

TOWNSHIP OF LOWER MAKEFIELD  
ZONING HEARING BOARD  
MINUTES – NOVEMBER 19, 2019

The regular meeting of the Zoning Hearing Board of the Township of Lower Makefield was held in the Municipal Building on November 19, 2019. Mr. Zamparelli called the meeting to order at 7:40 p.m.

Those present:

Zoning Hearing Board:       Anthony Zamparelli, Chair  
                                      Keith DosSantos, Vice Chair  
                                      James McCartney, Secretary  
                                      Pamela Lee, Member  
                                      Peter Solor, Member

Others:                         James Majewski, Director Planning & Zoning  
                                      Barbara Kirk, Township Solicitor  
                                      Adam Flager, Zoning Hearing Board Solicitor  
                                      Frederic K. Weiss, Supervisor Liaison

Mr. Zamparelli announced that Appeal #19-1852 John & Kerrey McClintock and Appeal #19-1853 Pennsylvania-American Water Company have been continued as there was a clerical issue with the advertisement. He stated they will be heard on December 3, 2019, and will not be heard this evening.

Mr. Flager stated the Board met in Executive Session prior to the meeting to go over some procedural issues.

Mr. Flager stated Jerry Gruen is no longer on the Board; and as he was the Chair, they are going to have new Chair selected. He stated Mr. Zamparelli as Vice Chair has been filling in; but now that they have a full Board, they can select a new Acting Chair until the end of the year.

Mr. DosSantos moved, Mr. McCartney seconded and it was unanimously carried to appoint Anthony Zamparelli as Acting Chair.

Mr. McCartney moved, Mr. Solor seconded and it was unanimously carried to appoint Keith DosSantos as Vice Chair.

Ms. Lee moved, Mr. DosSantos seconded and it was unanimously carried to appoint James McCartney as Secretary.

APPEAL #19-1826 – SHADY BROOK INVESTORS, L.P.  
TAX PARCEL #20-016-039, 20-012-001-003, 20-012, 002-002  
INTERSECTION OF STONY HILL ROAD AND TOWNSHIP LINE ROAD

Mr. Edward Murphy, attorney, Mr. Bob Dwyer, and Mr. Chris Williams, traffic engineer were present.

Mr. Zamparelli stated since this matter had been heard some time ago, he would like to have a brief recap.

Mr. Flager stated this is a Special Exception and not a Variance. He stated this is a different legal standard that has to be met. He stated a Special Exception is considered a permitted use under the Ordinance. He stated under the Zoning Ordinances there are uses by right which do not require any permission or approval by the Zoning Hearing Board or the Board of Supervisors, Conditional Uses which require approval by the Board of Supervisors, and Special Exceptions which require approval by the Zoning Hearing Board. Mr. Flager stated the standards are found in Chapter 200-98 of the Zoning Ordinance for the Township, and that is what they are here for tonight.

Mr. Murphy stated they initially came before the Zoning Hearing Board on April 16 and presented Testimony through Erik Garton, the project Civil Engineer from Gilmore, and from Chris Williams, the project traffic consultant. Mr. Murphy stated as noted by Mr. Flager this is a Special Exception request to locate a warehouse in the O/R Zoning District. The property in question is 14.85 acres, and it is an aggregate of three separate Tax Parcels. He stated what is proposed is a 125,775 square foot, one-story, high cube warehouse with 252 parking spaces all of which are depicted on the Plan that was included with the Application.

Mr. Murphy stated the warehouse use is permitted by Special Exception as shown in Section 200-48.B(8). He stated as Mr. Flager indicated the more specific Special Exception standards are found in Section 200-98. Mr. Murphy stated during the Hearing on April 16, they went through all the standards that are outlined in Section 200-98 through the Testimony of Mr. Garton and Mr. Williams.

Mr. Murphy stated at the conclusion of the April 16 Hearing it was suggested by the Zoning Hearing Board and the Township staff that a Traffic Study be prepared to analyze the impact of the proposed use on the surrounding roadways. He stated during the initial Hearing in April, they presented as an Exhibit a comparison between the previously-approved Office project for this property against the warehouse use; and the traffic reduction between those two uses was fairly dramatic. He stated it was still recommended by the Township that a Traffic Study be done.

Mr. Murphy stated as a result of the Applicant complying with that request, they have Continued the Hearing multiple times between April and tonight to give Mr. Williams an opportunity to prepare the study, to give the Township traffic consultant an opportunity to review it, and to thereafter submit the comments of the Township traffic consultant to PennDOT. Mr. Murphy stated Mr. Williams will testify to the process he went through to do that. Mr. Murphy stated this culminated in a letter in September from PennDOT indicating their reaction and response to the Study that was submitted. Mr. Murphy stated there was further follow-up from the Township traffic consultant and Mr. Williams. He stated over the last six months, they have focused on the Traffic Study.

Mr. Murphy stated his intention this evening is to complete the Record by having Mr. Williams testify about the steps he took in concert with the Township traffic consultant and PennDOT to provide the appropriate scope for the Study, undertake the Study, and submit it and have it reviewed by PennDOT and the Township traffic consultant.

It was noted that Mr. William had been sworn in previously, and he reviewed his qualifications and experience. Mr. Williams agreed with the summary that Mr. Murphy had just provided.

Mr. Murphy stated he had made reference to the chart that was introduce in April that compared the previously-approved 180,000 square foot Office project for this parcel as compared to the 125,750 square foot warehouse, and he asked Mr. Williams to compare the two traffic impacts based on the chart that was submitted.

Mr. Williams stated the chart that was submitted in April compared the Warehouse use and the previously-approved Office use; and what that chart showed was that during the morning rush hour the Warehouse use generated 108 fewer peak hour trips than the Office, and during the week day afternoon commuter peak hour the Warehouse use generated 119 fewer peak hour trips than the Office use. Mr. Williams stated as they moved forward through the Traffic Impact Study process as requested by the Zoning Hearing Board, those numbers did change slightly; but what did not change was the concept that the Warehouse use still generates less traffic than the previously-approved Office use.

Mr. Murphy stated at the end of the Hearing on April 16, the Applicant was requested and had agreed to undertake a Traffic Study. Mr. Murphy stated the first step in the Traffic Study preparation is to agree upon a scope of the Study, and he asked Mr. Williams what is meant by “scope” and what he did to identify the appropriate scope of the Study. Mr. Williams stated there were two steps in confirming the scope of the Traffic Study. He stated they consulted with the Township’s traffic engineer, Traffic Planning & Design; and they reached an agreement as to what the scope should be including the peak hours that they would study, the intersections that they would study, and the method by which they would estimate the traffic from the Warehouse use as that was a big topic of discussion at the Hearing in April. He stated they reached an agreement with Traffic Planning & Design as to what the scope of the Traffic Study would be.

Mr. Murphy asked if they also consulted with PennDOT before they started the Study to see if they would also agree, and Mr. Williams stated they did. He stated PennDOT has a defined process whereby you submit a Traffic Impact Study Scoping Application to PennDOT where they outline the proposed scope. He stated they submitted this, and they received comments from PennDOT on the scope, and they ultimately reached an agreement as to what the scope of the Study should be.

Mr. DosSantos stated the request to PennDOT regarding the scope is done prior to the Study being performed, and Mr. Williams agreed. Mr. DosSantos stated Mr. Williams and the Township came to an agreement, and then that proposal was sent to PennDOT who signed off on it, and Mr. Williams agreed.

Mr. Murphy marked Exhibit A-9, and Mr. Williams stated this is an e-mail from PennDOT. He stated most notable is Comment 1 whereby they agree that the scope elements appear acceptable which includes the type of Study, the development schedule, the trip generation, the Study area which includes the intersections, the analysis period being the weekday morning and afternoon peak periods, the background growth rate, and other Developments in the area that they would consider as part of the Traffic Impact Study.

Mr. Williams stated there are numerous other comments in the letter, but many of those deal with issues regarding the design of the site access and more detailed design elements that they would not address until they moved into the design of the project in securing a Highway Occupancy Permit from PennDOT; and they are not at that point yet.

Mr. Murphy stated after they reached agreement with the Township traffic consultant and PennDOT as to the scope of the Study, they then undertook the Study; and Mr. Williams agreed.

Mr. Murphy marked Exhibit A-10 which is a letter dated July 11, 2019 on Mr. Williams' letterhead addressed to Francis Hanney of PennDOT with a copy to the Township. Mr. Williams stated this is a transmittal letter whereby they first submitted the Traffic Impact Study to PennDOT and provided a response to each of the comments that were raised in PennDOT Scope Review letter.

Mr. Williams stated over the course of the process they completed a total of three Traffic Impact Studies, and he has copies of two of them this evening which will be entered into the Record.

Mr. Murphy stated Mr. Williams submitted the Traffic Impact Study to PennDOT and to the Township on or about July 11. Mr. Williams stated on July 11 they submitted a copy of the Traffic Study to PennDOT. He stated prior to July 11, they submitted the Traffic Study to the Township and Traffic Planning & Design; and that was the Traffic Impact Study dated July 1, 2019.

Mr. Murphy marked that Traffic Study dated July 1, 2019 as Exhibit A-11. Mr. Williams stated that was the first Study submitted to the Township and the first Study that the Township's traffic consultant reviewed on behalf of the Township.

Mr. DosSantos asked if that was what transmitted to PennDOT on July 11, and Mr. Williams stated it was not; and that was an interim Study that was submitted to PennDOT.

Mr. Murphy marked as Exhibit A-12, a July 15 letter from TPD, the Township traffic consultant.

Mr. Murphy stated it is dated four days after the July 11 letter; however, Mr. Williams just testified that he had provided the Study that was marked as Exhibit A-11 to TPD on July 1, and Mr. Williams agreed. Mr. Williams stated the review letter dated July 15 is the review letter which reviews the Study that the Zoning Hearing Board just received.

Mr. Murphy asked Mr. Williams to describe to the Zoning Hearing Board the discussion he had with TPD after receiving the July 15 review letter. Mr. Williams stated there were a few comments in the review letter, and they took the opportunity to revise the report in response to these comments. He stated TPD had indicated that a Highway Occupancy Permit would be necessary from PennDOT because it is a State road. He stated the second comment indicates the way they refer to I-295 westbound should be referred to as I-295 westbound as opposed to southbound. He stated Comment #3 in the TPD letter takes note of the traffic conditions at the Route 332 intersection with Stony Hill Road; and it raises interest in additional improvements to the intersection consisting of dual, left-turn lanes on westbound Newtown By-Pass and improvements to address congestion and queuing at the intersection. He stated Comment #4 asked that they re-visit the driveway classifications for the warehouse based on the traffic volume generated by the warehouse. He stated Comment #5 states that although not Warranted based on volume, TPD is recommending that right-turn deceleration lanes be provided at both of the warehouse driveways.

Mr. Williams stated Comment #6 provides comments regarding the Site Plan whereby TPD is asking for crosswalks at the driveway, asking for truck-turning templates to be provided, asking for additional geometric changes to the radius of the right-in/right-out driveway, and asking for a sidewalk connection. He stated all of those are not Traffic Impact Study related, but TPD has indicated that those are things that they feel should be evaluated when and if the project moves into Land Development.

Mr. Williams stated the final comment from TPD is a request that they upgrade the traffic signal detection to the Township's current standard at Stony Hill Road and Township Line Road.

Mr. Murphy asked Mr. Williams how, if at all, he responded to the comments of TPD outlined in the July 15 review letter. Mr. Williams stated shortly after receiving TPD's review letter, they also received the first review letter from PennDOT so they prepared a Revised Study that addressed both the TPD comments and the PennDOT comments; and that is what led to the development of a Traffic Study dated August 29, 2019.

Mr. Murphy asked as Exhibit A-13 a transmittal letter from Mr. Williams's office addressed to Fran Hanney at PennDOT.

Mr. Williams stated the August 29 letter addressed to Fran Hanney at PennDOT is their response letter to the first set of comments that they received from PennDOT and also serves as a transmittal letter whereby they submitted the Revised August 29 Traffic Impact Study. Mr. Williams stated PennDOT had a

series of comments with regard to some of the technical elements of the Traffic Study as well as some comments with regard to the site design; and they addressed those comments with the Revised August 29 Traffic Impact Study.

Mr. Murphy marked the Revised Traffic Impact Study as Exhibit A-14, and distributed that this evening.

Mr. Murphy asked Mr. Williams what happened after he submitted the updated Traffic Study in late August to PennDOT and the Township. Mr. Williams stated they received a review letter from PennDOT dated September 24, 2019. He stated they later received a review letter from Traffic Planning & Design on behalf of the Township dated October 25, 2019.

Mr. Murphy marked as Exhibit A-15 which is the September 24 response from PennDOT.

Mr. Murphy asked Mr. Williams to describe what was PennDOT's response was to the updated Study of August 29. Mr. Williams stated most of the comments in the letter are more procedural with regard to Application Fees that have to be paid to PennDOT as part of the process. He stated there were really only two comments that PennDOT made with regard to the Traffic Impact Study. He stated the first is under the General Section and is Comment #3 which states: "The Traffic Services Division has reviewed the submitted Transportation Impact Study prepared by McMahon Associates last revised August 29, 2019 and has no further comments. This is based on the presented land use, trip generation, design horizon year, and proposed mitigation. Any modifications to these parameters will require a revision of the TIS, along with additional review by the Department.

Mr. Williams stated the next comment is under the Transportation Impact Study Section, Comment #1, and it is a comment with regard to the traffic analysis for the intersection of Newtown-Yardley Road and I-295 westbound ramps, and states: "The analysis is acceptable for this Study." Mr. Williams stated he took a more conservative approach in how he analyzed that intersection so PennDOT is recognizing that and saying that it was a more conservative methodology that was used for the analysis, and PennDOT is not asking for any revisions with regard to the Application.

Mr. Williams stated that this is therefore a "clean letter," and there are no outstanding comments from PennDOT with regard to the Traffic Impact Study. He stated this was a process that got them to this point where they went back and forth and addressed all of their technical comments and this clean review letter is based on the August 29 Traffic Impact Study which was just provided to the Board this evening.

Mr. Zamparelli asked if PennDOT asked for any timing changes on the light at the right-hand turn off the ramp on the southbound ramp, and Mr. Williams stated they did not. Mr. Zamparelli asked if PennDOT asked for any changes at Lindenhurst, “the other way at Lindenhurst and the intersection at Stony Hill and Township Line;” and Mr. Williams stated they did not. Mr. Zamparelli stated PennDOT did not recommend anything, and Mr. Williams stated they did not.

Mr. DosSantos noted Item #3 on the last page of the letter from PennDOT where it states that they have “no further comments;” and he asked if that means tacit acceptance by PennDOT, and Mr. Williams agreed.

Mr. McCartney stated when it states that it “shows conservative results,” that means that the numbers that Mr. Williams “plugged” in were higher than expected. Mr. Williams stated the way they calculated the operations of the intersection was more conservative. Mr. McCartney asked Mr. Williams to define “conservative.” Mr. Williams stated it presents the worst-case scenario and may not be realistic in PennDOT’s view.

Mr. Murphy asked Mr. Williams if TPD separately reviewed and commented on the August 29 Traffic Study, and Mr. Williams stated they did.

Mr. Murphy marked the letter dated October 25, 2019 from TPD as Exhibit A-16.

Mr. Murphy asked Mr. Williams to comment on that letter and pay particular attention and read Comment #2 of the Township traffic consultant review letter. Mr. Williams stated there were a total of five comments in the TPD review letter. He stated the first comment re-states that a Highway Occupancy Permit is required because the site is located along a State road.

Mr. Williams read the second comment as requested by Mr. Murphy as follows: “Based on our review of additional information found within the Revised Study, and PennDOT’s review letter dated September 24, 2019, it is TPD’s opinion the proposed development will not have a significant effect, from a traffic perspective, on the current operations of the Newtown Bypass and Stony Hill Road intersection. As noted in the Study, the delay and queue length calculated in the Study is conservative given the limitations the traffic analysis software has in modeling the adaptive control at these intersections. However, during the design phase of the project, low cost improvement options should be explored, such as updating pavement markings at intersections to increase storage, review adaptive control settings to further lessen delay at intersections, and install updated vehicle detection devices at study area signalized intersections.”



Mr. Williams stated what that means is that TPD agrees with PennDOT and agrees with the results of the Study whereby there is no negative impact caused by the Development; however, he understands that there are traffic issues at that intersection today. He stated TPD is suggesting that should the project move forward into the design phase where they are working to secure a Highway Occupancy Permit from PennDOT, they are asking that the Applicant look to see if there are some opportunities to make some enhancements to that intersection such as signal timing, vehicle detection, signal detection, and some striping changes to increase storage. He stated they are representing the Township very well in asking that the developer look into those things.

Mr. Williams stated Comment #3 states that although not Warranted, based on volume, TPD is recommending that right-turn lanes be provided on Stony Hill Road into both of the warehouse driveways. He stated Comment #4 relates not to the Traffic Study but with regard to the Site Plan, and it is the same comment that was in the earlier letter with regard to crosswalks at the driveway, truck-turning templates being provided, revision of the design of the radius for the right-in/right-out driveway, and providing a sidewalk. He stated Comment #5 is also a repeated comment, and TPD is suggesting that the signal-detection at the intersection of Stony Hill Road and Township Line Road be upgraded to the current Township standards.

Mr. DosSantos asked what is the Gridsmart video detection radar dilemma zone that is noted in Comment #5. Mr. Williams stated people are familiar with the wire loop sensors in the road for vehicle detection, but this is a better technology and mounts on the signal mast arm and provides radar and video detection of vehicles. He stated it is the latest technology, and from the Township's perspective it gives better detection. He stated the loop sensors can break when the roads are re-paved, and then the signal does not work well; and having this other type of technology overcomes those types of maintenance issues.

Mr. Murphy asked Mr. Williams if it is his opinion that the Applicant is prepared to accept and incorporate the recommendations that TPD has listed in the October 25 review letter, and Mr. Williams agreed. Mr. Murphy asked would they also agree to any other recommendations that PennDOT would have, and Mr. Williams agreed.

Mr. Zamparelli stated when you are southbound off the I-95 ramp and you go onto 332 and then the traffic light at the "T" intersection, they are not recommending anything other than what is there now as far as the left-hand turn to come down Township Line Road. Mr. Williams asked if Mr. Zamparelli if he is referring to PennDOT, and Mr. Zamparelli agreed. Mr. Williams stated they are not recommending anything.

Mr. Williams added that the reason is because PennDOT has very clear criteria as to when they can require traffic improvements. Mr. Williams stated they would have had to demonstrate a significant delay increase to warrant the need for those types of off-site traffic improvements. He stated PennDOT is not suggesting that there is not an issue there today; however, in review of their Traffic Study and the traffic generated by this development, PennDOT has concluded that this development's traffic is not causing that problem and will not create an excessive burden on those conditions so they are not assigning that improvement to this development. Mr. Williams stated that is not to say that there is not an issue, it is just not the responsibility of this developer.

Mr. Zamparelli asked if the 172 trips generated will not have an effect on that left-hand turn; and Mr. Williams stated the trips that are generated by this development will not all travel that route, and they will be distributed throughout the system. He stated when that is done, there is a lessened impact and they would not experience all of that traffic at any one location. Mr. Zamparelli asked if he would not say that the majority of it would be off of I-95, and Mr. Williams stated that was not the majority of the traffic. He added that 40% of the traffic orients to and from the east on the By-Pass, and that traffic is then further divided to the various directions on 295. Mr. Williams stated they did not make those estimates up for trip distribution, and it was based on today's traffic patterns; and they in fact looked more closely at the existing truck patterns in the area to arrive at that assumption which PennDOT and the Township's traffic consultant reviewed and agreed with.

Mr. McCartney asked if there is a difference between a PennDOT requirement and a PennDOT recommendation; and Mr. Williams stated he supposes that they could always make a recommendation, but they did not. Mr. McCartney stated PennDOT acknowledged that there is an issue there; however, Mr. Williams stated PennDOT did not acknowledge that there is an issue there, rather he was acknowledging that there is an issue there because he has driven through the area. Mr. Williams stated PennDOT did not make any recommendation or documentation regarding any traffic issue. He stated their role is to review the traffic conditions with respect to this specific development. Mr. McCartney asked Mr. Williams if the Applicant will follow his recommendation or PennDOT's recommendation, and Mr. Williams stated he has not made a recommendation. Ms. Lee stated she believes that the testimony was that the developer has agreed that they will accept TPD's recommendations.

Mr. Murphy stated they will incorporate the October 25 recommendations from the Township's traffic consultant in any future Land Development Plan that they would pursue.

Mr. DosSantos stated Mr. Williams had stated that when he compared the 2008 project for the Office park to the current proposed Warehouse use that there were 108 fewer trips for the Warehouse in the a.m. and 119 fewer in the p.m.; however, Mr. DosSantos stated that Mr. Williams had also indicated earlier this evening that the number changed. Mr. DosSantos asked what are the numbers today.

Mr. Williams noted the August 29 Study, Page 8. Mr. Williams stated there was a lot of discussion and Testimony at the first Hearing with regard to how much traffic the Warehouse Use would generate. He stated they spent a lot of their time since April estimating the traffic for the warehouse development. He stated they did traffic counts at a local warehouse facility, and they relied on data from the Institute of Transportation Engineers. He stated from all of the data that they collected, they took the highest traffic estimate that they found from all of their research. He stated when he was before the Board in April he was estimating 88 trips in the morning for the warehouse; and in the new Study, they are now estimating 111 trips for the warehouse in the morning. He stated comparing 111 for the warehouse to 196 for the Office it is still 85 less trips with the Warehouse Use than the Office Use. Mr. Williams stated in April he was estimating 80 trips in the afternoon rush hour for the warehouse, and in the new Study they are estimating 172 trips for the Warehouse Use compared to 199 for the Office Use which is 27 less trips in the afternoon peak hour.

Mr. Zamparelli stated the vehicles to the office are all cars, and the vehicles to the warehouse are all trucks; however, Mr. Williams stated that is incorrect. Mr. Williams stated they counted locally the Amazon distribution facility in Robbinsville, New Jersey; and they counted passenger vehicles, vans, and large trucks coming in and out of the facility. He stated they also used two resources from the Institute of Transportation Engineers. He stated they show on Page 7. He stated there were two uses with ITE – one being high cube parcel hub warehouse, and the other being high cube fulfillment center. Mr. Zamparelli asked the difference; and Mr. Williams stated while he is not sure, the fulfillment center makes reference in the description as being for e-commerce; but they are both high cube warehouse facilities. He stated he has heard advertisements for Amazon looking for people to work at their fulfillment center so he assumes that while they are both high cube, a fulfillment center tends to be more for the e-commerce industry. Mr. Williams stated they took all of the data that was available after doing an exhaustive search adding they tried to find anything that would relate most closely to e-commerce or high cube as that was what had been testified to as to what this warehouse could be. He stated they selected the use and the data that produced the highest number. He stated from the counts they did at the Robbinsville facility, the overwhelming majority of the traffic was passenger vehicles; and during the rush hour there were very little vans and very few large trucks.

Mr. Williams stated the information shown in Table 5 on Page 8 show the estimates for trucks which is four trucks in the a.m. peak rush hour, five trucks in the afternoon rush hour, and eighty-three trucks daily; and that estimate is based on ITE data of large trucks generated by a high cube warehouse. Mr. Zamparelli stated he understood that Mr. Williams counted the vehicles, and Mr. Williams stated these numbers he is showing are ITE numbers. He stated they did count the trucks at the Amazon facility in Robbinsville, and it was even fewer. He stated during the rush hour period there was about one truck that came in or out. He stated they took the highest number that they could find.

Mr. DosSantos asked if that highest data is what PennDOT referred to as conservative numbers; however, Mr. Williams stated that had more to do with how the analysis was done. He added that they did provide PennDOT with all of this information, and they approved the approach as a good planning prospective because he went with the highest possible data. Mr. DosSantos stated he recalls that ITE is the “gold standard;” and Mr. Williams stated that is the resource that all traffic engineers use for estimating traffic from similar developments unless there is a localized example, and they did that as well so that they did both.

Mr. McCartney asked with regard to the previous proposed use which is the Office Use, what occupancy were the numbers were based on. Mr. Williams stated it is based on 180,000 square feet of Office. Mr. McCartney asked what occupancy it is based on. Mr. Williams stated the Institute of Transportation Engineers gathers data for similar land uses locally and across the County, and they compile that data and develop formulas that traffic engineers use to generate traffic numbers. He stated that formula is based on the square footage of the facility. Mr. Williams stated it has been his experience that the ITE data is a very creditable source, and they will not publish data unless it is at or near full capacity so he feels the data ITE is reporting is for a fully-occupied or close to fully-occupied 180,000 square foot Office facility. Mr. McCartney stated the reason he is asking is because the Applicant had stated in the past that he was not able to get occupancy at that Office so those numbers are probably 50% inflated and maybe more. Mr. Williams stated they are not inflated for what ITE would estimate. Mr. McCartney stated he is saying for that location if the prior use was an Office space that would be filled at 90% or 100% capacity, that is what those numbers represent; but the Applicant had said in the past that he could not get Office occupancy there. Mr. Murphy stated the reason why the 180,000 square foot approved Office project was never built was because they could never find tenants to occupy it. Mr. McCartney stated they are looking at the numbers and comparing them to what a warehouse would be if they had a potential warehouse applicant that is ready to take occupancy and comparing it to a hypothetical Office complex that they cannot get occupancy in; and he does not feel they should be comparing those two numbers.

He stated one is a hypothetical and will not happen. Mr. Murphy stated they are talking about the trips generated by a fully-occupied 180,000 square foot Office Use versus a 125,000 square foot warehouse. Mr. McCartney stated they cannot get occupancy in the Office. Mr. Murphy stated while they have not, that is not the point of the exercise. He stated the point is to compare traffic impacts between an approved use, albeit not built, against a proposed warehouse, again not built.

Mr. Zamparelli stated he feels what he is referring to is if the Office building that were there were 80% occupied would that number be the same. Mr. McCartney stated the numbers they are showing on the previous Table are based on an 80% or 90% occupied Office complex of 180,000 square feet. Mr. Williams stated he believes that the numbers he cited are based on a fully-occupied or close to fully-occupied or whatever is typical in the leasing industry.

Mr. McCartney asked if they would do a hypothetical with regard to the seasonal traffic across the street since they are doing a hypothetical of what Office would be at 100% capacity. He asked if they would do a hypothetical of what the seasonal traffic during those eight to ten weeks would be and add that as part of the Study even if it is just a small segment to get a feel for what it would be. Mr. Williams asked for further clarification of what Mr. McCartney was asking. Mr. McCartney asked if he is hypothetically looking at an Office at 80% capacity would he also hypothetically look at additional traffic based on what happens across the street during those eight or ten weeks as Mr. Williams indicated at the last meeting that he considers that to be seasonal. Mr. Williams stated typically they would not consider that because that is not the norm. He stated he understands that there is seasonal traffic there, but typically they would not study that as part of the Traffic Impact Study.

Mr. DosSantos stated the seasonal traffic is a constant and does not impact whether this property is used as an Office or a Warehouse.

Mr. Williams stated if there are seasonal traffic increases due to Shady Brook Farm across the street, that would be Shady Brook's issue as that has its own traffic impact which is independent from the incremental impact of the warehouse development. He stated if he were to study what would happen while Shady Brook Farm was experiencing its seasonal traffic increases, if anything that would further diminish the impact of the warehouse development as Shady Brook is adding more traffic to the area, and will reduce the percentage impact of the warehouse project.

Mr. Zamparelli asked if there was any concern about the future development of the area for further local traffic growth. He stated they listed nine projects which are either in development or projected to be developed, and he asked if they were included in the Study; and Mr. Williams stated they were.

Ms. Kirk stated Mr. Williams indicated that he used the highest data for the Study which is reflected in the Final Revised Traffic Impact Study that was presented, and Mr. Williams agreed.

Ms. Kirk noted Exhibit A-15, the September 24, 2019 letter from PennDOT, and she stated Paragraph 3 indicates that they had no further comments based on the last Revised Traffic Impact Study based on “presented land use, trip generation, and design horizon year;” and she asked what is the design horizon year. Mr. Williams stated he analyzed two future years; and they analyzed the year 2021 traffic conditions which was the estimated opening year for the project, and they also analyzed 2026, which is five years beyond the opening year which is a PennDOT requirement. Ms. Kirk asked if that is in the Final Revised Traffic Impact Study, and Mr. Williams stated it is.

Ms. Kirk asked what proposed mitigation was included in the Study. Mr. Williams stated there is no proposed mitigation other than the improvements that they will make at the access points so he believes that is what PennDOT would be referring to.

Ms. Kirk stated if at the time of the design of the development there would be modifications to the access points or anything else, a whole new Traffic Impact Study would need to be submitted to PennDOT; and Mr. Williams stated that is not correct. He stated a whole new Traffic Impact Study would need to be submitted to PennDOT if the Applicant were to change the development. He stated if the size of the development or the Land Use were to change, they would typically be the reasons that they would have to prepare a new Traffic Impact Study. He stated they are proposing certain access improvements including left-turn lanes; and if they were to change that, and indicated that they were not going to do those improvements, PennDOT would make them come back in with a new Traffic Study. Ms. Kirk stated when they reference “any modifications to the parameters,” that would include anything that was listed in the preceding paragraph – the proposed Use, the design horizon year, and any of that would require a new submission; and Mr. Williams stated it could. Mr. Williams stated in the Traffic Impact Study they presented their results, the Land Use, the trip generation, and recommendations for the site access design; and if they were to move forward with the project and not comply with what is outlined in the Traffic Impact Study, PennDOT would require a new Study.

Ms. Kirk stated the proposed Use presented in the Revised Traffic Impact Study was a warehouse use comparable to the Amazon facility in New Jersey. Mr. Williams stated it was actually higher trip generation than that Amazon facility. Ms. Kirk stated it was therefore a hybrid of what was available through the ITE plus what Mr. Williams counted at the Amazon facility, and Mr. Williams agreed. Ms. Kirk asked if it is specifically detailed in the Revised Traffic Study that was the methodology used, and Mr. Williams stated it was.

Ms. Kirk stated in Paragraph 1 of the Traffic Impact Assessment, they make a reference that “future analysis of this intersection for this development may require a change in methodology;” and she asked what would trigger a future analysis of that intersection. Mr. Williams stated while they were going through this process with PennDOT, PennDOT became aware that there is also another Plan being considered for this property, and they are expecting that another Traffic Impact Study will be submitted to them potentially at some point for their review; and they are suggesting that if and when another Traffic Impact Study comes in, if it includes analysis of that intersection, they would potentially revise the analysis for that intersection. Mr. Williams stated they will do whatever PennDOT wants them to do.

Ms. Kirk stated their reference to it being conservative is because of the fact that Mr. Williams used a hybrid calculation in the methodology which produced the highest data available, but Mr. Williams stated that is not correct. He stated he analyzed the westbound, right-turn movement as a stop-controlled intersection because it is removed/separate from the traffic signal; and that was a much more conservative approach. Ms. Kirk stated it has a green arrow that permits traffic to turn. She stated if you are on Stony Hill Road at the intersection of the By-Pass there is a left-turn light for the By-Pass, and there is a green arrow for the right turn. Mr. Williams stated they are referring to the 295 off ramp. Ms. Kirk stated when they are referring to the westbound ramp they are talking about the first ramp coming off and not the ramp going on, and Mr. Williams agreed.

Mr. Solor stated in the documentation that was sent out he noticed that the Planning Commission “had taken a pass” waiting on the Traffic Report, and he asked if they were going to weigh in again or not. Mr. Flager stated they are not that he is aware of. Mr. Solor stated the Planning Commission’s original comment was that they were “passing” because they did not have a Traffic Report. Mr. DosSantos stated the Ordinance provides that if they do not act within thirty days, it is an approval.

Mr. Solor stated he understands that they are taking the approach that if they have a choice between a lower volume and a higher volume, they are taking the higher volume in all of the assessments so therefore they are almost double penalizing themselves in some cases; and Mr. Williams agreed.

Ms. Kirk asked if the Zoning Hearing Board was inclined to approve the request for a Special Exception, would the Applicant specifically accept the Condition of compliance with the recommendations as set forth in Exhibit A-16, which is the TPD letter of October 25, 2019; and Mr. Williams agreed.

Mr. DosSantos stated they submitted a Traffic Study on July 1, and the Township commented on that and PennDOT commented on that initial Traffic Study. Mr. Williams stated they submitted a July 11 Traffic Study, and that is what PennDOT commented on. He stated they actually had submitted two separate Studies – a July 1 Traffic Study to the Township which TPD reviewed. He stated they also submitted a July 11 Traffic Study to PennDOT which PennDOT reviewed. He stated he received comments from both the Township and PennDOT, and they revised the Study addressing both sets of comments and prepared a consolidated Traffic Study on August 29 that was submitted to both agencies, and the final review letters are based on the August 29 Traffic Study. Mr. DosSantos stated the August 29 Study was an amalgamation of the two Studies, and it addressed the concerns of both the Township and of PennDOT; and Mr. Williams agreed. Mr. DosSantos stated PennDOT commented on September 24 indicating that there were no additional comments, and by Mr. Williams earlier Testimony, that is basically a tacit approval from PennDOT. Mr. DosSantos stated TPD on behalf of the Township commented in October; and other than the Conditions that the Applicant has already agreed to accept, they had no additional comments as well. Mr. Williams agreed.

Mr. Eric Goldberg, stated he is an attorney with Stark & Stark; and he is present on behalf of one of the residents, Larry Borda who lives at 508 Heritage Oak Drive. Mr. Goldberg stated Mr. Borda is not taking a position on this but has concerns about the accuracy of the Report. Mr. Goldberg stated Amazon seems to be the comparison that is utilized in the Traffic Report, specifically the Amazon facility located in Robbinsville. Mr. Goldberg stated the reality is that the Amazon facility located in Robbinsville has about 1,200,000 square feet of space, but the facility here is approximately 125,000 square feet. He stated he understands what was done in that it is roughly a tenth of the size so they looked at the traffic that was generated, and it is “roughly taking everything by a tenth.” He stated the reality is that this property is not likely to be used as an Amazon fulfillment center since Amazon fulfillment centers are typically 600,000 to 1.2 million square feet.



He stated this at 125,000 would never realistically be used as an Amazon fulfillment center. He stated Amazon locates their facilities in areas that have lower Real Estate prices than what you are going to find on this particular parcel. He stated between the Real Estate prices of the land that is the subject of this Application and the size, it has no realistic chance of being used as an Amazon fulfillment center. He stated the only question is should the Traffic Report have something more appropriate.

Mr. DosSantos stated the comment from the Witness was that it was a high cube center, and the comparison was a high cube center to a high cube center. Mr. Goldberg stated it is also not a high cube center, and he stated a high cube warehouse requires 200,000 square feet; and this is significantly smaller than a high cube warehouse. He stated a high cube warehouse is also predominantly for storage, and he is not sure it has been defined if this is for storage or storage and shipping so he does not think it is a high cube warehouse, and he does not think it is going to be an Amazon fulfillment center.

Mr. Zamparelli asked Mr. Goldberg if his point is that the numbers the Applicant is telling about are under estimated; and Mr. Goldberg stated he feels it is the opposite, and perhaps they could be over, although he does not if anyone truly knows what they are because it is being compared to something that is not realistic that it will be used for.

Mr. Goldberg asked if it was stated how many bay doors are proposed for the warehouse, and Ms. Lee stated they discussed that at the last meeting so it is in the Record.

Mr. Williams stated there are forty-five.

Mr. DosSantos asked Mr. Goldberg if that changes his perception at all based on the number of bay doors and what the traffic impact may be. Mr. Goldberg stated in theory it could, but it goes back to his first two points which were between the price of the Real Estate and the size of the facility it is realistically not an Amazon fulfillment center and not a high cube warehouse.

Mr. Rich May, 1270 Creamery Road, at the corner of Creamy and Quarry Road, was sworn in. Mr. May stated they are calling this Shady Brook Investors L.P., and he asked if it is across the street from the current Shady Brook Farm area, and it was noted that it is. Mr. May asked if there is not another development “Pritchert Woods” where they have talked about putting up two, one-hundred unit apartment complexes plus a Wegmans and certain other stores. He stated if that is going to be in the same location as this warehouse, they are totally ignoring the impact of what that project would bring to us in terms of traffic.

Mr. McCartney stated it would be either one or the other, and it would not be both of those developments. Mr. May stated we could get this and not “Pritchert;” and it was noted that is correct. Mr. May stated he thought that the Zoning Hearing Board had already approved a Variance for the “Pritchert Farms Development.” Mr. McCartney stated the approval for a Zoning Overlay is up to the Board of Supervisors – not the Zoning Hearing Board.

Ms. Kirk stated she represents the Township. She stated there were at least two Planning Commission meeting held at one of the Middle Schools where the Planning Commission had to review the proposed Ordinance submitted by “Pritcherts Estates.” She stated that Board made a recommendation for approval of the proposed Zoning Ordinance which must now go in front of the Board of Supervisors for Final review and approval.

Mr. May stated it is possible that the Board of Supervisors could approve that, and yet the Zoning Hearing Board is going to determine whether this Applicant gets to build a warehouse. Mr. Murphy stated if this Application moves forward for the warehouse, it would require Land Development Plans to be submitted after the Zoning relief would be approved. He stated the Law permits multiple inconsistent Plans to be pursued concurrently. He stated there is another effort being made to offer an alternate development scenario for this same property. Mr. May stated it seems to him that they are “hedging their bets, and they have two different possibilities here; and they would like to have both of them win so that they can pick which one they would rather do;” and Mr. Murphy agreed. Mr. May stated he does not feel that was obvious to everyone; however, Mr. Murphy stated he feels it has been transparent for a long time that is what is happening. Mr. May stated he did not hear anyone talk about that. A number of Zoning Hearing Board members stated that is not before the Zoning Hearing Board. Mr. Murphy stated the only thing before the Zoning Hearing Board is the warehouse. Mr. May stated for full disclosure he feels they should be hearing about that, and Mr. Murphy stated he feels that has been transparent all the time.

Mr. May stated obviously they would not have both of those with all the ensuring traffic that both of those could do, and Mr. Murphy agreed.

Mr. Majewski stated the property that adjoins this is the Prickett family property, not Pritchett.

Mr. Larry Borda, 508 Heritage Oak Drive, was sworn in. Mr. Borda stated he understands that there is a calculation that says that there will be increased traffic flow spread throughout the intersections that are near the property, but there is no proposal for any changes to facilitate traffic flow in any of those adjacent intersections; and Mr. Williams agreed. Mr. Borda stated there is no way that what they are doing is going to improve traffic flow, and the only possibility is that it is going to worsen traffic flow at the adjacent intersections. Mr. Williams stated he feels that is subjective. He stated the Traffic Impact Study prepared for this development did not conclude that there would be a negative impact such that it would trigger the need for traffic improvements. Mr. Borda stated that was not what he asked. Mr. Borda stated he had stated that the only potential for what this development will do is to potentially make traffic at the adjacent intersections worse based on the Studies. Mr. Williams stated by that question, if this development generated just one vehicle, it would make traffic worse; so on that basis, he would state “yes.”

Mr. Borda asked if this approval locks the developer into an Amazon-type Application, and Mr. Murphy stated it does not.

Mr. Borda asked if there is a reason why they did not do a Traffic Study based on a non-Amazon warehouse. Mr. Williams stated the Testimony at the first Hearing was that this was a high cube warehouse, and there was reference to a potential e-commerce warehouse. He stated based on the discussion and the Testimony at the first Hearing there were concerns at the April Hearing that perhaps the estimates they were testifying to were insufficient. He stated he went back, at the request of the Zoning Hearing Board, and they researched all possible options for other warehouse facilities that fit that description. He stated they also consulted with the Township’s traffic engineer, and it was the Township’s traffic engineer who recommended that in addition to ITE that they count the Amazon facility in Robbinsville, New Jersey for another example. He stated his office did not come up with that, and that came from the Township’s traffic consultant. Mr. Williams stated the goal was to be as thorough, comprehensive, and as accurate as possible.

Mr. Borda asked Mr. Williams if it is his opinion that from a warehousing standpoint an Amazon Application is the worst case scenario from a traffic impact standpoint; and Mr. Williams stated he did not know. Mr. Borda stated another type of warehouse could have a worse traffic impact. Mr. Williams stated the traffic estimated from the traffic count at the Amazon facility in Robbinsville actually generated less traffic prorated to the size than the estimates provided by the

Institute of Transportation Engineers so the answer would be that there are warehouse facilities that are not necessarily Amazon specific that could generate more traffic; and that is what they have used in the Traffic Study.

Mr. Borda asked Mr. Williams if he accounted for whether or not Amazon traffic counts would increase seasonally, and Mr. Williams stated he did not. Mr. Borda asked if Amazon traffic counts increase during the Holiday season when more goods are delivered, and Mr. Williams stated he would not want to make a guess on that. Mr. Borda stated he is not asking Mr. Williams to guess, and he is asking if there is a traffic standard that says when you analyze the traffic impact of a facility that is focused on delivering retail goods, do they factor in the impact of Holiday traffic. He stated that would be a “yes or no, and it is a very easy question.” Mr. Williams stated he has not studied the traffic generation of any Amazon facility or any warehouse facility during any seasonal time so he does not know with certainty how that traffic may change. Mr. Williams stated it is not typical to conduct a Traffic Impact Study during an isolated time in the year when traffic is at its absolute highest; and they strive in a Traffic Impact Study to evaluate traffic during typical traffic conditions.

Mr. Borda stated he feels that since the decision has been made to base it on Amazon, one of the things he would have looked at for the 1 million square foot facility was to ask them what their increase in traffic flow is during the Holiday season especially when they are across the street from a facility which has huge traffic impacts during the Holiday season with back-ups all the way to the By-Pass during all hours. He stated now they will be bringing in an Amazon facility that will have a higher traffic counts during the Holliday season that Mr. Williams has not factored into the Traffic Study. Mr. Borda stated he does not feel that this was a realistic look at the community that is being impacted.

Mr. Borda asked Mr. Williams with respect to the million square foot facility, did he do any research to see if there was a 125,000 square foot Amazon distribution center anywhere in the County, and Mr. Williams stated he did not look for one. Mr. Borda asked Mr. Williams why he did not; and Mr. Williams stated he consulted with the Township’s traffic consultant, and at his suggestion, conducted a count at the facility in Robbinsville. Mr. Borda asked Mr. Williams if he knows whether or not Amazon has specific Applications for a million square foot facility versus a facility a tenth that size, and Mr. Williams stated he does not. Mr. Borda stated Mr. Williams does not know that the traffic counts will be consistent on a square foot ratio, and Mr. Williams stated he does not.

Mr. Borda asked Ms. Kirk if the Planning Commission has to sign off on this before approval is given, and Ms. Kirk stated they do not. Ms. Kirk stated the Planning Commission has three options. She stated they can recommend approval of the proposed Application, recommend denial, or take no action; and they took no action. Ms. Lee stated by virtue of taking no action, that is deemed approved; and she stated according to the Zoning Ordinance, if they take no action it is deemed approved. Mr. Majewski stated that is incorrect. He stated they just had no recommendation to forward to the Zoning Hearing Board. Ms. Lee stated she feels that is incorrect. Mr. Flager stated this is referenced in Section 200-98 A(2).

Ms. Lee stated it reads: “The Planning Commission shall have 30 days to file its report.” She read further as follows: “If the said Commission shall fail to file its report within such 30 days, such Application shall be deemed to have been approved by said Planning Commission.” Ms. Kirk stated that is if they took no action.

Mr. Flager stated they did a report. Ms. Kirk stated the Planning Commission heard the Application, and their report said that they were not making a recommendation. Mr. Flager stated they made a report, but they did not make a recommendation so it is not a deemed approval. Ms. Kirk stated Ms. Lee would be correct if the Planning Commission had not done anything, but they filed a report and opted not to make a recommendation.

Mr. Arthur Cohn, 7906 Spruce Mill Drive, was sworn in. Mr. Cohn stated he is on the Traffic Commission. Mr. Cohn stated he does not believe anyone has discussed Stony Hill Road. He stated he believes that there will be semis coming to this warehouse and whether they are coming or leaving the warehouse, if he were driving a semi there, he would not necessarily go back up to 295 which might be a “mess.” He stated he might go the other way and go across the bridge on Stony Hill Road, and he does not know if they have looked into whether that bridge would be okay for semis going over there constantly. Mr. Williams stated they did not look specifically at that bridge and whether it would be able to accommodate tractor-trailers. He stated the method by which they distributed and assigned traffic through the Study area, trucks included, is that they looked at just trucks in the immediate area and looked at their travel patterns. He stated they assigned their truck traffic according to the existing traffic patterns; however, that is not to say that a truck may or may not try to take that route. He stated he does not know how the bridge would fare. Mr. Cohn stated he would use that bridge and then go down to Route 1 since even though it is a little longer, it would be an easier drive. He stated he feels they should look into whether that bridge is capable of handling these semis.

Ms. Lee stated the Application is not for an e-commerce warehouse, rather it is for a warehouse; and Mr. Murphy agreed. Ms. Lee stated the Traffic Study was a Study as to the effect of traffic based upon an e-commerce warehouse – not a warehouse. Mr. Williams stated they looked at two different kinds of high cube warehouses plus the Amazon facility in Robbinsville.

Ms. Lee asked for a definition of a high cube warehouse. Mr. Williams stated there were two land uses within in ITE that they referred to – one was a high cube fulfillment center warehouse which stated that “it is used primarily for storage and/or consolidation of manufactured goods prior to their distribution to Retail locations or other warehouses.” Mr. DosSantos asked what the term “high cube” itself refer to. Mr. Bob Dwyer stated it is a mostly automated center that contains high shelves all automated to bring supplies/ materials off the shelves through automation. He stated the high cube is basically the height of it coupled with the automation and the delivery system. Mr. Dwyer stated they did originally look at just straight warehouse and did a report on that. He stated they have done a number of reports based on a number of different warehouse types, and they were asked to produce the highest volume of traffic they possibly could. He stated they never said that they were doing an Amazon facility, but they were asked to look at that because that was perceived to be the worst possible traffic generator. He stated they looked at every one of the warehouse scenarios, and in every case the results were very similar.

Ms. Lee stated she felt that it was just testified that a warehouse could generate more truck traffic than an e-commerce or high cube warehouse. Mr. Williams stated he does not recall saying that. He stated they looked at three different uses – two of which were high cube uses as defined by ITE. He stated the ITE description matches very closely with what Mr. Dwyer had stated with regard to the level of automation which is the nature of a high cube warehouse. He stated they looked at two ITE high cube warehouse land uses and they also looked at the Amazon distribution facility; and based on that data for the purpose of the Traffic Impact Study, they selected the data that produced the highest traffic generation.

Mr. DosSantos asked if the Amazon distribution center in Robbinsville a high cube facility and Mr. Williams stated while he does not know for certain, he believes it is.

Mr. Murphy asked Mr. Williams if the ITE models that he relied on in part for estimating the amount of traffic have any component to accommodate or account for seasonal fluctuations in traffic, and Mr. Williams stated that do not that he is aware of.

Mr. Murphy asked why is that, and Mr. Williams stated it is an isolated time during the year; and it is the same reason they would not do a Traffic Impact Study for a Mall during the Holiday season since it is not the typical condition. He stated Traffic Impact Studies try to evaluate traffic conditions during the typical highest peak hour which is non-seasonal occurrences.

Mr. DosSantos stated neither PennDOT nor the Township required him to look at it during a high peak season or anything other than the typical time; and Mr. Williams stated they were not asked to make any estimates for seasonal fluctuations, and they followed exactly the scope and expectations of the Township's traffic consultant and PennDOT. Mr. DosSantos asked Mr. Williams if in his twenty-eight years of experience he deals with PennDOT on a regular basis, and Mr. Williams agreed. Mr. DosSantos asked Mr. Williams if PennDOT ever required him to look at seasonal fluctuations in traffic, and Mr. Williams stated they do not typically, and he cannot recall any time that he has.

Ms. Lee asked if PennDOT gave its approval for only an e-commerce warehouse or was it any kind of warehouse. Mr. Williams stated it was a high cube warehouse which is the highest traffic-generating warehouse facility. Ms. Lee asked if the high cube warehouse is the highest generating traffic of any type of warehouse, and Mr. Williams agreed. Mr. Williams stated PennDOT's barometer would be that if a warehouse were proposed and was built and generated even more traffic than what they had estimated, that would be a reason for which they would have to update the Traffic Impact Study; however, that does not exist, and they selected the highest traffic-generating warehouse use.

Mr. Murphy moved his Exhibits A-9 through A-16, and Mr. Flager agreed to accept them.

Mr. McCartney asked for a "fine-minute Executive Session;" however, Mr. Zamparelli stated he would prefer not to leave the table. Mr. McCartney stated he was asking Mr. Flager and Ms. Kirk about additional requirements of the Applicant regarding traffic impact outside of the target zone which is 332 and Stony Hill Road. He stated he is not sure if within the Ordinance it stated specifically how far they can extend that within reason. Mr. McCartney stated Ms. Kirk indicated that based on what the Township Traffic Study said, the Applicants are meeting the requirements; however, the "Special Exception Ordinance" does say that the Zoning Hearing Board may attach reasonable Conditions and safeguards in addition to those expressed in the Ordinance as it deems necessary to implement the purpose of the Zoning Ordinance.

Mr. McCartney asked what is their ability outside of what is being required by the Township traffic engineer to make sure that a project like this would cover not only just that corner but also the other 60% of where the traffic volume is coming from whether it is Stony Hill Road or Township Line Road.

Ms. Lee stated back behind Giant, there is a new housing development, and that was raised at the initial meeting that they had; and the former Chair brought up concerns about tractor-trailers in the Residential areas back by Giant and those “roads back there.” She asked if those roads can withstand the additional traffic for the truck drivers that are trying to go around the traffic by Stony Hill.

Mr. Zamparelli stated he feels they would go on the main highway and not take those roads although there could be someone who “gets lost.” Mr. McCartney stated they “have to go on a hypothetical that they would,” and he asked if they are protecting the auxiliary roads from that type of stress and if they can ask for additional improvements although he does not know what a reasonable Condition would be.

Mr. DosSantos stated PennDOT looked at the worst case scenario which is the traffic they are talking about here, and they indicated that it would not have a negative impact. He feels it would have less of an impact on the ancillary when you are not looking at the bulk of the traffic going that way. He stated he does not feel that it is something that the Board needs to address based upon what the experts, PennDOT and Mr. Wursta on behalf of the Township, indicated.

Mr. Zamparelli stated he feels that truck drivers usually know where they are going to get to the main roads, although he could not count on someone who could get lost.

Mr. Murphy stated the Board should remember that if the Applicant gets to the point of doing Land Development Plans, the Township does have an applicable Traffic Impact Fee Ordinance. He stated depending on the ultimate number of trips and the rate paid in Lower Makefield, the Traffic Impact Fee could be \$500,000. He stated that is part of Land Development and not the Zoning process.

Mr. May stated he lives at the corner of Creamery Road and Quarry Road, and he sees a lot of traffic by people who go off of I-95, come up Dolington Road, and turn down Creamery Road in order to avoid the scales on I-95; and they are huge semi trucks. He stated the Township just had to replace Creamery Road because of all the damage that is done to it by all of the semis that go up and down that street.



Mr. May stated the point was made that drivers might use Stony Hill Road as opposed to getting right back on 295 which he feels is more than likely, and he feels there is going to be a lot of traffic on streets that are not intended for semis. Mr. May stated the situation he has described near his home on Creamery Road happens often, and he has seen thirteen to fourteen accidents at the corner. Mr. May stated he also agrees with the comment made earlier about the seasonal nature of Shady Brook Farm across the street and all the activity they get at the Christmas season in addition to what would happen at a fulfillment center during the Christmas season. He asked that the Board consider all of that when they look at this. Mr. May stated this may also not be the project that is done if the other project is going on. He stated he understands that this is the third project pursued on this land; and he stated there was a proposal for an Office project where they found out that it was not going to get filled, and then they went to the "Prichert Development," and now this project.

Mr. DosSantos stated this proposed use is allowed.

Mr. Larry Borda stated he is frustrated because he does not feel as though the traffic counts that are based on a million square foot facility in New Jersey "somewhere" have been adequately researched to determine what a 125,000 square foot facility would do. He stated it is a "very simplistic equation" to say that they will take 10% of the building, and "that must be the impact." He stated there was not even an effort to see if there was another facility like it in the Country, and he would "wager" that was in part because there is not one which is why they are not going to get an Amazon facility here. Mr. Borda stated if they did have an Amazon facility here, if the expert is saying that there is no standard that allows for figuring in traffic counts during the Holidays. He asked that in this specific location with the "nightmare" the traffic is in this area during the Christmas holidays, and since it is November 19, he asked if they could not do a traffic count in the area with the Shady Brook facility being open where they could get a measure of the loads that are going to be imposed by that facility in addition to what is being expected here. He stated otherwise they are dealing in a vacuum without any realistic impact assessment of what is going to happen here.

Mr. Zamparelli stated he understands Mr. Borda's point, but that traffic is seasonal. He stated he recognizes that Shady Brook Farm is "packed" at Christmas, although it is seasonal. Mr. Borda stated he was shocked to hear that supposedly shopping malls do not try to factor in traffic impacts into what they are doing at the Holiday. Mr. Borda stated there is a way to figure out what kind of loads are being imposed on the roads during the Holidays, and they are talking in this context about a facility that is going to add to that burden again during the Holidays. He stated there must be some increased traffic flow from an Amazon facility in the month of December.

He stated he does not know what counts the traffic engineer was using. Mr. Zamparelli stated he was using the ITE standards. Mr. Borda stated that does not have anything to do with the traffic count at the Holiday.

Mr. DosSantos stated he feels Mr. Borda is asking the Applicant not to develop their land because of the impact over a six-week period of time. Mr. DosSantos stated if that is factored in, they are precluding development for the other forty-eight weeks of the year. Mr. Borda stated he agrees that is a valid point; however, he feels that it is especially exacerbated and “especially bad” by virtue of this particular location and the “horrendous burden that Shady Brook puts on here.” He stated it would appear that whoever the professionals were who designed the intersections that are already there did not do a good job of taking into account what happens at Shady Brook. He stated they are talking about people’s lives, health, and safety since there are families coming in here during the Holidays dealing with these roads, and now they are going to have “all of these vans flying in and out of here during the Holidays.” Mr. Borda stated he feels for a minimal cost they could do a traffic count and try to “figure out better” what is going to happen so that they can think about whether or not there is a way to make an argument that has this Applicant paying for improvements on the adjacent intersections which are desperately needed. Mr. Zamparelli stated there is an Impact Fee. He stated he does not know what method they could come up with to do what Mr. Borda is asking for. Mr. Borda stated he does not know how much \$500,000 gets on infrastructure for roads and highways.

Testimony was closed.

Mr. DosSantos stated based on the expert’s Testimony and the Testimony overall as well his review of the Exhibits and the indication from the expert that they have met the requirements from both the Township and PennDOT, he moved to grant the Special Exception as requested with the proviso that the recommendations suggested in the October 25, 2019 letter marked as Exhibit A-16 be accepted as already agreed to by the Applicant.

Mr. McCartney asked if they could add some “scope to the Motion as far as ancillary.” He stated he understands no one is going “buy that.” Ms. Lee stated she shares Mr. McCartney’s concern about the “ancillary traffic,” and she asked what language Mr. McCartney would propose. Mr. DosSantos stated he does not know how they would do that. Mr. McCartney stated it is broad, and it would have to be reasonable. Mr. DosSantos stated he had indicated earlier that the Applicant had already addressed the comments of the “experts” at PennDOT and the Township traffic engineer; and

PennDOT has given their approval indicating that they found no adverse traffic impact. Mr. McCartney stated that scope of work was specific to the intersection and not to intersections within one mile of the site within the Township or roadways. Mr. DosSantos stated if they found no impact upon the intersection immediately adjacent to the project, to extrapolate that out further and further, he would suggest that there would be no impact to those roads either. Mr. McCartney stated therefore the target area would really be the only area that would need studies done, and Mr. DosSantos stated he feels that is the indication.

Mr. Murphy stated under the Township's Traffic Impact Fee Ordinance the monies that are collected are to be spent within the Transportation Service Area where the property is located. He stated as to the issue of looking for improvements to Township-owned roads, maybe not PennDOT-controlled roads, whatever number the developer has to pay would have to be contributed for use within the Service Area where the property is located. He stated the Land Development process already in place and the Ordinance already in place addresses the concern. Mr. McCartney stated it would therefore be redundant to make it as part of the Motion knowing that.

Mr. Flager stated from a jurisdictional standpoint, the Zoning Hearing Board would not be able to make Conditions on PennDOT-controlled roads, and Mr. McCartney stated Stony Hill is a PennDOT-controlled road.

Mr. Solor seconded the Motion, and the Motion carried unanimously.

There being no further business, Mr. McCartney moved, Mr. DosSantos seconded and it was unanimously carried to adjourn the meeting at 9:15 p.m.

Respectfully Submitted,

James McCartney, Secretary