether they will do a Traffic Impact Study. She reviewed all the facilities in the area of the proposed Community Center. She also noted the number of people and

children walking and riding bikes in this area which will be getting a lot more traffic. She stated she feels it would be negligent for the Township not to do a Traffic Study. She stated she understood that this was to come to the Planning Commission because a number of the neighbors in the area had concerns about traffic in the area, and the Board of Supervisors indicated it would be considered by the Planning Commission.

Ms. Frick stated the Community Center will be a future Agenda item. Ms. Beath stated they have already broken ground; however it was noted by a number of people that ground has not been broken for the Community Center. Ms. Beath stated there was equipment there last week, and there is a hole there. Mr. Eisold stated some preliminary testing was done related to stormwater requirements.

Ms. Beath stated the time to do the Traffic Impact Study is before the building is finalized. Mr. Eisold stated their Plans are being completed, and they will be submitted to the Planning Commission for their review probably in June. Ms. Beath stated the Board of Supervisors promised the Seniors that they were going to break ground in April; however, others present this evening disagreed.

Ms. Friedman asked if Ms. Beath would be notified when the matter would be on the Planning Commission Agenda, and Ms. Frick stated the Agenda is always posted on the Website the Friday before the meeting. Ms. Beach stated she is a taxpayer who lives across from the property so she should be notified. Ms. Frick stated they also notify surrounding property owners.

Ms. Beath asked if they could have the Traffic Impact Study done now, and Ms. Friedman stated they have not seen what they are proposing so they cannot discuss something they do not have details about. Ms. Beath stated the proposed Plans were on the Website. Ms. Tyler stated the development of the proposed Community Center will follow the same Land Development process that any Development within the Township would follow. She stated when the Township engineer has the Plans drawn and the Township is ready to submit the Plans, they will come before the Planning Commission and traffic impact will be discussed at that time. She stated the Plans are needed so that the traffic engineer can see the egress, etc. and they need the Plans drawn before they can conduct a meaningful Traffic Study.

Ms. Beath stated she feels the Traffic Study should be done before the Planning Commission meeting so that they can have that data.

Ms. Frick stated once the Township receives the Plans, they will be sent to the reviewing agencies including the traffic engineer before the Plan comes to the Planning Commission.

Ms. Beath stated she is also hoping that they get a qualified traffic engineer to do the study. Ms. Tyler stated they have a traffic engineer that is retained by the Township.

Ms. Sarah Spangler-Campanello, 29 Greenridge Road, stated she wants a Traffic Impact Study done because of the impact of the CSX/SEPTA train expansion. She stated as the trains get longer, which they have been, and are more frequent, it will push some of the current traffic that comes down across Heacock and Edgewood Road where there are the two railroad crossing; and it will push some of that traffic onto Oxford Valley Road in order to avoid the trains. She stated a Traffic Impact Study should be done because there is the potential for a changing traffic pattern.

Ms. Wolff stated tonight they would like to consider Land Use Patterns in 2014, Current Planning and Zoning Policies, and Marketplace Profiles. She stated they also have draft maps. She stated they had to go back to see how things have changed over the past years in terms of the development that has occurred in the Township.

Ms. Wolff stated with regard to Land Use Patterns in 2014, the Township is a suburban residential community; and since 2003 the amount of developable land in the Township has declined by approximately 47% according to their information. She stated the Township Master Plan currently has a map entitled "Developable Open Areas, which are areas which could potentially be developed; and they wanted to update that map and pull the information from that. She stated they did this by looking at the development proposals that had come into their office and she also spoke with Ms. Frick several times to check on the status of certain Plans. She showed a draft of the updated map with developable areas shown in light green. Ms. Wolff stated this map identifies developed land, Township-owned property, County-owned property, State-owned property, Farmland Preservation land which includes lands enrolled in farmland preservation programs, a category called "in-the-development process" which includes lands where either a Preliminary or a Final Plan had been submitted for a property but had not received Final Plan Approval, Sketch Plans which would be lands for which a Sketch Plan for development has been submitted, and developable lands which are the remaining lands having development potential.

Ms. Wolff stated looking at changes from 2003, the developable lands have declined by approximately 47% or approximately 608 acres. She stated as shown on the chart it was previously 1,292 acres. She stated the Chapter further breaks down the developable land into Zoning Districts. She stated shown in red are the new acreages, and the District that saw the largest change in terms of lost acreage is the Residential low density, R-1, in the northern part of the Township. She stated this

was also the largest District that had developable land left. She noted the following large parcels which have been subdivided into single-family residential lots: Brookshire Estates, Chanticleer, and the Minehart site.

Ms. Wolff stated that while the amount of developable land has gone down primarily because of development, there has also been some land that has been preserved so that is also taken out of developable land. She stated one of the large sites that has been removed from developable acreage is the Wright/Kimmel Farm which has been preserved under the County's Agricultural Preservation program.

Ms. Wolff noted residential development that has occurred or is occurring in other areas of the Township, and she specifically noted the Matrix site located in the southwest portion of the Township which will contain approximately three hundred seventy-seven age-restricted residential units when it is completed. She stated that development also includes some Commercial and Office components, some of which have been built including an office building, pharmacy, and a bank.

Ms. Wolff stated Office and Industrial development has been planned in the portions of the Township which border the I-95 corridor, and since 2003 several non-Residential developments have been completed. She stated a 116,000 office building was added at 777 Township Line Road, and an additional office building was constructed in Phase III of the Floral Vale Complex. She stated there may have been other developments as they did not describe everything. Mr. Dickson noted Capstone across the street from Shady Brook has been Approved; however, Ms. Wolff stated this has not yet been constructed. Mr. Dickson stated since it has been Approved, they should reference that square footage.

Ms. Wolff stated they have noted that over the past few years the vacancy rates in the Township Office/Research District have been higher than desired.

Ms. Wolff stated with regard to Commercial development, there is a Commercial center located around Edgewood Village, and it is intended to provide for shopping needs in that particular region. She stated there are supermarkets, an office building, and some small retail stores.

Ms. Wolff stated there has been some recent development activity within Edgewood Village Historic District which includes some new and re-developed buildings including a bank, a café, and other small Commercial uses. She stated there is also a proposal for Flowers Field which has been approved but not yet constructed. Ms. Wolff stated the other area of Commercial development is located along Oxford Valley Road near Route 1 at the Oxford Oaks Shopping Center which is anchored by a department store and has specialty shops, restaurants, and a bank.

Ms. Wolff stated she also just read in the paper today that a Shop Rite will move into the vacant supermarket building. She stated over the years there has been a struggle with trying to keep all those retail spaces occupied. Mr. Dickson stated once Regency at Yardley is built, he feels those people will use that shopping center. He stated currently there are no vacancies in this shopping center. Ms. Wolff agreed to take out the sentence referring to vacancies at this location.

Ms. Wolff stated this Section also notes that there are some regional shopping centers located close by including Oxford Valley, Neshaminy Mall, and the Business Route 1 corridor; and those areas serve a lot of the Commercial needs for residents in Lower Makefield.

Ms. Wolff showed the draft maps and stated if anyone feels something is incorrect, they would like to be advised.

With regard to Current Planning and Zoning Policies, Ms. Gail Friedman stated a lot of this information has stayed the same since the last Plan. She stated the first section acknowledges the historic pattern of development in Lower Makefield where most of the urbanized, more densely-developed areas are in the south and east; and the more rural, less dense areas are in the north and west. She stated they have added a paragraph noting that the Township is nearly fully developed, with little suitable land remaining for new, larger-scale construction. Therefore, most of the development during the term of this Master Plan will be infill or redevelopment. She stated this is a theme that is sounded throughout the whole Plan.

Ms. Gail Friedman stated the next section enumerates the housing types, and they have added a sentence emphasizing the importance of housing to affordability, diversity of ages and stages of life, and to having a workforce. She stated at the end they have added a new type of housing – age-restricted housing which has been added since the last Comprehensive Plan.

Ms. Karen Friedman stated she feels Cluster Development should also be listed since they do allow for this.

Ms. Gail Friedman stated the next Section lists the seven Zoning Districts for Residential use; and while most of them remain the same, they have added some wording to call out where these Districts are located. She stated in the last Section it notes that R-4 and C-3 allow for mobile home parks. She stated 55-Plus Housing is provided for in the newer age-qualified community use which is permitted in both C-2 and C-3 Districts, and they have called out the location.

Ms. Gail Friedman stated a new Section enumerates the non-Residential uses because clearly they are important to balanced development and economic development. She stated the five non-Residential Districts include C-1 Commercial Neighborhood around the western side of Heacock Road near Edgewood Village. Also included is the C-2 Commercial Highway Services which are larger scale, retail and service uses with at least one acre lot size and located along both sides of Oxford Valley Road near the Municipal border with Falls. Next is C-3 General Business/Industrial District which allows retail, service, and light industrial on still larger lot sizes of two acres and greater; and in this District you also find the Age-Qualified Community Use. She stated the C-3 District is located along the western side of Oxford Valley, south of the rail tracks. She stated the H/C District is a mixed use District with single-family Residential uses and small scale, Village Retail and Office uses; and it is located at the crossroads of Stony Hill and Yardley-Langhorne Roads. She stated the O/R District allows for office, service, and research and development uses. The site has to be at least two acres. This is west of I-95 between Yardley-Newtown and Yardley-Langhorne Roads. She stated the last is the TND Overlay adopted in 2007 and this basically overlays Edgewood Village with a little bit of an extension into the R-1 District to the north.

Ms. Gail Friedman stated also new is a Section on Market Data. She stated they added this because it is something they do for communities when they are working on economic development. She stated since they had the data, they thought it might be useful particularly in light of vacancies in the Office District.

Ms. Tyler noted Table 8 which shows that the Township is basically out of Commercial C-1, C-2, and C-3 developable space; and she asked if this is something that should be addressed in this Plan. She stated they may want to discuss if it is time to re-visit these Districts. Ms. Wolf stated there are eighteen acres available in C-3. Ms. Frick stated this is by Bucks County International. Ms. Wolff stated they may want to consider recommending looking into this, but she added that there is a lot of Commercial nearby. Ms. Tyler stated it is possible that they do not want more Commercial property developed, but she feels the Township should look at this to see if they want to consider any re-Zoning or allowing different or shifting uses. Ms. Wolff stated Ms. Gail Friedman will go over the Market Data which is good information which would help the Township see what there may be demand for. Ms. Tyler stated the Economic Development Committee should also see this.

Ms. Gail Friedman stated she agrees that this should be evaluated, and the Economic Development Committee may have some ideas. She stated they note in the Chapter that there have been a lot of changes in the retail sector that probably need to be taken into account in making decisions.

Ms. Gail Friedman stated with regard to the Market Data, they have used the ESRI tool which is web-based analysis of demographic and economic data; and they did this for both Edgewood Village and Oxford Oaks. She stated the itemized data had been provided to the Planning Commission together with a picture of the market area for these two sites. She stated it is variable data depending on whether you want to go five minutes out, ten minutes out, or fifteen minutes out. She stated even as close as five minutes these two market areas take in parts of a number of communities other than Lower Makefield. She stated by Oxford Oaks, you are dealing with portions of Middletown, Falls, and Morrisville; and when you go to the Edgewood market area, you are hitting Newtown and Middletown. She stated what this data does is try to capture the demand and supply equation, and it notes where retail "leakage" is taking place, that is, people are going outside of the trade area to do their spending for goods and services resulting in demand that is not being captured. She stated conversely, the market profile also notes categories where spending exceeds the National average suggesting that a surplus of particular types of goods and services may exist within that trade area.

Ms. Gail Friedman stated they also note the median household incomes for the two market areas; and not surprisingly the shorter the drive time, the higher the income. She stated when you are dealing with proximity to Lower Makefield, usually your market area incomes are higher; and as you go farther out, they diminish somewhat although they are still healthy.

Ms. Gail Friedman stated looking at Edgewood Village, they noticed that there seemed to be "leakage" that is unmet demand for a number of uses; and the ones they selected as potentially suitable were electronics and appliance stores, clothing stores, sporting goods, hobby and musical instrument stores, general merchandise, florists, used merchandise or consignment shops, and full-service and limited-service restaurants. She stated they also listed another use where there was unmet demand such as taverns, but Lower Makefield is dry. She stated this also included auto parts and automobile dealers, but they know that they will not locate in Edgewood Village, so what they provided was a selective list.

Ms. Gail Friedman stated they did the same thing in Oxford Valley and found sources of potential unmet demand might be electronics and appliance stores, lawn and garden equipment and supplies, general merchandise, florists, consignment or used merchandise, banquet halls, and full-service and limited-service restaurants. She stated it is important to note that Oxford Oaks is just a small portion of the regional Oxford Valley market area.

Ms. Gail Friedman stated from this information comes recommendations for action regarding the land use planning. She stated for the Office, Commercial, and Industrial development sector, they have suggested reviewing permitted uses and standards in that District to eliminate unsuitable uses and determine if other updating is desirable taking into account the nature of pending or approved development within the District, which has included proposals related to health care.

Ms. Karen Friedman asked how they eliminate unsuitable uses since she felt by law, within reason, they had to allow what is in the Ordinances. Mr. Fox stated you cannot completely Zone something out of existence, but there are conditions they could place. Ms. Friedman stated she feels "determine if other updating is desirable" would be sufficient, and Mr. Fox agreed. It was agreed to take out "eliminate unsuitable uses."

Ms. Tyler and Mr. Eisold left the meeting at this time.

Ms. Gail Friedman stated they go on to enumerate existing conditions that the Township plans for O/R - Office/Research uses west of I-95 adjacent to Yardley-Newtown Road and Office Commercial uses in areas east of I-95 and plans for good design and architecture.

Ms. Gail Friedman stated the next Section was added with regard to occupancy rates in the O/R but also the Retail issues which they see now are not as severe as might have been. She stated the recommendation is to concentrate on strengthening existing Commercial and Office areas, rather than encouraging new construction. It also states they should explore ways to renew or redevelop older non-Residential development and strengthen or institute new marketing efforts. She stated the ESRI data and other market surveys may be useful in determining demand for various classes and types of Commercial, Office, Research, and Light Industrial space or in discovering unmet needs for space or specialty facilities. She stated it goes on to recommend that the Economic Development Committee may be a source of expertise and assistance in doing this type of research to support the business sector.

Ms. Gail Friedman stated she feels there is some conflict between the suggestion that they review Commercial/Retail Development. She stated she feels Commercial is the same as Retail space. Ms. Karen Friedman stated Retail could be a little "Mom and Pop shop," and Commercial could be something huge with a lot of office space. It was agreed to leave it the way it is.

Ms. Gail Friedman stated they then discuss that high vacancy rates in the range of 30% to 50% now exist within the O/R District; and it should be emphasized that this reflects changes that include a regional surplus of office space, the overall economy, contraction in the office sector, contraction in the amount of space that offices are allotting per employee, more home-based employed, and increased interest in what is called transit-oriented development which is placing offices very close to public transportation. She stated when Lockheed Martin closes it is going to vacate up to 500,000 square feet of space. She stated this is a trend that is not going away.

Ms. Gail Friedman stated it continues to state that vacant or under-used Office and Light Industrial Space can adversely affect the tax base through tax appeals or loss of consumer spin-off spending by companies and their workers. She stated in reviewing the O/R District, attention should be paid to the viability and marketability of the resulting development types. She stated in terms of design, it is important to foster connectivity to Edgewood Village. She stated the outcome of whatever plans are being proposed, with health care seeming to be the topic for the Shady Brook Farm, may also factor into the review of uses and standards so that things are compatible on both sides of the road.

Ms. Gail Friedman stated regarding Edgewood Village it is under re-development with the Commercial segment in place, and Residential should follow soon. She stated in build out of Edgewood Village, efforts should be made to maximize pedestrian connectivity with the adjoining O/R District to encourage synergies and patronage of those businesses.

Ms. Gail Friedman stated they also have included Cluster Development which Ms. Karen Friedman referred to earlier. Ms. Gail Friedman stated it indicates they should make use of the Cluster Development Option to preserve a portion of a tract in single-family Residential Zoning Districts while developing the other portion of the tract.

Ms. Gail Friedman stated the Township should continue to encourage complementary use of the Township's Farmland Preservation Ordinance with the County's Agricultural Land preservation Program. The enrollment of the Wright-Kimmel Farm into the County's Ag Preservation is consistent with this recommendation. She stated other Applications, if they are available, should be encouraged. She stated Agriculture is also part of the economic base; and to that end, they should review uses and standards in affected Residential and non-Residential Districts to see where agriculture might be taking place or close by to agriculture to ensure continued adequate provisions for farm stands, farmers' markets like the one in Edgewood, or other agriculture-related or agriculture-dependent activities.

Ms. Karen Friedman stated she likes all the charts provided which should open up a large discussion for trying to solve the problem of bringing Commercial back or understanding what they need to do with the land that is left. Ms. Gail Friedman stated the ESRI information is really quite detailed; and if the Economic Development Committee would like see even more, they have that. The Planning Commission agreed they should be provided copies.

Mr. Bob Dwyer stated he has been attending the meetings on the Comprehensive Master Plan Update for the past year, and would like to discuss the O/R District. He stated he is present on behalf of BPG which is the Township's largest taxpayer and owns a vast majority of the offices in the O/R District along Township Line Road which is 600,000 square feet of office. He stated their vacancy rate is about 50% which is very dismal for all the reasons outlined in this update. He stated he is present trying to lobby the Planning Commission, the Board of Supervisors, and the County Planning Commission to look hard at the O/R District. He stated for the last five years, the vacancy rates have gone from being reasonable when they had Capstone approved to being completely outrageous as there are millions and millions of square feet of office space in New Jersey that is vacant, and they are taking buildings down in Central Jersey. He stated there has been a reverse in office space as years ago there was 250 square feet of office per person, and now employers are going down to 100 square feet per person. He stated big employers are eliminating office space, and they are going to locations where there are trains because young people are not driving, and they are looking to go to destinations like cities and towns. Mr. Dwyer stated he would like the Township to somehow connect the O/R District to Edgewood Village, and turn Edgewood Village into something the Township always wanted it to be which is a flourishing village that is pedestrian friendly; and he would like to see them connect it to the O/R District which would help the O/R District vacancy rates.

Mr. Dwyer stated he hopes that the Update will allow the Board of Supervisors and the Planning Commission to look at other uses that might be viable for the O/R District and could help support the Village and the offices. He stated currently there is not enough interest by employers to move to Suburban areas, particularly when New Jersey and Philadelphia are trying very hard to get employers to go there. He stated there is not much effort into attracting employers to Bucks County. He noted the Lockheed situation, and he stated there is no one in sight coming in.

Mr. Dwyer stated he is not stating that they will tear down the buildings, but they would like to see Capstone become something else that would support the office and the Village. He stated he feels if they get enough creative minds together, they can do something that would fill some of the void that the Township is realizing from the changing demographics. He stated he knows that they are losing young people, and they need them to fill the stores, support volunteerism like the Fire Department,

and to stop the “brain drain” that exists in Bucks County. Mr. Dwyer stated they are open to ideas, and he asked that they look at this Section. Mr. Dwyer stated while the report from Ms. Wolff indicates that the “vacancy rates are not desirable,” Mr. Dwyer stated they are not “sustainable” which is far more significant.

Mr. Dickson asked Mr. Dwyer if he is suggesting that part of O/R be re-Zoned; and Mr. Dwyer stated he has considered this for over a year, and he feels there should be an Overlay District that would expand the horizon to allow for a use that will help support Edgewood Village and the O/R. He stated he would not include the area up to where Aria is proposed as that would be too far from the Village to walk. Mr. Dwyer stated he feels they could make a pedestrian-friendly connection from Capstone to the Village if enough money were spent noting the barrier with I-95. He stated this would help support the stores in Edgewood Village. He stated the Township has improved the mixed-use Residential Retail for the center of Edgewood Village; and while the owner is trying to develop that, there is not interest because there are not enough dynamics in the Township to feed that. He stated he feels a connection to the O/R District would help significantly.

Ms. Karen Friedman asked if Mr. Dwyer has met with the Economic Development Committee; and he stated he visited them approximately one year ago and advised them of the situation, but since then the situation has gotten worse. Ms. Karen Friedman stated he may want to provide them an updated e-mail as this should be considered by more groups than just the Planning Commission.

Ms. Wolff stated they still need to discuss the Implementation Chapter. She stated typically this is a list in the back which pulls all the recommendations from all the Chapters and puts them in the back, and indicates an entity who would be responsible for implementation with a timeframe. She stated at their office they were considering doing something a little different rather than just repeat what was in the Plan, and they will consider this further at their office.

Ms. Wolff stated they also never finalized the Vision which is just one page and is a statement of the vision for the Township in ten years. She stated they should consider this again now that they have gone through each Chapter.

Ms. Frick stated the Planning Commission will not have a second meeting in May because it is Memorial Day. She stated she does not feel they would be ready for the first meeting in May which would be in two weeks. It was agreed they would next discuss the Plan at the first meeting of June on June 9.

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OTHER BUSINESS

Ms. Friedman stated Mr. Fried submitted his resignation, and she thanked him for his time and service wishing him well in his future endeavors. Ms. Frick stated she did provide Mr. Fedorchak a copy of the resignation so he is aware that the Planning Commission has a vacancy. Ms. Frick stated Ms. Tyler is also aware of the vacancy.

There being no further business, Mr. Dickson moved, Mr. Pazdera seconded and it was unanimously carried to adjourn the meeting at 10:05 p.m.

Respectfully Submitted,

Dean Dickson, Secretary