

TOWNSHIP OF LOWER MAKEFIELD
PLANNING COMMISSION
MINUTES – AUGUST 12, 2019

The regular meeting of the Planning Commission of the Township of Lower Makefield was held in the Municipal Building on August 12, 2019. Mr. Wallace called the meeting to order at 7:30 p.m.

Those present:

Planning Commission: Chad Wallace, Chair
 Craig Bryson, Vice Chair
 Charles Halboth, Secretary
 Ross Bruch, Member

Others: James Majewski, Director Planning and Zoning
 Barbara Kirk, Township Solicitor
 Andrew Pockl, Township Engineer
 John B. Lewis, Supervisor Liaison (joined meeting in
 progress)

APPROVAL OF MINUTES

Mr. Bryson moved, Mr. Bruch seconded and it was unanimously carried to approve the Minutes of May 13, 2019 and July 22, 2019 as written.

#668 – LOWER MAKEFIELD CORPORATE CENTER NORTH CAMPUS PRELIMINARY/FINAL
LAND DEVELOPMENT PLAN

Tax Parcel #20-016-041 – O/R Office Research Zoning District
1030 – 1050 Stony Hill Road

Proposed reconfiguration of central parking area to create a courtyard that increases green space, outdoor gathering spaces, reduces parking spaces, traffic calming elements, and improved pedestrian circulation.

Mr. Wallace stated they have received a request to Continue this until a meeting in September. Mr. Majewski stated no Motion is required, and this is just to advise the public in case someone is present for this item this evening that it will be heard in September. He stated Notice will be published on the Township Website on the Planning Commission page as well as the Township Bulletin Board.

#669 – LOWER MAKEFIELD CORPORATE CENTER SOUTH CAMPUS PRELIMINARY/FINAL
LAND DEVELOPMENT PLAN

Tax Parcel 20-012-006-003 – O/R Office Research Zoning District
770, 790, and 800 Township Line Road

Proposed reconfiguration of front parking area to create a courtyard near the pond that increases green space, outdoor gathering spaces, reduces parking spaces, traffic calming elements, and improved pedestrian circulation.

Mr. Wallace stated a request was also received that this matter be Continued until a meeting in September as well.

PETITION FOR AMENDMENT TO THE ZONING ORDINANCE AND MAP TO CREATE A
MIMXED-USE (MU) OVERLAY DISTRICT WITHIN THE OFFICE RESEARCH (OR) ZONING
DISTRICT

Tax Parcels 20-16-39, 20-16-40 & 20-16-40-1, 20-12-1-3, 20-12-2-2

Mr. Wallace stated there is a large crowd present this evening about this matter. He stated there has been a lot of information that has been distributed in social media and other types of communication. He stated tonight the individuals present will be speaking to the Planning Commission about whether or not the Township should consider re-zoning an area that is currently in an O/R Zoning District into a Mixed-Use Overlay District. He stated they are not here to talk about a specific Plan, and the discussion is whether or not the Township should consider a Zoning change to the current O/R District. Mr. Wallace stated a presentation will be given, the Planning Commission members will have the opportunity to ask questions, and then they will have Public Comment.

Mr. Bruch asked that O/R be defined, and Mr. Wallace stated it is Office Research.

A woman called out from the audience that she was unable to hear. The woman noted that there were people who were in the hallway and even outside of the building.

Mr. Wallace stated he had indicated that the purpose of the meeting was to discuss a re-Zoning of the O/R District to allow for an Overlay District of Mixed-Use in a particular part of the area that is currently Zoned Office Research, and they are not here to discuss a specific Plan. He stated a Plan has been proposed, but a discussion about whether or not the area should be re-Zoned needs to be discussed first.

Mr. Wallace stated after the presentation is given and the Planning Commission has the opportunity to ask questions, they are happy to hear comments from the Public. He asked that everyone be respectful and if you plan to make a comment that has been heard already, you would not need to reiterate the same thing over and over.

One woman called out from the audience stating that Mr. Wallace noted Office Research O/R, so right now that land is dedicated to some kind of Office space; and Mr. Wallace is saying that now it is going to Mixed Use which is “whatever.”

Ms. Kirk stated she serves as one of the attorneys for the Township, and she wanted to put on the Record as part of her duties for professional responsibility that over the weekend she received a mailer at her home in Lower Makefield from Citizens in opposition to the proposed Ordinance. Ms. Kirk stated she does not have a voice in the vote or recommendation by the Planning Commission, and she is here to provide legal counsel to the Planning Commission during the course of the meeting. She stated she takes no position one way or another about this Ordinance, and she wanted to make sure that there was no possibility of any appearance of impropriety by anybody present at this meeting.

Mr. Lewis joined the meeting at this time.

Mr. Wallace stated the Planning Commission is an Advisory Panel, and they make recommendations to the Board of Supervisors; but they do not have the final say on anything that takes place.

Mr. Steve Harris, attorney, was present representing the Applicants in this matter. He stated when they discussed this last with the Planning Commission, there were a number of very good suggestions made by members of the Planning Commission as to the language of the proposed Ordinance; and they have taken them into consideration and made a number of revisions to the Ordinance that they will describe this evening.

Mr. Harris stated they will first begin with a brief power point presentation. He stated it has been noted that there was a mailer sent out. Mr. Harris stated although tonight they are considering whether or not the Planning Commission should recommend the adoption of the proposed Mixed-Use Overlay District as revised, they do feel it is important to mention some of the issues that they believe were improperly stated in the mailer that went out. He stated he will be asking Mr. Vince DeLuca to make a presentation in that regard, and he will then ask Mr. John Kennedy, their planner who made the revisions to the Ordinance, to go through each of the revisions made and why they made them.

Mr. Vince DeLuca stated he is one of the principal partners in the proposed properties where they are considering the Mixed-Use Overlay District. He stated they were made aware of a post card mailer that was sent out, and a number of people forwarded it to them. He stated there are some things that are on the post card that are not accurate, and they would like to discuss that. He stated they have talked about the Plan at the Board of Supervisors and at a prior Planning Commission meeting. The Plan was shown, and he stated there is a two-hundred unit apartment on the right-hand side and 150,000 plus or minus square feet of Retail, which includes a 100,000 square foot supermarket and 53,000 square feet of other Retail uses.

Mr. DeLuca stated he understands that there were a number of people who spoke at the Board of Supervisors' meeting and the prior Planning Commission meeting that had objections to or concerns about the proposed Plan; however, he wanted to point out that there was a Petition started by a resident of Lower Makefield. A snapshot of that Petition was shown, and as of early this morning 1,062 people have signed in favor of what they are proposing.

Mr. DeLuca stated with regard to the post card that was mailed out, they are not proposing any warehouse nor does the Mixed-Use Overlay District allow for warehouse. He stated he understands that would be permitted by Special Exception under the current O/R District. He stated that separate Plan is under consideration by the Zoning Hearing Board. Mr. DeLuca stated this proposed Mixed-Use Overlay Ordinance does not allow for warehouse.

Mr. DeLuca stated the post card also indicated that they were proposing three hundred apartments which is incorrect. He stated the proposal is for one hundred two-bedroom apartments and one-hundred one-bedroom apartments and not two hundred two-bedroom apartments as shown on the post card.

Mr. DeLuca stated with regard to traffic, if the Ordinance is adopted by the Board of Supervisors, they would have to submit for the Township's review a detailed Traffic Impact Study which is required by the Township and ultimately PennDOT. He stated they have commissioned such a Study, and it is being prepared and would be available prior to the Public Hearing that the Board of Supervisors would be obligated to hold. Mr. Wallace asked if that was commissioned with PennDOT, and Mr. DeLuca stated they have commissioned it with their own traffic engineer; and it will be submitted to the Township who has its own independent traffic engineer who would review and comment upon it. He stated ultimately if there is a Plan approved, that Traffic Study along with the Plans and Uses would be reviewed by PennDOT. He stated they are accessing a PennDOT road, Stony Hill Road; and that requires a PennDOT Permit. He stated PennDOT does not only view the traffic on Stony Hill Road, they also view all the intersections that are impacted by such

traffic. He stated ultimately, PennDOT has the final say as to what improvements need to be done in order to not degrade the current Level of Service that exists. Mr. Wallace asked if the Traffic Study they are commissioning will look at what the impact would be of changing the Zoning in general or to the specific Plan that they have proposed. Mr. DeLuca stated their traffic engineer has been asked to review the specific impact of the traffic that would be generated under this Ordinance, but they will also speak to what traffic would be generated if it was developed strictly as O/R Office Research. He stated there will be a comparison as far as trips generated from Office Research compared to a Retail/Residential “live, work, and play community” as opposed to all Office. Mr. DeLuca again noted that ultimately PennDOT will review the Traffic Study, and they will make the final decision as to what intersections are impacted, to what level, and what level of improvements need to be completed in order to not degrade the Level of Service and/or maybe improve the Level of Service that currently exists. He stated the Applicants are fully aware that if the Plan goes forward there are significant traffic improvements that will need to be done mainly along the 332/Stony Hill Road stretch from the intersection to the I-95/295 on and off ramps.

Mr. DeLuca stated there has been some discussion about the financial impact, and they have engaged a Certified Planner who will prepare a Financial Impact Study. He stated showed a slide of some of the draft highlights. He stated the development, if approved, would generate approximately \$202,000 of tax revenue to Lower Makefield Township, and it would generate a net amount of \$1.158 million to the Pennsbury School District. He stated while it is labeled “Draft” because it is not completed, he does not believe the numbers will change although he did not want to commit that this was 100%. Mr. DeLuca stated this would be submitted and be available prior to a Public Hearing to adopt the Ordinance.

Mr. Wallace asked Mr. DeLuca when they considered this additional tax revenue did they evaluate what the property would generate or did it take into consideration the entire surrounding area. Mr. DeLuca stated the tax revenue generated was specifically from that property. Mr. Wallace stated it is not looking at the potential impact on the community in general for multiple other businesses, and Mr. DeLuca stated it is not.

Mr. DeLuca stated the question came up about the impact they would have with school-age children, and a slide was shown with regard to this. He stated there is a Nationally-recognized Study done by Rutgers University that makes projections about the demographics of different developments, and that Study shows that this two-hundred unit apartment complex with a combination of one and two-bedrooms would generate eleven Public school-age children.

A number of audience members called out at this time, and Mr. Wallace needed to call for order.

Mr. Wallace asked if the Financial Impact Study that is being conducted will also include Township Police, fire, etc. or is it just looking at dollars generated. He asked what that Study was looking at. Mr. DeLuca stated while Mr. Kennedy is not the Planner that did the Financial Impact Study, he would be able to speak as to what it would include. Mr. Kennedy stated it does include expenses that have been removed so that figure would be actual, annual net revenue that would be received by both the Township and the School District on an annual basis. Mr. Wallace asked what would be included in the expenses, and Mr. Kennedy stated it includes the cost to educate children, the Police, and fire personnel. He stated prior to preparing this there was extensive research done specifically on the Township and they got a “run down” on all of the expenses, and those have all been deducted. He stated in the expanded Study which will be submitted, those will all be brought out item by item.

Mr. DeLuca stated eleven school-aged children generate approximately \$145,000 of cost to the Pennsbury School District at roughly \$13,000 per student; and that is deducted from the School tax revenue to net it down to \$1.158 million.

Mr. Harris stated following the last meeting with the Planning Commission, Mr. Kennedy made a number of revisions to the Ordinance; and he asked Mr. Kennedy to review those. Mr. Harris stated all of the revisions were made in response to what he feels were very important suggestions made by the Planning Commission.

Mr. Kennedy stated the Planning Commission should have been provided in their packet a draft copy dated August 8, 2019 which is the latest copy, and they submitted red-line versions. He stated a number of changes were made at the Planning Commission’s suggestion as well as on further reflection.

Mr. Kennedy noted Page 2 where they reconsidered some of the Uses, and they removed the use, Funeral Home as well as corrected a typo.

Mr. Kennedy noted Page 3 which relates to the discussion as to how the tract might be further subdivided in the future. He stated they felt good points were made so they made it much more explicit that at the time of submission for the Application that is when the tract has to adhere to all the dimensional and bulk requirements for Zoning, and it would then be subsequently that a Special Conveying Subdivision could take place. He stated A at the top and E at the bottom work in tandem to address that topic. Mr. Kennedy stated in the middle of the page under B2, they clarified that there

would also be a minimum percentage of land area for Residential Use. He stated the point of that was so that there would not be either 100% Residential or 100% Commercial, and a mix is required.

A gentleman called out from the audience asking who was speaking. He stated the speaker should identify himself “right now” to the public. Mr. Wallace reminded the gentleman calling out that they were conducting a meeting, and that there would be an opportunity for the public to speak. Mr. Wallace stated the gentlemen who are presenting are individuals who represent the Applicants. The gentleman continued to call out indicating he wanted to know “who he is and what he does.”

Mr. Kennedy stated since there were many people present who were not here the last time they were before the Planning Commission, he introduced himself and stated he is a professional land planner. He stated he has been retained by the owners of the property to work on the lay-out and also the Zoning.

The same gentleman from the audience called out again and asked that the rest of the speakers represent themselves to the public. It was noted that those who had spoken did indicate who they were. The gentleman stated they should also state their responsibilities.

Mr. Kennedy noted Page 4 under Area and Dimensional Requirements where they also took a Planning Commission suggestion and put in a maximum floor area ratio which they would propose to be 0.30.

Mr. Kennedy noted Page 5, and he stated there was a prior discussion about the bonuses. He stated the way the Ordinance works there is a minimum base density and a minimum base amount of impervious coverage and disturbance, etc. which are typically used to control the intensity of a project. He stated in return for doing certain things, some of those items could be increased. He noted the first bonus is historic building preservation. He stated there are two historic buildings on the property – the farmhouse and the barn. He stated not all developers would contemplate preserving and reusing those, and they are contemplating repurposing them. He stated they are in “exactly the wrong place,” which means that they have to design the development around them; and they have gone to “great pains” to do that. He stated that would be an example of a bonus.

Mr. Kennedy stated he will not go over each of the bonuses individually; but if there are any questions regarding them, he would be willing to answer any questions. He stated generally they were reduced across the board. Mr. Kennedy stated they did add two bonuses – one for stormwater infrastructure which was basically providing some

additional stormwater facilities above and beyond what would be required to handle the project. He stated they also provided a bonus for alternative transportation infrastructure which would include providing at least five charging stations for electric automobiles plus one of the following: five parking spaces designated for car sharing, pick up and drop off, or bicycle racks designed to accommodate at least ten bicycles. He stated these additional bonuses were based on the discussion they had previously with the Planning Commission.

Mr. Kennedy noted Page 6 under Reserved Parking where they have added a clause that was at the suggestion of the Planning Commission. He stated below that they also added a clarification of some of the parking sizes. He stated they also added a dimension for two-way and one-way parking aisles at the suggestion of the Township engineer. Mr. Kennedy stated they also added a reference to signage that was something that was not in the prior draft. He stated there is no change to the signage, and it is just a reference to the Residential signage standards and the Commercial signage standards that already exist in the Ordinance.

Mr. Halboth stated the parcel they own where they are proposing to do “something with” is a portion of the overall area that we are talking about that is Zoned O/R. Mr. Kennedy agreed, and he stated the Overlay would not apply to the entire O/R District. Mr. Halboth stated he does not believe that has been made clear. Mr. Kennedy stated that is established on Page 1 in 200-50.6 where there are a number of criteria which are required for the Mixed-Use option to be utilized. He noted the bottom of the page A 1, 2, and 3. He stated first and foremost the tract must be located in the Office Research O/R District. He stated there is also a minimum tract area, and the gross tract area must be at least thirty acres. He stated the tract shall also have a minimum of 1,000 linear feet of frontage on an Arterial Road. He stated there is also a requirement that any portion of the tract shall be within one quarter mile or 1,320’ of the H/C Commercial District. Mr. Kennedy stated what this ties back to is with regard to the intent as they are trying to tie this to the Village, which is why they feel this is really only appropriate to those parts of the O/R that are in proximity to Edgewood Village.

Mr. Halboth stated he understands that they are talking about the Overlay District as an Ordinance for the Township, and that Ordinance would apply to all O/R Districts; however, Mr. Kennedy stated that is incorrect. He stated it is correct that it is an Overlay so that the underlying Zoning would not change, and the property could still be developed in accordance with O/R regulations; however, it is only properties which are within the criteria that he just outlined.

Mr. Halboth stated he has concern with the bonus provisions, and the fact that they may result in the potential for unanticipated consequences if they were applied to a tract outside of the Applicant's tract. He asked if the bonus provisions only apply to the Applicant's development and their tract and not the remainder of the Overlay District or any other Overlay Districts in the Township. Mr. Kennedy stated they only apply to the Mixed-Use Overlay District as defined in the Ordinance, and they do not apply anywhere else in the Township. He stated in order to qualify for the Mixed-Use Overlay District all three of the criteria at the bottom of the page must be fulfilled.

Mr. Harris stated there was a map that was attached to the original power point that showed the Planning Commission exactly what tracts were impacted, and Mr. Halboth stated he does have that. Mr. Harris stated there are five property owners that are affected.

The same gentleman who had called out previously asked to speak, and was advised that it was not yet time for Public Comment. A number of other audience members began calling out.

Mr. Bryson stated they recognize that there is a large crowd present, and they are asking that they wait until the Public Comment portion when the public will have the opportunity to come up and discuss the points they wish to talk about. He stated they need to keep the meeting orderly and moving forward, and he asked that those in the audience restrain from outbursts.

When Mr. Bryson attempted to ask the Applicant a question, a woman from the audience asked how the public will be able to discuss this when they cannot hear. She stated it is not "fair to all the residents standing out here who have a concern as well as the ones inside." Others in the audience continued to call out. Mr. Wallace stated they are doing the best they can with the microphones. Many in the audience began calling out at the same time and asking various questions.

Mr. Majewski stated they need to maintain decorum, and added they are trying to do the best they can. Mr. Majewski stated he agrees that they need to use the microphones. People continued to call out. Mr. Majewski stated when they speak directly into the microphone, he believes those in the audience should be able to hear; and he asked that the Planning Commission members and the Applicants continue to pull the microphones close and speak into them. He also asked that the audience remain quiet so everyone can better hear what is going on.

A woman from the audience called out that there was a “whole crowd” outside that cannot hear. Another woman stated there are doors that are open with people spilling out. She stated they cannot hear and they cannot get in. Numerous people began calling out from the audience. Mr. Wallace stated no one is trying to prevent anyone from hearing anything, and they are doing all they can. Again numerous people were calling out from the audience.

The gentleman who had initially called out from the audience at the beginning of the discussion began screaming, and Mr. Majewski asked that he keep himself under control or they would have to call the Police. The gentleman asked if he was going to be taken out; and stated if they were to call the Police, they better send a “real big guy.”

A recess was taken at this time.

When the meeting was reconvened, Ms. Kirk stated that the Planning Commission members took a brief recess. She stated no discussion was made about the contents of the Ordinance, and the discussion centered as to what facility in the Township was large enough to accommodate everyone being in the room during the course of the presentation so that people are not outside in the hall struggling to hear. She stated as a result, and after talking with Mr. Harris the attorney for the Applicant, the Planning Commission is going to request that the Applicant agree to a Continuance. She stated the Township is going to contact the School District to ascertain if an auditorium at one of the local Schools is available to accommodate everyone for the next presentation before the Planning Commission. She stated they do not know what the schedule is or how soon that meeting can be coordinated.

Mr. Wallace stated they can only do so much with this room given all the people present. He stated they want to make sure that everyone has the ability to properly hear what is being discussed and to provide their input. He stated the only way they perceive being able to do that is to try to have a larger venue. He stated they cannot proceed tonight under the current circumstances.

Mr. Harris stated the Applicant supports that decision and has no objection to the matter being Continued to some day that is going to have to be determined when there is a facility available.

Ms. Kirk stated all present should keep in mind that tonight's meeting was the second meeting and was a Continuance of a meeting that occurred in July. She stated if anyone has questions about what the proposed Ordinance looks like, what land it affects, or anything else, they should go onto the Township's Website because all of the information that was filed with the Township is on the Website. She stated there should not therefore be anyone calling out, "who is this person talking, who is he, what is it that they are saying, what is an O/R District" etc. as all of that information is available to the public; and everyone should be prepared to look at it in anticipation of the next meeting.

Mr. Majewski stated they also have paper copies of that available for review at the Township Offices which is open from 8 a.m. to 4:30 p.m. on regular business days. Mr. Majewski stated the next meeting it could be heard would be the fourth Monday of the month, but that will need to be confirmed.

Mr. Wallace stated as soon as they get confirmation as to where and when they can hold the meeting, they will get that information out on the Township Website.

Many people called out from the audience stating the Township should mail this out to the residents.

Mr. Majewski stated they may put an advertisement in the newspaper for those who are not computer literate.

Again many people called out from the audience saying the Township should send something out in the mail. Mr. Wallace called for order as people continued to call out.

Ms. Kirk stated she feels there should be a printed Notice taped to the front door of the Township Building so that if it is not seen on the Township Website or in the newspaper, it will be on the door.

One woman stated a Petition in favor of a Wegmans was referenced, and she asked if there is something on the Website that would be for those who are against a Wegmans. Mr. Wallace stated that no Petition was on the Township Website.

One woman called out that she wants a Petition against a Wegmans, and Mr. Wallace again called for order adding they cannot continue when people continue to make outbursts.

Mr. Wallace stated the Petition presented had nothing to do with anyone on the Planning Commission.

People continued to call out from the audience.

Mr. Halboth stated they are welcome to start a Petition themselves.

Mr. Majewski stated the Township does not do Petitions, and they did not send out the post card mailing that residents received. He stated he is sure that whoever sent that out would be happy to send another one. He stated the Township will put a Notice of the meeting date on the front door, and anyone is welcome to call his Office to find out when the meeting will be held.

Mr. Lewis stated he is the Supervisor Liaison to the Planning Commission. He stated if you are in favor of or against the proposed Ordinance or the land use, you can contact the elected Supervisors. He stated their e-mails and phone numbers are on the Township Website at lmt.org. He stated he answers all e-mails, and the public is welcome to share their thoughts with all the Supervisors. He stated that would be more effective than an individual Petition. He stated the elected Supervisors are the ones who are ultimately accountable. He stated the Planning Commission members are citizens, and they are trying to do the best that they can; and they deserve our respect and our admiration for taking on this role, and he thanked them on this difficult evening.

Mr. Wallace moved, Mr. Bryson seconded and it was unanimously carried to Continue the meeting.

Mr. Wallace stated as soon as they have information available as to time and place they will do everything they can to disseminate that information as much as possible.

There being no further business, the meeting was adjourned at 8:20 p.m.

Respectfully Submitted,

Charles Halboth, Secretary