

TOWNSHIP OF LOWER MAKEFIELD
ZONING HEARING BOARD
MINUTES – JUNE 16, 2009

The regular meeting of the Zoning Hearing Board of the Township of Lower Makefield was held in the Municipal Building on June 16, 2009. Vice Chairman Bamburak called the meeting to order at 7:10 p.m.

Those present:

Zoning Hearing Board: David Malinowski, Chairman (joined meeting in progress)
Paul Bamburak, Vice Chairman
Gregory J. Smith, Secretary (left meeting in progress)
Jerry Gruen, Member, (joined meeting in progress)
Anthony Zamparelli, Member
Paul Kim, Alternate Member

Others: Nancy Frick, Director, Zoning, Inspection, & Planning
Robert Habgood, Code Enforcement Officer (left meeting in progress)
David Truelove, Township Solicitor
James Majewski, Township Engineer
Allen Toadvine, Zoning Hearing Board Solicitor
Matt Maloney, Supervisor Liaison (joined meeting in progress)

APPEAL #08-1499(A) – JOSEPH T. JENNINGS

Mr. Joseph Jennings was sworn in. Mr. Toadvine marked the Application as Exhibit A-1. Attached to the Application is a Revised Plan last revised 3/9/09, and this was marked as Exhibit A-2.

Mr. Jennings stated they are revising the numbers and calculations for the property for which he is asking a Variance. Mr. Toadvine stated Mr. Jennings was present previously, and the Board granted certain Variances based on calculations that the engineer had made as to the resource protected portions of the lot in question. After the Hearing, the Township engineer and the Applicant's engineer did re-calculations, and there were some discrepancies in the numbers.

Mr. Majewski stated the error they had dealt with the applicability of the setback from the resource protected land. The new Plans that they have submitted, which he has reviewed, show that they comply with the requirements of the Ordinance.

Mr. Truelove stated the Township is not participating in this matter.

Mr. Toadvine stated it appears that the first Variance was from the maximum density, and the old calculations indicated that the density was .947 dwelling units per acre for Lot #1 and .492 dwelling units per acre for Lot #2. Based on the new figures the density is .704 units per acre for Lot #1 and .382 units per acre for Lot #2. Mr. Jennings stated this sounds correct. Mr. Majewski agreed that these numbers are correct. Mr. Toadvine stated for the minimum net lot area Lot #1 is now proposed to be 1.112 acres and Lot #2 is proposed to be 2.032 acres. The old calculations were 1.428 acres for Lot #1 and 2.782 for Lot #2. Mr. Jennings stated this sounds correct.

Mr. Toadvine stated the other Variance that the Board granted had to do with the accessory structures on Lot #2, and this has not changed.

Mr. Maloney joined the meeting at this time.

Mr. Smith stated this is a result of the new calculations, and the Plan is the same except for some dimensions.

Mr. Toadvine stated when the Variances were granted in December, 2008 there were certain Conditions placed on the grant of the Variance, and he has those Conditions from the old Order if the Board wishes to incorporate them into a new Variance.

Mr. Kim asked the Plan for Lot #1, and Mr. Toadvine stated it is a two-lot Subdivision; and there is an existing home on Lot #1 and there was a new structure to be constructed on Lot #2. Mr. Toadvine noted the Conditions which were placed on the grant of the Variance when it was approved in December, 2008.

There was no one present to speak on this matter, and the Public Hearing portion was closed.

Mr. Smith moved, Mr. Zamparelli seconded and it was unanimously carried to grant the relief requested with the following Conditions:

- 1) That no further subdivision of either Lot #1 or Lot #2 take place at any time in the future;
- 2) That if the existing stucco and frame house shown on the Plan on Lot #1 is ever demolished, that any new construction be placed within setbacks established by Township Ordinance;
- 3) That the accessory structure not exceed 15' in height and otherwise conform to all applicable Township Ordinances;

- 4) No living area be established in the accessory structure and no sewer connection be placed in the accessory structure. A water line is permitted;
- 5) Applicant agrees to formalize the Condition regarding no further Subdivision so that the lots be deed restricted and that they submit this to the Township for review as well.

APPEAL #09-1512 – CHRISTINE STEPHENSON AND JAMES R. LYTLE

Ms. Christine Stephenson and Mr. James R. Lytle were sworn in. The Application submitted was marked as Exhibit A-1. Attached to the Application was a Plan for a new garage dated 1/5/09, and this was marked as Exhibit A-1.

Mr. Lytle stated they moved to this area in November, 2007. He stated they have met with Zoning Officials in order to understand the requirements, have worked with a professional architect in order to draw up the Plans, and are willing to work with the Township. He stated the residence at 2110 Stackhouse Drive does not have a garage. He stated they meet all Ordinance requirements except for the height.

Ms. Stephenson stated their home is a farmhouse-style house, and the style of the garage will be identical to the house in terms of finishes. She stated it is also very consistent with the neighborhood and the style of the houses within the neighborhood. She stated they have a picture of what the garage will look like on the property. She stated they propose to locate the garage behind the house. They have a single lane driveway and would like the garage to be behind the house. She stated the back yard is fenced and there are trees on both sides of the yard along the fence particularly up toward the street side. She stated they did try to work within the height Variance, but short of having a flat garage, they would not be able to meet the requirements. Ms. Stephenson stated they have had conversations with the neighbors who understand their desire to have a garage. The neighbor whose side the house is on was notified, and he did not have a problem with the location once he saw the stakes showing where the garage would be located particularly if the existing trees would remain between where the garage would be located and the fence adjacent to his property.

Mr. Lytle showed pictures of what the garage will look like on the property as well as some surrounding properties which have similar situations with their garages. This poster of eight pictures was marked as Exhibit A-3. Mr. Lytle showed additional pictures of their yard, and this poster of four pictures was marked as Exhibit A-4.

Mr. Lytle stated if there are additional plantings required as a buffer, they would be willing to do this.

Mr. Habgood stated the maximum height permitted is 15'. Mr. Toadvine stated it appears that the height including the cupola and spire will be 25'.

Mr. Truelove stated the Township is participating but only to clarify some items. Mr. Truelove stated it appears that the slope of the yard goes down toward the Canal, and Mr. Lytle agreed. Mr. Truelove stated they live on the Canal side, and Mr. Lytle agreed. Mr. Truelove asked how far down the slope is from the front of their yard to where they are planning to put the garage, and Ms. Stephenson stated it is at least one fully story. Mr. Truelove stated he would estimate this to be 8' to 10', and Ms. Stephenson stated she feels there is an additional 4' over the slope of where they are proposing to put the garage. Mr. Truelove noted on Page 2 of Exhibit A-1, question 3 has indicated, "Use will remain the same," and Mr. Truelove stated he assumes that they plan on using this only as an accessory structure to the residence, and it will be just a garage. He stated one of the houses they have shown in their Exhibit is a home on Arborlea where there have been issues as to use of the structure for business purposes, and he wants to make sure that the use of their proposed garage is for Residential purposes only. Mr. Lytle stated they would agree to this as a Condition.

Mr. Kim asked if the cupola is strictly for aesthetics, and Mr. Lyle stated it does add to the character of the farmhouse. Mr. Kim asked if the Board agreed to grant a Variance of 20' without the cupola, would this be an acceptable compromise. Ms. Stephenson stated she would like to be able to keep the cupola. Mr. Kim stated the cupola would add 6 ½' to the Variance, and they are asking for quite a bit of Variance. Ms. Stephenson stated she would agree to limiting the height to 20'.

Mr. Smith stated in looking at the Plans from the front given the slope of the land, they are looking at 17'3" without the cupola, and this would still require a Variance. Ms. Stephenson if you are standing at the street, you only see the top part of the cupola as well as the top part of the garage. She stated they do not yet have the exact size of the cupola but she feels it would be between 4' and 6'.

Mr. Bamburak stated when the Zoning Hearing Board tries to decide upon a Variance, they try to give the least Variance needed to still get the job done.

Mr. Bamburak asked for public comment. Ms. Alexis Profaci was sworn in and stated she is a neighbor, and she and other neighbors in the area do like the look of the cupola; and she feels it is important to have something aesthetically-pleasing in the neighborhood. She stated she is also hoping to do some construction at her home within the next year. She stated this is an older neighborhood, and people are trying to renovate their homes and update them. She stated it is only the cupola that would be higher and not the whole structure. She stated it is quite a slope down so they would not be obstructing any of the views from the street. She stated the area has a significant number of trees.

The Public Hearing portion was closed.

Mr. Smith moved, Mr. Kim seconded and it was unanimously carried to grant the relief requested in the way of a 20' height for the new garage, that it be a single-story only, and that it be for Residential purposes only and accessory purposes only.

APPEAL #09-1513 – BRIAN WORKMAN

Mr. Brian Workman was sworn in. The Application submitted was marked as Exhibit A-1. Attached to the Application was a one-sheet Plot Plan time-stamped by Lower Makefield Township 5/13/09, and this was marked as Exhibit A-2.

Mr. Workman stated he is representing the homeowners. They have a dog and would like to install a picket fence in the back yard that extends from the house back to the chain link fence which the Township installed several years ago. He stated when they made application for a Permit to install the picket fence, they were advised that the back portion of the yard is in the 100 year floodplain. They would like to extend the fence past the floodplain to the existing chain link fence in the rear of the yard. Mr. Workman stated they are proposing a 4' high picket fence, and there will be space underneath the bottom rail so that water is not restricted.

Mr. Bamburak stated the pictures look like the bottom rail is right on the ground, and Mr. Workman stated the bottom rail will not be on the ground when the fence is installed. He stated it will be about 2" off the ground. Mr. Majewski agreed that 2" would be sufficient. Mr. Workman stated the back of the yard does slope down about 4' from the house to where the chain link fence is located so water will run off in this way.

Mr. Truelove stated the Township is not participating in this matter, but he did ask if the property is adjacent to Macclesfield Park, and Mr. Workman agreed. Mr. Truelove asked if the chain link fence is a Township-owned fence, and Mr. Workman stated this is his understanding.

Mr. Toadvine stated Mr. Workman has shown on Exhibit A-2 where they propose to locate the fence, and he asked if it will be on the property line; and Mr. Workman stated it will be inside the property line on both sides of the house. Mr. Toadvine asked if the fence will tie into the chain link fence, and Mr. Workman stated it will not. He stated the end posts will be close to the chain link fence but will not be attached in any manner.

There was no public comment, and the Public Hearing portion was closed.

Mr. Smith moved, Mr. Kim seconded and it was unanimously carried to grant the relief required conditioned that the bottom of the fence extend no closer than 2” to the ground and that it be of the style shown in the Application.

A short recess was taken at this time. Mr. Habgood and Mr. Smith left the meeting at this time. The meeting was reconvened at 8:55 p.m.

APPEAL #08-1481(A) – THE FRANKFORD HOSPITAL OF CITY OF PHILADELPHIA

Mr. Toadvine noted that Mr. Malinowski and Mr. Gruen are not present at this time, but will be coming later. He stated there was a previous agreement that if members were not present, they could read the Transcript to update themselves for the next meeting, and this was acceptable to the other attorneys.

Mr. Smolow stated everyone has agreed that he will take Mr. Powell out of order this evening. Mr. Powell was sworn in. Mr. Smolow stated he has circulated the Exhibits he intends to have the Witness identify. Mr. Smolow stated since Mr. Powell last testified, Mr. Smolow received some documents from Mr. Powell’s counsel in response to a subpoena that was issued by the Zoning Hearing Board.

Exhibit R-2 was marked which is an e-mail from Ken O’Brien to Mr. Powell dated 12/19. Mr. Smolow stated it is his understanding that Mr. O’Brien was asking for some information from the Hospital so that he could prepare a traffic study, and Mr. Powell agreed. Mr. Smolow asked if Mr. Powell was the person at the Hospital who was responsible for providing Mr. O’Brien the information he requested, and Mr. Powell stated he was. Mr. Smolow stated the e-mail asks a number of questions, and he asked if Mr. Powell conducted an investigation to answer the questions, and Mr. Powell stated he did it based on his own sense of what the answers would be, and he did not get into detail because they had not completed enough of the planning process at that point.

Exhibit R-3 was marked which is an email from Larry Stuardi dated 12/27/07 which includes an e-mail from Mr. Powell to Mr. Stuardi in the middle of that page, and Mr. Powell agreed. Mr. Smolow stated in this e-mail Mr. Powell provided Mr. O’Brien with information in response to his questions, and Mr. Powell agreed noting that at that time he made estimates based on his sense of what may happen. Mr. Smolow stated Item #1 describes the employee shifts at the Hospital and advises Mr. O’Brien that the shift between 7:00 a.m. and 3:30 p.m. would represent approximately 50% of the staff, and Mr. Powell stated when he first did this analysis this was his best guess. Mr. Smolow stated it indicates that for the second shift approximately 35% of the staff would be in that shift which is from 3:00 p.m. to 11:30 p.m., and Mr. Powell agreed. Mr. Smolow

stated there would be a third shift which would be the remaining 15% of the employees which would be from 11:00 p.m. to 7:30 a.m., and Mr. Powell agreed. Mr. Smolow asked Mr. Powell if he felt the information he provided in the e-mail was accurate at that time, and Mr. Powell stated this was correct for that particular time.

Mr. Smolow noted Item #3 in the e-mail responding to Mr. O'Brien's question on 12/19 "what is the total number of expected employees for the Campus," and Mr. Smolow stated at that time Mr. Powell's estimate was 1,900 for a twenty-four operation; and Mr. Powell agreed. Mr. Smolow stated this is just employees for the Hospital and would not include the medical office building, and Mr. Powell agreed. Mr. Smolow stated at the time he prepared the report, Mr. Powell felt the Hospital was going to have a total square footage of approximately 550,000 square feet, and Mr. Powell agreed.

Mr. Smolow noted the concluding paragraph of the email which states, "I cannot stress enough the fact that traffic from employees, because of the structure of shifts and the assignment of major departments to other sites, will be substantially less than a typical hospital of this size." Mr. Smolow asked Mr. Powell what he meant when he was referring to the "structure of the shifts," and asked if he was talking about the twelve-hour shifts; and Mr. Powell agreed. Mr. Powell stated they were trying to structure the place so that they would minimize the biggest concern of traffic from 7 to 9 in the morning and 4 to 6 in the evening. Mr. Smolow stated he understands that Mr. Powell believes that the twelve hour shifts of the day employees would help to reduce or mitigate the traffic at peak hours, and Mr. Powell agreed.

Mr. Smolow asked who determines the shift structure at the Hospital, and Mr. Powell stated it is a combination of senior management and individual departments.

Mr. Smolow asked if the shift structure could change over time, and Mr. Powell stated it could. Mr. Smolow stated the Hospital could start out with twelve hour shifts but could determine a year or two later that this was not a good idea, and go to regular eight hour shifts, and Mr. Powell stated they could.

The e-mail dated 8/1 was marked as Exhibit R-4. Mr. Toadvine stated this was to Brian Sundermier from Larry Stuardi. Mr. Smolow asked Mr. Powell who is Brian Sundermier, and Mr. Powell stated he works for MRA. Mr. Smolow asked why Mr. Powell was sending him this information, and Mr. Powell stated he had been involved in the project. Mr. Smolow stated this is eight months after the last report to Mr. O'Brien, and in the first paragraph Mr. Powell estimates that the total number of full-time equivalent professional and support staff will be approximately 1,200 individuals; and Mr. Powell agreed. Mr. Smolow stated this number seems to have fluctuated substantially since December, 2007; and Mr. Powell agreed that it came down significantly. Mr. Smolow asked if this was because of the size of the Hospital; and

Mr. Powell stated it was a variety of reasons one of which was because they reduced the size of the project and secondly they knew from a cost standpoint they had to bring it down so they looked at shifting as many of the overhead people as possible to other sites and they considered new staffing by building a more efficient Hospital. Mr. Smolow stated in August, Mr. Powell believed there would be 1,200 full and part time employees at the Hospital and in addition another 300 individuals would occupy the medical office building space, and Mr. Powell agreed at that point, this was the estimate.

Mr. Smolow stated in the next two paragraphs he discussed the shifts and states, “Half would work on shifts that would bring them to the Hospital before 7 a.m. and take them home after 7 p.m.,” and Mr. Smolow asked if that refers to the twelve-hour shift, and Mr. Powell agreed. Mr. Powell stated the next paragraph, last sentence, it states, “In addition, the majority of clinical staff will be working on twelve hour shifts.” Mr. Smolow stated this seems to state that more than half will be working on twelve hour shifts, and Mr. Powell stated he is not sure about the interpretation of this. Mr. Smolow asked what is the correct interpretation, and Mr. Powell stated he is not sure when he wrote that what he meant, but the point was that a substantial percentage of the workforce would be working twelve hour shifts.

Mr. Smolow noted the paragraph beginning, “For the hours of 9 a.m. to 4 p.m.,” and asked if he is estimating the number of trips by different categories to the Hospital – out-patient visits, physician office visits, and in-patient admission visits; and Mr. Powell agreed that he was trying to do this. Mr. Smolow stated in addition to those three categories, in the next paragraph he mentioned that he estimated there would be 16,000 admissions over the course of a year, and Mr. Powell agreed. Mr. Smolow stated it appears that on this page, Mr. Powell is estimating 50,000 out-patient visits, 50,000 physician office visits, 50,000 in-patient admission visits, and 16,000 admissions on an annual basis, and Powell stated this is a clerical error and it should be 16,000 in-patient admissions. He is stated it should be 50,000 out-patient visits, 50,000 physician office visits, and 16,000 admissions. Mr. Smolow stated with respect to the out-patient visits, does this include emergency room visits, but Mr. Powell did not recall. Mr. Smolow noted the 50,000 physician office visits, and asked if this refers to physician office visits at the Hospital or at the medical office building, and Mr. Powell stated it would be the medical office building.

Mr. Smolow noted the next page of Exhibit R-4, second paragraph which states, “Brian, I am going to try and bring down the 7 a.m. to 9 a.m. and evening rush hour numbers.” Mr. Smolow asked what he meant by this, and Mr. Powell stated it means that he was trying to bring down the traffic as much as possible by re-organizing the staffing and looking at different ways of delivering services. Mr. Smolow stated he assumes he wanted to bring down the numbers so that the Traffic Impact Study would show less of an impact from the Hospital, and Mr. Powell stated he was trying to figure out ways to bring down traffic as much as he could. Mr. Smolow read the next sentence as follows:

“I also have not had a chance to carefully analyze what I wrote, but I believe that it is close to where it needs to be.” Mr. Smolow stated when Mr. Powell wrote “where it needs to be,” he assumes that was Mr. Powell’s idea as to what the Traffic Study should tell the Township,” and Mr. Powell stated it was his sense of what the traffic should be.

Mr. Smolow marked as Exhibit A-5 an e-mail dated 8/3/08 from Mr. Powell to Brian Sundermeir. Mr. Smolow stated this is dated Sunday, August 3, 2008 at 6:00 p.m. and Mr. Powell agreed. Mr. Smolow stated the first paragraph relates back to the numbers that were discussed in the 8/1 e-mail about the number of outpatient visits, physician office visits of 50,000 and in-patient admission visits; and Mr. Powell agreed.

Mr. Smolow stated it appears that Mr. Powell now realizes on 8/3 that the numbers he reported on 8/1 only reflected one-way traffic, and that he had to account for the fact that people would arrive and leave the Hospital so he had to double the numbers. Mr. Powell stated he feels he had counted that before, but he does not recall. Mr. Smolow stated he has concluded in the first paragraph that there will be 300,000 trips or twice the number of cars originally listed, and Mr. Powell stated that is what the e-mail says. Mr. Smolow stated this would be 300,000 trips per year, and Mr. Powell agreed. Mr. Smolow stated that is for the three categories of numbers that were discussed on 8/1, and Mr. Powell agreed. Mr. Smolow stated this does not include the 16,000 patient admissions, and Mr. Powell stated he did not know. Mr. Smolow stated in addition to patient admissions, there would also be patient discharges, and Mr. Powell agreed. Mr. Smolow stated for each of those two categories there would also have to be a situation where the people arrive at the Hospital and then left the Hospital so it would count for two trips, and Mr. Powell stated an individual would be dropped off, assuming they did not stay by themselves, and then at discharge, they would be picked up. Mr. Smolow stated the person dropping off the person for admission would account for two trips – one dropping the person off and going back home and the same for the discharge; and Mr. Powell stated this would be correct assuming the person being admitted came by someone’s car and not by themselves.

Mr. Smolow noted the second paragraph of the 8/3 e-mail reads, “Monday morning I am going to count the number of cars that go through the light at Route 332 and Stony Hill between 7 a.m. and 9 a.m. and then again at 4 p.m. to 6 p.m.,” and Mr. Powell agreed. Mr. Smolow asked Mr. Powell if he was the one who was actually doing the counting of cars at the intersection, and Mr. Powell stated he did it for himself because he drives the route all the time and he has never seen as much traffic as everyone seems to be concerned about. Mr. Smolow asked Mr. Powell if he wanted to see what the traffic was like for himself, and Mr. Powell agreed. Mr. Smolow stated Mr. Powell went out and in fact counted the cars, and Mr. Powell agreed. Mr. Smolow stated the second sentence of the e-mail reads, “I will have Carol do the same thing on Tuesday to see what he variance is.” Mr. Smolow asked who is Carol, and Mr. Powell stated Carol is the Administrator at the Oxford Valley Campus.

Mr. Smolow marked as Exhibit R-6 an e-mail dated 8/4/08 from Mr. Powell to Brian Sundermeir. Mr. Smolow asked if Mr. Powell was reporting to Mr. Sundermeir the results of his car count, and Mr. Powell agreed. Mr. Smolow stated Mr. Powell reported from 7 a.m. to 8:30 a.m. he observed the following: “Traffic moving east toward Yardley was the greatest averaging approximately thirty cars per minute using approximately two minutes as a cycle from green to red. Therefore approximately 1,800 cars run in that direction in an hour.” Mr. Powell agreed this was his guess. Mr. Smolow noted the next paragraph talks about the traffic he observed heading west on 332 toward Richboro and he estimated there were approximately 900 cars running in that direction in an hour, and Mr. Powell agreed he did extrapolate that.

Mr. Smolow noted the 1,800 cars estimated for the eastbound traffic and asked if these were cars that were going straight through or did this also include cars that were turning, but Mr. Powell did not recall.

Mr. Smolow stated toward the middle of the e-mail Mr. Powell talks about quantifying the MOB traffic and asked if this stands for Medical Office Building; and Mr. Powell agreed. Mr. Smolow stated he goes through a calculation estimating how many physicians will occupy the medical office building, and Mr. Powell agreed. Mr. Smolow stated Mr. Powell estimated that in the 80,000 square foot building, there will be only 60,000 square feet of rentable space, and Mr. Powell agreed. Mr. Smolow asked where he got that information that you should reduce the gross area by approximately 25%, but Mr. Powell did not recall. Mr. Smolow stated Mr. Powell estimated that there will be forty-eight physicians practicing there, and Mr. Powell agreed. Mr. Smolow stated Mr. Powell then estimated that there would be no more than sixteen physicians on site at any one time and those sixteen physicians would see four patients per hour and projected that the number of visits per hour would be sixty-four visits per hour; and Mr. Powell agreed. Mr. Smolow stated Mr. Powell does a calculation of multiplying that by six hours a day which equals 384 trips per day. Mr. Smolow stated the next paragraph indicates that if you multiply the sixty-four visits per day times six hours per day times 250 days of available office hours, you would have projected visits of 96,000 per year.

Mr. Smolow stated this is what Mr. Powell reported to Brian at 10:41 a.m. on 8/4 and he asked Mr. Powell if he did another count on the next day as was stated in Sunday’s e-mail; but Mr. Powell stated he did not recall.

Mr. Smolow marked as Exhibit R-7 an e-mail dated 8/6 from Mr. Powell to Brian Sundermeir. Mr. Smolow read from the e-mail, “We would have to make the following changes...” and Mr. Smolow asked what changes have to be made. Mr. Powell stated at every point they have examined what they could afford, what made sense from the layout of the geography, and what services might be offered so there have been many iterations; and this is just one of the iterations. Mr. Smolow asked if he was suggesting changes to the Traffic Study that McMahan was preparing; and Mr. Powell stated this is incorrect, and he was suggesting changes to his own estimates.

Mr. Smolow read the next sentence as follows: “Employees estimated to be 1,400,” and Mr. Powell agreed. Mr. Smolow stated the next sentences states, “While that is lower than what we had yesterday, one way or another I am going to get to that number.” Mr. Smolow asked what number he wanted to get to, and Mr. Powell stated it was 1,400 at that point in time. Mr. Smolow asked Mr. Powell what was the number he had estimated the day before, but Mr. Powell stated he did not recall. Mr. Smolow asked if it was something greater than 1,400, and Mr. Powell stated it appears so. Mr. Smolow asked Mr. Powell if it would be fair to say the number of employees was varying from day to day, and Mr. Powell stated they examine these things frequently and make adjustments frequently based on budget, service offering, and on what the demands are. He stated this is a continuous process.

Mr. Smolow asked Mr. Powell if he was aware that the traffic engineers that were preparing the Traffic Report were going to consider the number of employees in preparing their Report, and Mr. Powell stated he does not recall.

Mr. Smolow asked Mr. Powell what he meant when he stated, “One way or another I am going to get to that number,” and Mr. Powell stated when he operates any facility there are often challenges because when you have Departments working for you they want to have more staff than you can permit from an economic standpoint; and he must figure out creative ways to get solutions to problems. He stated when you go through a Budget process, you will have Departments that will come back with number of individuals that they would prefer to have but the numbers do not support it; and this is an ordinary process in business. Mr. Smolow stated as a result of this on August 6 he estimated that there would be 1,400 employees; and Mr. Powell stated it appears so at that time. Mr. Smolow stated on August 26, Mr. Powell testified at the Zoning Hearing Board that there were going to be 1,300 employees; and Mr. Powell agreed. Mr. Smolow stated 1,300 was the number that Mr. Powell told the traffic engineers to use in preparing their Report, and Mr. Powell agreed.

Mr. Smolow stated one third of the way down in the 8/6 e-mail there is a chart, and Mr. Powell stated he prepared this. Mr. Smolow asked if, in the chart, he was estimating the number of people who would be arriving and departing from the Hospital and Medical Office Building during the course of the day, and Mr. Powell agreed. Mr. Smolow stated it appears Mr. Powell estimated that at the Medical Office Building there would be 300 people arriving and 300 people departing, and Mr. Powell agreed.

Mr. Smolow stated below that it reads, “The Physicians’ Office Visits is wrong and it should be something like...” Mr. Smolow asked what was wrong, but Mr. Powell could not recall. Mr. Smolow stated in the next paragraph Mr. Powell’s estimate was that there would be 96,000 visits per year by patients to the Medical Office Building, and Mr. Powell agreed. Mr. Smolow stated this would be in addition to the staff arrivals and departures, and Mr. Powell agreed.

Mr. Smolow asked if the numbers given to Mr. Sundermeir took into consideration the number of volunteers at the Hospital, and Mr. Powell stated he does not recall. Mr. Smolow asked if they have volunteers currently working at the Hospital, and Mr. Powell stated they do. He estimated there were approximately twenty a day at the Frankford-Torresdale Campus and approximately one half to one third that number working at the Falls Township facility. He estimated that there would be a number between the Frankford-Torresdale and Oxford Valley site volunteering at the proposed Lower Makefield facility.

Mr. Truelove stated the first Hearing on this case was August 26, and many of these e-mails submitted date from early August of 2008. Mr. Powell stated he feels they go back to December, 2007. Mr. Truelove agreed. Mr. Truelove noted particularly Exhibits R-5, R-6, and R-7. Mr. Truelove stated in July, 2008, the professionals working on behalf of the Hospital submitted the two large binders to the Township, and Mr. Powell agreed. Mr. Truelove stated included in those binders was the Traffic Study performed by McMahan, and Mr. Powell agreed. Mr. Truelove stated they had already performed the counts and prepared the study which was submitted to the Township, but Mr. Powell stated he did not recall the timing. Mr. Truelove stated assuming this was the case, and he will establish a record later that this is the case, Mr. Powell was still concerned about the traffic burden potentially on the area as indicated by the e-mails of August 3, August 4, and August 8; and Mr. Powell agreed. Mr. Truelove stated Mr. Powell also went out and did counts, and Mr. Powell agreed. Mr. Truelove stated Mr. Powell indicated that he and Carol from the Fairless Hill facility went out to do the counts, and Mr. Powell stated he does not feel that Carol actually was asked to do it; and he did it himself only on one day which he believes was a Monday in the August 3 to August 5 timeframe. Mr. Truelove asked Mr. Powell how long he was there, and Mr. Powell estimated it to be one and a half hours. Mr. Truelove stated Mr. Powell resides about five minutes from this location, and Mr. Powell agreed. Mr. Truelove asked if he took notes and indicated the number of vehicles going through, but Mr. Powell did not recall. Mr. Truelove asked Mr. Powell if he recalls how he provided the information that was in the e-mail from being on site, but Mr. Powell did not recall.

Mr. Truelove noted Exhibit R-6, the first paragraph states, "Traffic moving east was the greatest," and Mr. Truelove stated this would be from the area of Lockheed Martin going east toward I-95, and Mr. Powell agreed. Mr. Truelove stated Mr. Powell saw that the heaviest traffic burden at that time of the day was coming from Newtown Township toward I-95, and Mr. Powell agreed. Mr. Truelove asked during the one and a half hours that he was on the site, did he take any photographs; and Mr. Powell stated he did not.

Mr. Truelove asked if measured any backups of traffic in the area, and Mr. Powell stated he did not. Mr. Truelove asked if Mr. Powell has any independent recollection of any backups beyond any certain point, and Mr. Powell stated he does not recall the traffic ever getting to Lindenhurst on that particular day. Mr. Truelove asked if he has any notes to refer to that would indicate this, and Mr. Powell stated he does not. Mr. Truelove stated Mr. Powell is not a traffic engineer, and Mr. Powell agreed he is not.

Mr. Truelove stated before Mr. Powell went out there McMahon had completed their study. Mr. Truelove stated Mr. Powell had been in contact with Mr. O'Brien from December, 2007 going forward; and Mr. Powell agreed. Mr. Truelove asked in his communications with Mr. O'Brien during the Traffic Impact Study, did Mr. O'Brien share with Mr. Powell any information from PennDOT about their concerns about queuing or backups; and Mr. Powell stated while he may have, he did not recall.

Mr. Truelove noted Exhibit R-7 where Mr. Powell wrote, "I'm going to get to that number," and asked Mr. Powell what is "that number." Mr. Powell stated he does not recall the specific number at the time, but when they go through a Budget process, they back into a number of employees and expenses they can afford, and then determine how they can get to that point. He stated at that time, he feels he had something in mind, but he does not recall it now. Mr. Truelove asked Mr. Powell what is the number today, and Mr. Powell stated the number today was the number he provided in his testimony which he feels is approximately 1,300 employees, 200 for the medical office space and approximately 50 doctors. Mr. Truelove asked if there was an acknowledgement or inclusion of any potential nursing students in that number; and Mr. Powell stated at the time Mr. Truelove had asked the question if this included nursing students and teaching staff, and Mr. Powell stated it was an inclusive number. Mr. Truelove asked if that is still true today, and Mr. Powell stated it is.

Mr. Truelove asked what factors would mitigate either increasing or decreasing that number between now and whenever they anticipate building the Hospital. Mr. Powell stated economics could change, if there is some changes in service mix contemplated, or if there are changes in requirements by regulatory agencies, etc. Mr. Truelove stated the number could increase, and Mr. Powell stated the number could increase or go down. Mr. Truelove stated another potential factor would be whether they still plan to have some of the off-site work actually included on-site as was indicated earlier; and Mr. Powell agreed that if they did not move as much as they planned to move off site, this would be correct.

Mr. Truelove asked Mr. Powell if he would agree that where they are currently located in Falls Township is adjacent to or close to both Middletown and Lower Makefield Township, and Mr. Powell agreed. Mr. Truelove asked if he drives to Oxford Valley Road from Lower Makefield to the current Hospital location every day, and Mr. Powell

agreed. Mr. Truelove asked if he would agree that the traffic burden from Lower Makefield and Middletown contribute to traffic issues in the area where the Hospital exists today, and Mr. Powell stated it could.

Mr. Malinowski joined the meeting at this time.

Mr. Koopman called Tom Jirele who was sworn in and stated he resides at 121 Durham Road, and is a Newtown Township Supervisor. Mr. Jirele stated his residence is approximately four miles from the proposed Hospital, and he passes by this location during rush hour every day on his way to work in Center City Philadelphia and Delaware. He goes by this site to access I-95. He stated he typically leaves his home by 7:00 a.m. and passes this location approximately 7:20 a.m., and he is very familiar with the intersection of the By-Pass and Stony Hill Road and intersection of the By-Pass and I-95.

Mr. Jirele stated he has been a Newtown Township Supervisor for twelve years, and was Chairman for the last two years. He is currently the Chairman. Mr. Koopman asked if the Frankford Hospital Application for Special Exception before the Lower Makefield Township Zoning Hearing Board has been reviewed by the Newtown Township Board of Supervisors; and Mr. Jirele stated the Supervisors, traffic engineer, and solicitor have reviewed it. He added it has been the subject of discussion at a number of Newtown Township Board of Supervisors' public meetings as well as in Executive Session. As a result the Board of Supervisors authorized the Township solicitor to appear and represent Newtown Township as a Party to these proceedings. The Board also authorized Mr. Jirele as the Chairman of the Board to appear on behalf of the Board in connection with this Application on June 10, 2008. Mr. Jirele stated Newtown Township's position was discussed at that public meeting.

Mr. Koopman asked Mr. Jirele if he is familiar with the proposed location of the Hospital, and Mr. Jirele stated he is and is aware that this property is immediately adjacent to and adjoins Newtown Township. Mr. Koopman asked Mr. Jirele if he is familiar in general with Newtown Township demographic information, particularly with respect to recent growth and development in Newtown Township; and Mr. Jirele stated he is. Mr. Jirele was asked to provide background on recent growth and development from a Board of Supervisors Chairman's point of view. Mr. Jirele stated over the last ten years, Newtown has been one of the faster growing Municipalities within Bucks County. He stated the 2,000 Census showed just over 18,000 people and current estimates for Newtown's population are up to 21,000. He stated even with the current economic times, Newtown continues to have residential, office, and medical facilities being built and approved in Newtown Township.

Mr. Koopman asked Mr. Jirele if he is aware that the Township engineer, Michelle Fountain, appeared previously to testify; and Mr. Jirele stated he is familiar with this and has reviewed Exhibit T-16 which she had prepared depicting recent development approvals in Newtown Township. He stated this document appears accurate and reflects the recent development approvals in Newtown Township and new construction.

Mr. Koopman asked if a result of the approvals and on-going development in Newtown, does this have an effect on traffic in the Township in general and in particular on the By-Pass going toward in the morning and back home in the evening from the intersection of the By-Pass and I-95.

Mr. VanLuvanee objected due to lack of expertise. Mr. Koopman stated this is only general background, and he is not being called as an expert. Mr. VanLuvanee stated from a general background standpoint, it is impossible for a person to testify as to the effect on this particular area of a series of developments some of which are not even built yet. He stated this is the subject for expert testimony. He stated they can all speculate that development adds traffic, but this is not the issue in this proceeding. Mr. Koopman stated it is one of the issues. Mr. VanLuvanee stated the issue is not whether there is going to be more traffic on the roads, but the impact of the Hospital. Mr. Koopman agreed and stated it is going to add more traffic. Mr. Truelove stated the Applicant's expert completely ignored the burden of Newtown Township traffic on this area, and he feels it is essential to include this.

Mr. Malinowski allowed the Witness to answer.

Mr. Koopman asked Mr. Jirele, from his perspective, do the recent approvals in Newtown Township and the construction associated with them have the effect of increasing traffic going from Newtown Township toward Stony Hill Road and I-95 and going back again toward Newtown Township in the evening peak hours; and Mr. Jirele stated he feels it does. He stated traffic in Newtown Township is a big issue, and they get a lot of residents coming to them to tell them about traffic not only on the by-Pass but on secondary roads including Lindenhurst Road. He stated residents in Newtown Township advise the Board at their meeting that they stay off the By-Pass and take Lindenhurst Road as a way of getting around all the traffic back ups. Mr. Koopman asked Mr. Jirele if Newtown Township has a position with respect to this Zoning Hearing Board Application for the Frankford Hospital, and Mr. Jirele stated that they feel that this facility will add additional undue burden of traffic not only to the By-Pass, but to the local roads as people try to avoid the By-Pass and the back ups to the By-Pass.

Mr. Koopman asked Mr. Jirele if he has an understanding as to whether the recent developments in Newtown Township referenced in Exhibit T-16 were taken into account by the Hospital's traffic analysis.

Mr. VanLuvanee objected. Mr. Koopman stated this is only background and is not specific expert testimony.

Mr. Koopman stated assuming the Applicant's Traffic Study did not take into account traffic generated from the recent developments in Newtown Township listed on Exhibit T-16, would this be a matter of concern to the Newtown Township Board of Supervisors.

Mr. VanLuvanee objected and stated this is not true. He stated the Study took into account background growth for the area. He stated the Township traffic engineer was unable to quantify the difference between background growth and specific development growth in his testimony. He also stated the Newtown Township engineer did not attempt to do this. He stated none of the experts attempted to do this. He stated this is pure speculation, and is based on a premise that is inaccurate as the Applicant's engineer did take into account background growth.

Mr. Koopman stated there is a difference between background growth and specific developments in an area which are referenced on T-16 which show a substantial amount of additional, approved development for both office and residential in Newtown Township and the traffic generated from that. Mr. Koopman stated he is asking, assuming that this is the case, if this a matter of concern to Newtown Township

Mr. Malinowski stated maybe Newtown Township approved too much development, and they are creating their own traffic problems.

Mr. Malinowski agreed to allow the Witness to ask the question.

Mr. Koopman stated assuming the developments on Exhibit T-16 were not taken into account in the Hospital's traffic analysis, would this be a matter of concern to Newtown, and Mr. Jirele stated this would be a severe matter of concern to Newtown Township.

Mr. Kim stated one of the proposed sites in Newtown Township that is still not approved that will add the biggest amount of traffic to this road is the Lockheed-Martin project, and he asked if Newtown will limit or deny their expansion plan because of traffic concerns he has on this road. Mr. Jirele stated he is only one Supervisor, and that plan is not currently before them. He stated until he hears their testimony and sees the Plan, he cannot comment on it. Mr. Kim stated he assumes that what Mr. Jirele is stating with regard to the Hospital is only his opinion as one of the Supervisors; and Mr. Jirele stated he was authorized at their public meeting last Wednesday to be present to represent the Board of Supervisors and the people of Newtown Township, and the Board of Supervisors discussed the position they wanted to take and what testimony they wanted him to give.

Mr. Malinowski asked Mr. Jirele if he feels Newtown Township would stop a development because Lower Makefield opposed it, and Mr. Jirele stated Newtown Township has stopped developments because other neighboring Municipalities have opposed their developments. Mr. Kim asked for an example, and Mr. Jirele noted the Elliot Building Group property on Sycamore Street was denied because of concerns from Newtown Borough. He stated they invite Newtown Borough to many of their Planning Commission and Supervisor meetings to get their input as to development that will affect their Municipality even if it is within Newtown Township.

Mr. Gruen joined the meeting at this time.

Mr. Kim stated he does not have background as to the impact to Newtown Borough with regard to the case Mr. Jirele has stipulated. Mr. Kim stated since the Lockheed Martin expansion is adjacent to Lower Makefield, he assumes that Lower Makefield will be invited to participate in the traffic study and express their concerns with regard to congestion in this corridor, and Mr. Jirele stated they would be welcome to participate.

Mr. Truelove stated Mr. Jirele indicated he lives four miles from the I-95 exchange and indicated it takes him twenty minutes to get from his home to the I-95 exchange under current conditions, and Mr. Jirele agreed. Mr. Truelove asked Mr. Jirele if he currently experiences cars backing up beyond certain points where lights are, and Mr. Jirele stated back up is routine all the way to Lower Silver Lake Road and sometimes to the Newtown Athletic Club. Mr. Truelove stated moving along the By-Pass those locations are at least two lights beyond the Lindenhurst Road light, and Mr. Jirele agreed.

Mr. Truelove stated Mr. Jirele indicated they invite other Municipalities to participate in considering developments in Newtown, and he asked if there was a proposal by the Stockberger Group for a development in the By-Pass area within the last two to three years; and Mr. Jirele stated there was never a formal proposal. Mr. Truelove asked if the Township invited comments from other Municipalities on their concerns with this possible proposal, and Mr. Jirele stated the Borough did weigh in and the Township also took on the expense of having a survey of local residents to find out how they felt about it. Mr. Truelove stated as a result of that survey and Newtown Borough's position, that project did not move forward; and Mr. Jirele stated it did not move beyond the Sketch Plan phase.

Mr. Truelove asked Mr. Jirele in considering developments in Newtown Township, do they take in regional growth beyond the borders of Newtown Township; and Mr. Jirele stated they do and added Newtown Township is a member of the Jointure, and they do their planning with Wrightstown, Upper Makefield and previously with Newtown Borough until they pulled out of the Jointure approximately twelve years ago. Mr. Truelove asked if Middletown Township sometimes contributes their opinions based upon the location of a development as would Lower Makefield from time to time, and

Mr. Jirele agreed. Mr. Jirele stated they are also active participants in the Regional Traffic Task Force which Lower Makefield is as well. Mr. Truelove stated as part of that they take in local growth as well, and Mr. Jirele stated they do.

Mr. VanLuvanee stated the Stockberger proposal would have required an Amendment to the Zoning Ordinance or a Use Variance, and Mr. Jirele agreed stating the proposal would have required the Stockberger family to come before a Board similar to the Zoning Hearing Board. Mr. VanLuvanee stated they would have needed a Variance as it was not a use permitted by Special Exception or Conditional Use, and Mr. Jirele agreed that it was not a use permitted by Special Exception, Conditional Use, or by right.

Mr. VanLuvanee stated Mr. Jirele has been a Supervisor for a number of years and he asked him if he can recall a case where the Newtown Township Board of Supervisors in a Conditional Use proceeding denied a use proposal on the basis of traffic.

Mr. Truelove objected because this is a different Ordinance. He stated the last time they indicated there were different Ordinances and different standards. Mr. Toadvine stated this does not have to do with an Ordinance, and is based on cross-examination of the questions he was asked.

Mr. Malinowski agreed to allow the question.

Mr. VanLuvanee asked Mr. Jirele if, in the twelve years he has been on the Board of Supervisors, he could recall an instance where the Board denied a Use Application on the basis of traffic. Mr. VanLuvanee noted Newtown Township has a number of Uses which are approved by Conditional Use that come before the Board of Supervisors, and Mr. Jirele agreed. Mr. VanLuvanee asked Mr. Jirele if he can recall any of the Conditional Use Applications he heard, where the Board turned down an Application on the basis of traffic, and Mr. Jirele stated he can. Mr. Jirele noted a restaurant that wanted to convert to a take-out facility along Sycamore Street, and the Board felt the increased traffic in a pedestrian area would not be safe. It was noted this restaurant was an operating facility and still is but not as a take-out which is a different use. Mr. Jirele could not recall any others.

Mr. Truelove asked if Mr. Jirele could recall any Conditional Use Applications being denied based upon the SALDO Ordinance in Newtown Township, and Mr. Jirele stated he could not recall any specific being outright denied. He stated typically when they have opposition to either a Conditional Use or a Subdivision, they will have their attorneys oppose the Application, visit with the Applicant's attorney, and if they have to they will have their attorney come before the Zoning Hearing Board; and typically that communication results in the Application being greatly scaled back. He noted a property on Sycamore Street noting when they first saw it in October, it was almost 100,000 square feet and fifty-nine feet tall; and it has been cut down by at least 30% due to that process all without denying it.

Mr. Truelove stated Mr. VanLuvanee asked about different developments and Applications in Newtown Township and Mr. Truelove asked during his tenure in Newtown Township has he ever considered, to his knowledge, an Application for a project with 455, 000 or more square feet which would be a 24/7, 365 day operation; and Mr. Jirele stated they have never had anything of that scale in Newtown Township.

Mr. Koopman stated he assumes he never had an Application for a Hospital, and Mr. Jirele stated they have not.

Mr. VanLuvanee asked Mr. Jirele, the project he was referring to which was scaled back was the re-use of the Acme project; and Mr. Jirele agreed. Mr. VanLuvanee stated in order to move forward with that project as initially conceived, the Applicant needed a number of Variances, and Mr. Jirele agreed. Mr. VanLuvanee stated the Applicant did not make a proposal that was permitted under the Ordinance without the necessity for obtaining Variances, and Mr. Jirele agreed.

A short recess was taken at this time. The meeting was reconvened at 10:05 p.m.

Chief Kenneth Coluzzi was called and sworn in. Marked as Exhibit T-17, was Chief Coluzzi's resume. Chief Coluzzi stated he is currently the Chief of Police in Lower Makefield Township as well as the chief Law Enforcement Officer and the Emergency Management Coordinator. Chief Coluzzi stated he also lives in Lower Makefield Township in an area off Lindenhurst Road, north of the proposed site for the Hospital. Mr. Truelove asked if he drives through the area where the proposed Hospital would be located, and Chief Coluzzi stated he does this daily and has done so since he moved to the Township in 2001. Mr. Truelove noted Exhibit T-17 and asked if his prior Police experience in the City of Philadelphia included traffic issues, and Chief Coluzzi stated it did including training and experience with traffic schools at Northwestern University where he was Certified by Northwestern as completing the Staff and Command Program related to traffic.

Mr. Truelove asked as Chief of Police in Lower Makefield Township, what level of attention or concern is traffic for his Department and the allocation of its resources; and Chief Coluzzi stated as part of his daily activities, this takes up about 65% of his time.

Mr. Truelove noted there was prior testimony from members of the Citizens Traffic Commission about different sectors in the Township, and he asked before the Frankford Hospital proposal was submitted, what level of attention did his Department have with regard to this area at 332 and Stony Hill Road. Chief Coluzzi stated they devote a great deal of attention to this area. He stated the Police Department has identified approximately eighteen selective-enforcement areas in the Township, and these areas are designated based on the amount of calls for service in those areas related to traffic and traffic accidents. He stated in 2008, in this area they had forty-eight traffic accidents and approximately 23% of all their selective-enforcement accidents occurred at this location.

Mr. Truelove asked Chief Coluzzi if he is familiar with the proposed scope and size of the Frankford Hospital Application, and Chief Coluzzi stated he is. Mr. Truelove asked if he would agree that geographically the site is on the western edge of the Township with traffic entering from Newtown Township entering from the West, and Chief Coluzzi agreed. Mr. Truelove asked Chief Coluzzi to describe the traffic he experiences as he drives through this area. Chief Coluzzi stated in the morning rush hour, he travels down Lindenhurst Road toward 332 and oftentimes Lindenhurst Road is backed up at the light at that intersection. When he approaches 332 it is apparent that traffic is stopped, and it is difficult to make the turn through the light. He stated it is backed up all the way to approximately Silver Lake Road. Mr. Truelove asked how often he experiences this in his daily travels, and Chief Coluzzi stated he experiences this every morning on the way to work during rush hour.

Mr. Truelove stated in the Plans for the Hospital, there is a proposed light at the Lower Makefield Corporate Center on Stony Hill Road from the proposed entrance to the Hospital on that road as well as a “pork chop” entrance and exit off Route 332; and Chief Coluzzi agreed. Mr. Truelove asked if he has any concerns about the amount of increased traffic not just during the week but during the weekends as well in the area where the Hospital is proposed to be located. Chief Coluzzi stated he is concerned that the traffic will increase and that there will be back ups and that the motoring public and emergency vehicles will not be able to get through that location. Mr. Truelove asked if there have been steps taken currently to assist emergency vehicles to proceed along Route 332, and Chief Coluzzi stated there are pre-emption devices that are placed on the traffic lights along 332. He stated these devices allow emergency vehicles, from their vehicles, to control the light at a particular intersection. Mr. Truelove asked Chief Coluzzi if he has concerns about traffic volume or queuing increasing and affecting the effectiveness of the pre-emption devices; and Chief Coluzzi stated the devices are only as good as the ability to get through the light and through the traffic, and if traffic is queued there or backed up, you cannot get through the intersection and it renders the pre-emption device useless.

Mr. Truelove stated the “pork chop” configuration on Route 332 is adjacent to a through lane in the proposed Plans, and Chief Coluzzi agreed. Mr. Truelove asked Chief Coluzzi if he has concerns about the flow of traffic and impact on traffic with traffic in and out of the proposed location on Route 332. Chief Coluzzi stated he believes there is a decel lane going in; and he is concerned that it is so close to the intersection of Lindenhurst Road, that cars making that turn or cars traveling straight through on Route 332 are not going to be in that particular lane and will have to get over into that lane thus weaving from lane to lane in through traffic. Mr. Truelove asked if they currently position Police vehicles in the shoulder area eastbound on Route 332 on the south side of the road for traffic mitigation purposes; and Chief Coluzzi stated they do because there is a turning lane along Route 332 to enable cars to turn right onto Stony Hill Road, but the turning

lane is probably one third of the entire length of the roadway so currently cars, because of the back up, travel in the emergency lane for $\frac{3}{4}$ of the way through until they actually get to the turning portion of the roadway which is a very dangerous condition. Mr. Truelove stated the proposed “pork chop” configuration is adjacent to that emergency lane, and Chief Coluzzi agreed.

Mr. Truelove stated there is also a proposed traffic light at the Lower Makefield Corporate Center entrance/exit on Stony Hill Road. Mr. Truelove asked Chief Coluzzi in his experience driving to and from work and other areas in the Township and in his traffic experience, what are his concerns about the configuration of a light at that location. Chief Coluzzi stated he has received numerous complaints from management at the Lower Makefield Corporate Center that their residents cannot get out onto Stony Hill Road during the evening rush hour to get to Route 332, and the vehicles are backed up along the roadway and back into the Corporate Center. Mr. Truelove asked if a traffic light at that location would alleviate that concern, and Chief Coluzzi stated a traffic light at that location would control not only traffic coming out of the Corporate Center but also out of the proposed Hospital; and he stated while ideally a traffic light would help, it is such a short distance from the traffic light to 332 along Stony Hill Road that the traffic will back up into the intersection that the light controls and this will further jam up traffic.

Mr. Truelove asked Chief Coluzzi if there have been efforts made in addition to the pre-emption devices as far as the timing of the signals along the Newtown By-Pass to help alleviate back up. Chief Coluzzi stated they get a significant number of calls from residents that the timing is not currently adequate along those lights; however, that is a project that is out of the Township’s hands and they are still working on that.

Mr. Truelove asked if the adjustment of the timing of the signals alleviated any of the traffic burden or back up he has seen or experienced; and Chief Coluzzi stated it may have on occasional, but not overall.

Mr. Truelove asked if in addition to traffic issues, does Chief Coluzzi have any concerns from a security perspective, and Chief Coluzzi stated with regard to traffic security issues he is concerned about additional traffic accidents and the additional staff that will be needed to address these concerns. Mr. Truelove asked based upon his experience with respect to staffing, would the proposed Hospital require an increased number of Police Officers in his Department; and Chief Coluzzi stated both from a traffic standpoint and a security standpoint, it will. He stated he feels they will need one additional Officer on each shift to adequately provide for safety along that corridor for traffic and also liaison with Hospital security at that location so this would mean they would need four additional Officers. He stated currently they have three shifts, four Squads which would be four Officers. Mr. Truelove asked the estimated cost of four Officers, and Chief Coluzzi stated he would estimate a salary and benefits of \$110,000 for each Officer.

Mr. Truelove asked if they have this money in the Budget; and Chief Coluzzi stated if the Hospital were to be put at that location, he would fight for the money to be put in the Budget; but currently he does not have these funds.

Mr. Truelove asked about Hospitals in general, and he asked if Chief Coluzzi is aware if Hospitals generally have materials that cause additional security concerns; and

Chief Coluzzi stated he would have concerns, and they would need to liaison with Hospital security personnel and be concerned with the security of the Hospital equipment and the hazardous materials that Hospitals put out since there is a lot of equipment that uses radioactive material and there is a high level of security needed for that.

Mr. Malinowski asked if they plan for this type of security now at the existing medical and x-ray facilities in the Township currently, and Chief Coluzzi stated they do this through the Emergency Management Program and try to identify any hazardous materials or anything that could be harmful to Police Officers or anything they need security for as well as the firefighters if they have to go into such a location.

Mr. Truelove asked if any of the offices currently located in Lower Makefield are of a scale or scope comparable to a 24/7, 365 day a year Hospital operation as proposed here; and Chief Coluzzi stated they are not.

Mr. Bamburak asked Chief Coluzzi if he is going to be fully funded for four additional Officers from the Federal Government as was noted in the newspaper, and Chief Coluzzi stated this is incorrect. He stated they are currently applying for a Grant for this, but it has not been submitted. Mr. Truelove asked if in the Application for that Grant, did any of the needs for which they specified in the Grant, have to do with the Hospital location; and Chief Coluzzi stated they did not, and they are current needs.

Mr. Malinowski asked the Chief if the Hospital were built, would he go to the Board of Supervisors immediately indicating that he needed four additional Officers or would he wait to see how things develop; and Chief Coluzzi stated he does not feel he would wait as he feels it is his responsibility to be pro-active in that area.

Mr. Gruen asked how is the traffic that is generated by Shady Brook Farm for their special events handled; and Chief Coluzzi stated his Department handles most of these events. Mr. Gruen asked if they get special Permit for those, and Mr. Coluzzi stated there is no special Permit required by the Township for these events. Mr. Gruen asked if they are permitted to hold one every weekend, and Chief Coluzzi agreed they can. Mr. Kim noted the Christmas show at Shady Brook Farm must be a huge burden on the Police Department, and he asked how this is handled as to staffing. Chief Coluzzi stated on the

property itself, Shady Brook hires people to handle this; but the Township Police Department handles the traffic out on the roadways. Mr. Kim asked how this is funded, and Chief Coluzzi stated it is usually funded through the Township; however, some events Shady Brook has, they do reimburse for some of the Police services at their location.

Mr. Zamparelli asked Chief Coluzzi if the improvements the Applicant has suggested will help the overall traffic conditions. Chief Coluzzi stated adding an additional lane will help move traffic, however, it would need to be all the way through; and if it still ends up in a bottleneck at some point which would be on the West side of Stony Hill Road and 332 where I-95 is and where 332 goes down to one lane, it will become a bottleneck. He stated what they will be doing is allowing more traffic to hit this bottleneck and back up as it is shown on their proposed Plan.

Mr. Kim stated he assumes this open space will eventually be utilized for some other purpose such as office space so the concern of Police manpower in the future would have to be built in. Chief Coluzzi stated whatever is at that location will cause an additional burden, but he is not certain to what extent.

Mr. Smolow asked about the timing of the lights on 332, and Chief Coluzzi stated the lights are timed, but he could not tell how they are timed because the Department is not involved in this. He stated they do call and complain to PennDOT and request that lights be changed because of complaints from residents, but he is not sure how they are timed although there is some synchronization.

Mr. Truelove asked when the Lower Makefield Corporate Center was built several years ago were any other Officers required to be hired for that traffic burden; and Chief Coluzzi stated they did put on additional Officers, although he does not recall the exact number. He added this was not just for the Corporate Center, and it was for the overall growth in the Township. Mr. Truelove asked if the effect of the Lower Makefield Corporate Center anywhere close to what he estimates for the Hospital, and Chief Coluzzi stated it was not.

Ms. Nancy Frick was called and sworn in. She stated she is the Zoning Officer and Director of Zoning, Inspection, & Planning for Lower Makefield Township. She has had this title for approximately twenty-nine years. She stated she is responsible for the overall supervision of the Zoning, Inspection, and Planning Department including the enforcement of the Township Zoning Ordinance, Subdivision and Land Development Ordinance, and Building Codes. Mr. Truelove asked if this includes reviewing Zoning and SALDO Applications, and Ms. Frick stated it does. Mr. Truelove asked Ms. Frick if part of her job responsibilities, includes the review of Sketch Plans; and Ms. Frick stated it does. Mr. Truelove asked if it would also include review of Special Exception

Applications, and Ms. Frick stated it does. Mr. Truelove asked if she attends the Lower Makefield Township Planning Commission meetings, and Ms. Frick stated she does.

Mr. Truelove asked Ms. Frick if she received a Sketch Plan Application for the proposed Frankford Hospital in June of 2008, and Ms. Frick stated she did. A letter dated 6/20/08 from Bohler Engineering was marked as Exhibit A-18 which was the submission date for the Sketch Plan. Ms. Frick stated while it was dated 6/20, it was hand-delivered to the Township on June 23, 2008. Mr. Truelove asked Ms. Frick if anything was attached to this other than the Sketch Plan itself; and Ms. Frick stated there were eleven copies of the Sketch Plan that was dated 5/30 and eleven copies of the Environmental Impact Assessment Report which was actually two binders for each Report so there were actually twenty-two very large binders. Mr. Truelove noted the two binders on the table behind him this evening, and Ms. Frick stated these are the binders she referenced. She stated these were received with the Sketch Plan Application. Mr. Truelove asked who they were distributed to per Township requirements. Ms. Frick stated they were distributed to the Environmental Advisory Council and the Board of Supervisors.

Mr. Truelove asked Ms. Frick if she also received and reviewed a Special Exception Application, and Ms. Frick agreed she did receive this on the same day 6/23/08 by a letter from Bohler Engineering. Exhibit T-19 was marked which is the letter dated 6/20/08 from Bohler Engineering that accompanied the Special Exception Application. Mr. Truelove asked if any binders Ms. Frick referenced earlier were accompanying the Special Exception Application, and Ms. Frick stated there were not and the only thing that accompanied the Special Exception Application was that which was noted on the submittal letter.

Mr. Truelove stated eventually the Planning Commission heard an presentation from the Applicant in this case, and he asked if this was for the Special Exception or for the Sketch Plan; and Ms. Frick stated this was for the Special Exception Application. Mr. Truelove stated the binders Ms. Frick referenced were not part of the Special Exception Application to the Planning Commission, and Ms. Frick agreed. Mr. Truelove asked if at some point was there an Amended Zoning Hearing Board Application for Special Exception, and Ms. Frick agreed there was submitted on or about July 24, 2008. Mr. Truelove asked if this impacted on the time frame to review, and Ms. Frick stated it did. She stated there was included with the Amended Application a letter from the attorney, Mr. VanLuvanee, with regard to when it was scheduled before the Zoning Hearing Board and the date that was certain.

Mr. Truelove asked Ms. Frick if she was present when the Planning Commission heard the presentation by the Applicant in this case for the Special Exception, and Ms. Frick stated she was. Mr. Truelove asked if the binders which were referenced produced as part of that presentation before the Planning Commission, and Ms. Frick stated they were not.

Mr. Truelove asked Ms. Frick her role in reviewing a Special Exception Application; and Ms. Frick stated it is reviewed for completeness which means making sure that the Section from which they are seeking relief is noted on the Application, the Application is signed, dated, notarized if applicable, and that the applicable fee is paid. Mr. Truelove asked if, in her experience in the years she has been with Lower Makefield Township, does she have discretion to deny a Special Exception Application if all of those technical requirements have been met; and Ms. Frick stated she was advised by the previous Township solicitor that any time an Application is received, as long as it has the requirements she noted, it is her responsibility to forward it on to the Zoning Hearing Board. Mr. Truelove stated Mr. Koopman was the Counsel who advised her to do this, and Ms. Frick agreed. Mr. Truelove asked if it was fair to state that she did not evaluate the Application for Special Exception in conjunction with any Ordinance requirements, and Ms. Frick agreed.

Mr. Truelove asked Ms. Frick if she spoke to Mr. VanLuvanee at any time during the Application process either for the Special Exception or the Sketch Plan; and Ms. Frick stated she does not believe she did. She stated the only correspondence she recalls was an e-mail on 5/12/08 wherein Mr. VanLuvanee asked her for her Zoning interpretation regarding the height, and this was forwarded on to Mr. Truelove.

Mr. Smolow noted Exhibit T-19 – transmittal for the Special Exception, and stated it refers to two 40,000 square foot buildings one of which will be used as a medical office building for out-patient services and the other utilized for Hospital administrative/support center; and Ms. Frick stated this is how it reads. Mr. Smolow asked if there was ever a change to that description as to the uses of those buildings, and Ms. Frick stated she received an Amended Zoning Hearing Board Application on 7/24/08 including a request for a medical office use. Mr. Smolow asked if that Amended Application described a different Use for the two 40,000 square foot buildings, and Ms. Frick stated it was amended to include a Medical Use. Mr. Smolow stated in other words, the 40,000 square foot building that was designated for use as a Hospital Administrative/Support Center was changed to be used as a Medical Use; and Ms. Frick stated she does not have the Application in front of her and can only advise from memory that the Application was amended to include the Special Exception Use for a Medical Office.

Mr. Truelove moved for the admission of Exhibits T-16 through T-19, and this was acceptable.

Mr. Toadvine advised Mr. Smolow that his Exhibits have never been moved into Evidence, and Mr. Smolow moved them for admission; and there was no objection.

Mr. Kim noted Exhibit T-18 and T-19 had a date of 6/20/08 “Hand Delivered,” and he understands she received the Application on 6/23/08; and Ms. Frick stated the letter was dated 6/20/08 but the Township did not receive it until 6/23/08. It was hand delivered on 6/23/08.

Mr. Truelove stated the Township has no other Witnesses, and the Township rests.

Ms. Frick left the meeting at this time.

Mr. Smolow called Ms. Sharon Kimmel who was sworn in and stated she lives at 1036 Lindenhurst Road, Broad Meadows Farm, which is directly across the street from the proposed Hospital. She stated she has been there since 1972. Mr. Smolow stated her house has a driveway that leads to Lindenhurst Road, and Ms. Kimmel agreed. Mr. Smolow asked Ms. Kimmel if she operates a business on the premises where she lives, and Ms. Kimmel stated she gives riding instruction and she previously trained horses and bred Arabians; although now her specialty is just giving riding instruction. She has thirty horses at the property and approximately eighty to ninety students ranging in age from eight to sixty-four. She offers lessons Monday through Thursday evening and Saturday from 9 to 2.

Mr. Smolow stated he understands because of the location of her house to the proposed Hospital location, she is familiar with the intersection; and Ms. Kimmel stated she is. Mr. Smolow asked that she describe how frequently she goes by the intersection of Stony Hill and Route 332; and Ms. Kimmel stated she does so daily but she tries to avoid it if she can by turning right out of her driveway and going through secondary roads to try to avoid the traffic, although there are times that she does use 332.

Mr. Smolow asked Ms. Kimmel if she can see 332 from her house, and Ms. Kimmel stated she can. He asked if she can observe traffic conditions from her house on a daily basis, and Ms. Kimmel stated she can. Mr. Smolow asked about traffic conditions during the morning rush hour, and Ms. Kimmel stated it is bumper to bumper on 332 from approximately 7 to 8:30 and the again in the afternoon. She stated it is bumper to bumper on 332 and there is a bottleneck on Lindenhurst Road making it very difficult to get out of her driveway. Ms. Kimmel stated there are bottlenecks on 332 in both directions, and she has seen the traffic backed up down to Giant and coming from Yardley, she has seen it backed up past Creamery, Mirror Lake, down to where there is a private lake which is a couple miles. Mr. Smolow asked Ms. Kimmel how often she sees traffic conditions backed up as she just described, and Ms. Kimmel stated this is seen Monday through Friday. She stated they get a reprieve on Saturdays and Sundays and major holidays.

Mr. Smolow asked Ms. Kimmel if she has difficulty getting out of her property onto Lindenhurst Road in the mornings and evenings; and Ms. Kimmel stated if she sat at the end of her driveway and waited to turn left during rush hour, it would take approximately ten to twelve minutes to get out of the driveway. She stated this is in the morning and often in the afternoon as well. Ms Smolow stated she indicated she sometimes takes an avoidance route, and Ms Kimmel agreed and again described that she takes a right out of her driveway and then either Twining Road to go to Newtown or Quarry or Woodside to go to Yardley. Mr. Smolow asked if the conditions just described occur year round, and Ms. Kimmel stated this is all year round with the exception of a holiday or the weekend.

Mr. Smolow stated he has questions of Ms. Kimmel about her business, horseback riding, and teaching, and how this will be affected by frequent ambulances and siren noises. He asked Ms. Kimmel if she has a judgment as to how this will impact her School and her students if the horses are subject to frequent emergency sirens.

Mr. VanLuvanee objected.

Mr. Malinowski stated he is not sure how they will know how often they will hear sirens, and Mr. Smolow stated he will have the Witness testify as to they react to sirens and how frequently that occurs would be something for the Board to determine recognizing the fact that they know, based on the evidence, that there will be 28,000 emergency room admissions some of which will involve sirens.

Mr. Malinowski stated they will hear how the animals might react to sirens.

Mr. VanLuvanee stated he has a continuing Objection to this line of questioning.

Mr. Smolow asked Ms. Kimmel if she is familiar with how animals react to sirens, and Ms. Kimmel stated she is. She stated horses are flight animals, and if they become afraid of something, the first thing they want to do it run off; and if she has a beginner on a horse that cannot pull the horse or pony up, this causes her concern. She stated this has happened in the past so this is not speculation. She stated you do not know how a horse will react, and she could have the same horse not become frightened of a siren or loud noise for three months and then the horse will become “spooked” at some loud noise or a siren. She stated she is most concerned with medivac units flying over if she has beginners on horses. Mr. Smolow asked what she means by “concerned,” and Ms. Kimmel stated when one horse “spooks” if there are three or four others in the ring, she will have four horses rushing as they will follow one another; and she could have one person on the ground or four people on the ground. Mr. Smolow asked if she has concerns about safety, and Ms. Kimmel stated she does; and she stated she has had horses “spook” at helicopters flying around. Mr. Smolow asked how she feels they would react to a helicopter landing on the property that is proposed for the Hospital, and Ms. Kimmel

stated she feels they will probably “spook” from the sound of the propellers; and does not know if they will actually see the helicopter. She stated they do not allow horses to ride in the front field.

Mr. Smolow asked Ms. Kimmel what she does to accommodate her students with respect to traffic and scheduling; and Ms. Kimmel stated she has parents advising her that they do not want to schedule their children between 4 and 6 because they are horrified at having to sit in traffic, getting to her place in time to tack up their own horse, and then having to pick up the child later on, being in traffic. She stated some come from Schools and have to take secondary roads, so it is an issue. She stated many parents want to schedule their lessons on Saturday, and she can only accommodate so many on a Saturday.

Mr. Gruen asked if she turns her horses out, and Ms. Kimmel stated the horses are out spring, summer, and fall 24/7. She stated they do come in to eat in the morning and come in, in the afternoon; and the school horses remain in the barn for a few hours until lessons are over. When they are done being used, they are turned back out to pasture. She stated she does have turn-out sheds. She stated in the winter they will stay in overnight.

Mr. Gruen asked about the fencing; and she stated they have a three rail post and rail fence, and they have two strands of electric wire on the inside of the post and rail. Mr. Gruen asked if a helicopter comes by very low to land, could the horses “spook” and go through the fences, and Ms. Kimmel stated this is possible.

Mr. Smolow called Mr. Stephen Mosley who was sworn in.

Mr. Malinowski asked Mr. Smolow if he anticipates this Witness will take some time to testify, and asked if it would be better to proceed at the next meeting recognizing the meeting will end this evening at 10:00 p.m.; and Mr. Smolow asked that they proceed with this Witness at the next meeting.

Mr. Toadvine stated Mr. Truelove has rested. He asked Mr. Koopman if he has any Witnesses, and Mr. Koopman stated he has no additional Witnesses. There was discussion on the date of the next meeting, and it was agreed to hold the meeting on July 21 at 7:00 p.m. Mr. Smolow anticipated that his Witness will take fifteen to twenty minutes. Mr. Toadvine stated since this will be the last Witnesses, he would anticipate that at the July 21 meeting, the residents will be given an opportunity to testify and voice their concerns. He stated he feels they should be able to conclude testimony on July 21. He stated the Board will want to see proposed Findings of Facts and he suggested that the attorneys begin working on these as he assumes the Board will want all of the proposed Findings of Fact before the second meeting in August, which is August 18 so that they can render a Decision at that meeting. Mr. Truelove asked for an extension noting he is

June 16, 2009

Zoning Hearing Board – page 29 of 29

on vacation the last week of July and first week in August. Mr. Toadvine stated at this point, this is only a tentative plan. Mr. Toadvine stated Mr. Bamburak will not be present, but he will be able to review the transcript.

Mr. Gruen moved, Mr. Kim seconded and it was unanimously carried to continue the matter to July 21, 2009 at 7:00 p.m.

Mr. Gruen moved, Mr. Kim seconded and it was unanimously carried to adjourn the meeting at 10:00 p.m.

Respectfully Submitted,

David Malinowski, Chairman