

TOWNSHIP OF LOWER MAKEFIELD
PLANNING COMMISSION
MINUTES – FEBRUARY 9, 2026

The regular meeting of the Planning Commission of the Township of Lower Makefield was held in the Municipal Building on February 9, 2026. Mr. Bush called the meeting to order at 7:30 p.m.

Those present:

Planning Commission: Tony Bush, Chair
 Tejinder Gill, Vice Chair
 Virginia Torbert, Member

Others: Dan McLoone, Planner
 Maureen Burke-Carlton, Township Solicitor
 Kyle Turner, Township Engineer
 John B. Lewis, Supervisor Liaison

Absent: Adrian Costello, Planning Commission Secretary

APPROVAL OF MINUTES FROM THE 1/12/26 MEETING

Ms. Torbert moved, Mr. Gill seconded and it was unanimously carried to approve the Minutes from the 1/12/26 meeting.

#700 – 1566 LLC LOT LINE CHANGE APPROVAL
Tax Parcel #20-018-001, #20-18-001-002 & #20-016-027
R-1 Residential Low Density Zoning District
1566 Yardley Newtown Road
Proposed Lot Line Change & Lot Consolidation

Mr. John McShea, attorney, was present with Mr. Jerry Katsoff. Mr. McShea stated the Lot Line change is related to the Final Major Subdivision/Land Development which was approved by the Board of Supervisors in October, 2023. He noted the shaded pink area on the Plan which is being conveyed to the adjacent lot which is the 1566 LLC Lot which is part of the approved six-lot Subdivision and Development.

Ms. Torbert asked Mr. McShea to advise the public what part of the Township this is and the surrounding roads. Mr. Katsoff stated the road that leads into the property is Buck Creek Drive, and his house is on Yardley Newtown Road at a location he showed on the Plan to the right. He stated the development piece is to the left. Creamery Road is on the far left, and Mr. Katsoff stated he owns the house there which will be part of the six-house development.

Mr. McShea stated the Lot Line Change was contemplated as part of the approved Land Development Plan, and that land is being conveyed to 1566 and is where the accessway is for Buck Creek Drive. Mr. McShea stated they received a review letter from the Township engineer this morning, and the comments are all “will comply,” however, he added that all the information that was requested in the letter is included in the approved Land Development Plan. He stated in discussion with Mr. Majewski this morning, he suggested that they request a Waiver from those Conditions as they are provided already on the Recorded Land Development Plan.

Mr. Bush asked for further clarification on the location of the area being discussed. Mr. McShea noted the shaded pink area on the map which is currently part of Mr. Katsoff’s lot, and he noted the section that will be conveyed to 1566 and where the six-lot development will take place. Mr. Bush asked where the six lots will access; and Mr. Katsoff stated four of the houses access from Buck Creek Drive, which is what they are requesting today, one house accesses from Creamery Road, and one house accesses from Yardley Newtown Road.

Mr. Gill asked if they are just asking for approval of the new entrance, and Mr. Katsoff stated the entrance has always been on the Plan; but he is asking to now put it in a position that he can convey it over. He stated that is the only piece of his land being conveyed. Mr. McShea stated Mr. Katsoff’s Lot is not part of the development, but they are required to provide the access onto 1566’s land and convey it over to them.

Ms. Torbert asked if the house that will have access to Creamery Road will be right on the road or do they have to go through someone else’s property. Mr. Katsoff stated they will have a very long driveway that will come off of Creamery Road to get to the new house in the back. The location of the driveway was shown on the Plan.

Mr. Mark Keller stated he is the owner of Parcel #20-08-007 along Yardley Newtown Road. He asked to be shown where the new Residential lots will be located. Mr. Katzoff stated none of the new houses will be behind Mr. Keller's house, and they are all far back to the left. He stated all of the land behind Mr. Keller will be part of Mr. Katzoff's house, and will remain undeveloped.

Mr. Gill moved to approve the Lot Line Change.

Mr. Katzoff stated he requested orally that the comments included in the engineer's letter today be included as a Waiver since that information is provided in the Recorded Plan.

Mr. Turner stated some of the items were Certifications that will be required to be added to the Plans. He also noted the Heir of Closure Report as he is not sure that was included in the original Approval just to make sure that there are no issues with any of the boundaries on the site.

Mr. Gill added to his Motion that those things included in the engineer's letter that were included in the Final Subdivision Plans are Waivers, and everything else is a "will comply."

Ms. Torbert seconded, and the Motion carried unanimously.

#699 – FARM'S EDGE AT SHADY BROOK ACCESS ROADWAY APPROVAL

Office/Research Zoning District

Proposed to provide a dedicated access roadway to the property located within Middletown Township (TMP #22-031-024)

Mr. Edward Murphy, attorney, was present with Mr. Joe Morrissey, Foxlane Homes. Mr. Murphy stated the Land Development Plan does not contemplate any lots, and it is only an access driveway that runs from a point of intersection proposed with Township Line Road back across a portion of the Fleming Farm to reach the project within the Middletown Township limits of the Fleming Farm that Foxlane received approval for last year. Mr. Murphy stated based on discussions with Township staff since the Land Development Plan was submitted, an alternate arrangement has been discussed which he believes is preferred by Lower Makefield's traffic consultant and the Township staff. Mr. Murphy stated in order to implement the preferred plan it would require Lower Makefield Zoning relief that deals with its location in one spot adjacent to a manmade irrigation pond on the Fleming Farm.

Mr. Morrissey reviewed the history of Foxlane Homes which started in 2017 specializing in semi-custom homes. An aerial of Farm's Edge at Shady Brook was shown including the location of Township Line and Stony Hill Roads, the 777 Building, and the active part of Shady Brook Farm. Mr. Morrissey stated they are under agreement to develop 53 acres in the Middletown Township part of Shady Brook Farm. He stated the expectations for the Flemings is that they are going to shrink the size of the farm and make it more of an agri-tainment. He stated the light show will no longer be a drive-through, and it will be more of a walk-through.

Mr. Morrissey stated 129 active adult homes are proposed to be built and will provide more open space than a by-right plan along with less building coverage and less impervious surface than with the by-right plan. Singles and twins are proposed at the top, and carriages below. There will be a clubhouse, pool, pickleball courts, trail system through the neighborhood, and potentially tie-in to the Silver Lake neighborhood in Middletown Township. There will be open space and meadows and an "eco-park," which is the aeration pond that the Flemings have had for some time which is a manmade pond and will be the focal point of the neighborhood as you drive through. Mr. Morrissey stated about 90% of it is in Lower Makefield, and there is a sliver on the Middletown Township side. He noted on the Plan the Villas of Shady Brook which is the quad neighborhood that has existed for about twenty to twenty-five years, Silver Lake, and the 777 Building which is in Lower Makefield Township.

Mr. Morrissey stated there was an opportunity to have an access road along the side of the 777 building and go out to Township Line Road at a location he showed on the Plan, but there was an issue with that because of the road and the proximity to the Villas of Shady Brook where the road would come to the back yards of the Villas of Shady Brook which would have been awkward for those neighbors. He stated Option 1 was to do an access road along 777. He stated the Flemings currently have an access road now the location of which he showed on that Plan that goes out to Township Line Road. He stated having the access at the location of Option 1 would give them a separation from the Villas of Shady Brook. Mr. Morrissey stated Option 2, which is what Pennoni recommended in their letter, was to line the road up with Stony Hill; and he showed the location on the Plan. He stated it makes for a much cleaner roadway. He stated the engineers felt it provided a straight road from a stacking standpoint. He stated it would turn along the eco-pond and come into the neighborhood.

Mr. Morrissey stated he knows Envision Land Use and the DeLucas are talking to the Township planner about what could potentially happen with the part of the property where the Option 2 roadway would be located, which he showed on the plan. He added that Foxlane is not part of that property but they are taking the lead on trying to get the access road out to Township Line Road. Mr. Morrissey showed where the road would be located under Option 1 and Option 2. He noted the location of the eco-pond which is the man-made aeration pond which does not look good currently, but their goal is to clean up the area; and between the landscaping, the eco-pond, and the trail it will very nice.

He stated they envision that you would be able at some point to get from Shady Brook to Farm's Edge, to Silver Lake, and then to Core Creek. He stated they have met with the Park & Rec staff from Middletown looking at ways to connect the development. He stated they could also potentially connect to the Wegman's.

Mr. Morrissey stated they use Sikora Wells landscaping company, which is the landscape architect that did Pennswood by St. Mary's and the George School; and is renowned for their stormwater/prairies/trailways. He stated they have had them look at the eco-park and consider how to tie everything together between all of the different neighborhoods in a special way.

Mr. Morrissey stated they will need relief from the Zoning Hearing Board as it relates to the man-made waterway.

Mr. Bush asked if there is any access point in Middletown, and Mr. Morrissey stated there is an emergency access that will go through Silver Lake at a location he showed on the Plan. He noted the potential for another emergency access if necessary at a location he showed on the Plan.

Mr. Bush asked what obligation does Lower Makefield have to give this project in Middletown Township access to Township Line Road, and Ms. Carlton stated the Township has none. She added that the approval was given with the understanding and Condition that there is approval by Lower Makefield Township as to access, and Mr. Murphy agreed that the approval was subject to any approvals needed from any other adjacent Municipality.

Mr. Bush asked if they were to go with Option 2, what is ultimately envisioned from that access road down to 777; and Mr. Morrissey stated Envision Land Use and the DeLuca team will meet with the Township Planner to discuss that area and see what the Township might want to see there. He stated he believes the original thought was to do something similar to what is across

the street with the Wegmans and the Retail. Mr. Murphy stated as the balance of the Shady Brook site gets developed as per a Master Plan or a more comprehensive development, it will probably look similar to what exists across the street on the east side of Township Line; but that has yet to be proposed.

Mr. Gill stated Middletown Township will be getting all of the benefits from the homes being built and taxes, and he asked what Lower Makefield gets. Mr. Murphy stated they have always told the staff that even though no homes will be built in Lower Makefield, they would agree to pay all of the applicable Fees that are associated with the development had it been in Lower Makefield. Mr. Morrissey stated it is a “win” for the active adult compared to the market rate singles for Bucks County and the School District. Mr. Morrissey stated it is 55 and over with no school-age children. There will be an HOA.

Ms. Torbert asked if the HOA will own the interior roads, and Mr. Murphy agreed. Ms. Torbert asked if they will also own what is in Lower Makefield. Mr. Morrissey stated if the Township indicated that they wanted it Dedicated, they would agree to that; and if the Township did not want it, it would go to the HOA or whatever is decided with the development. Ms. Carlton stated it has been done both ways in the Township. Mr. Gill stated he does not feel the Township would want the responsibility for the road; however, Ms. Carlton stated you do get a benefit from having public roads as you get Liquid Fuel dollars, but the Township will decide whether they want it public or private. Mr. Murphy stated it would be built to Lower Makefield Township specs, but he suspects that it will not be needed to be maintained by the Township.

Ms. Torbert stated she assumes PADOT would prefer to have the road be a four-way intersection at Stony Hill and Township Line, and Mr. Murphy agreed. Mr. Murphy stated the Township’s staff and traffic consultant have already recommended that.

Mr. Bush stated he would feel better about Option A or B if we knew how the rest of the parcel was going to be developed recognizing that the Applicant is not involved with that. He stated how best to configure the road depends on the intended purpose of the rest of the property.

Mr. McLoone stated the Township formed the SR 332/Stony Hill Road/Edgewood Village Historic Village Integrated Master Plan Steering Committee. He stated Michael Baker was hired by the Township as the consultant, and the first meeting has been held. Mr. McLoone noted on the map the Shady Brook parcel that is within Lower Makefield as well as the area going down the road to the Edgewood Historic District.

Mr. Murphy stated regardless of what happens, he feels the recommendation is going to be a four-leg intersection at Township Line and Stony Hill. He stated with regard to the road geometry that they propose to create the fourth leg, it is logical that it will have to be the length of the fourth leg to meet everyone's standards. He stated they swung around the pond to connect to the eco-park. Mr. Bush stated while that makes sense the concern is that currently the main entrance to Shady Brook is higher up across from the Wegmans' entrance; and if as part of the re-development of the remaining parcel the Flemings decided they did not want to use that as the main entrance anymore, and they wanted to use the new entrance, that intersection is probably not equipped to handle that volume of traffic. A slide was shown of how Shady Brook envisions its retained portion of the property, and Mr. Murphy stated the access is clearly further north on Township Line Road.

Mr. Morrissey showed a slide of the entrance to get to the existing apartments in Lower Makefield and the left to get to the Wegmans. He stated he believes the expectation is that if the development goes through for the property that is being discussed for the Lower Makefield portion on the Shady Brook side, there would be an access going into that development and a separate entrance which would be Shady Brook specific. He showed the parcel that Jefferson owns to the north.

Ms. Carlton stated Lower Makefield has hired a planner, and the Township is actively involved in looking at the whole site in addition to the sites that were mentioned. She stated even though it was indicated what the Flemings like, those are not by-right plans; and they do not have the right to do what they are envisioning right now. She stated there are many options that are available and not close to being confirmed.

Ms. Torbert stated when Mr. Grenier brought this up, she was under the impression that it would be a long process, and it is for an extensive area. She stated they also wanted to make it walkable with sidewalks. She asked Mr. Morrissey if sidewalks are contemplated. Mr. Morrissey stated the connectivity would be an inviting lifestyle with people being able to get from Middletown Township south of 777 and west of that through Farm's Edge, Shady Brook, across the street to the Lower Makefield side, and to the Wegmans and restaurants there. He stated once you are into Middletown Township it is not hard to get to Core Creek Park or to Middletown Township Park.

Mr. Murphy stated the Flemings are supportive of the access road to Township Line Road that is being discussed tonight either Option A or Option B.

Mr. Lewis asked if there is a Traffic Study based on either Option A or Option B. Mr. Murphy stated he believes the Plans submitted included a report from their traffic consultant. Mr. Lewis asked if they estimated what the number of cars would be per day on weekdays at prime times. Mr. Murphy stated he believes that they do although he himself did not have them. Mr. Morrissey stated when they looked at active adult versus market rate single, there was one additional car every 5 ½ minutes at the main entrance either coming or going. Mr. Lewis stated the Pennoni letter indicates that traffic impact shall be submitted. Mr. Morrissey stated he believes they did one for Middletown Township; but because they were going between Option A or B, he does not believe they did one yet for this section. Ms. Torbert asked for 55 and older would they figure that there would be 2 cars per the 129 houses. Mr. Morrissey stated it is usually less and would be about 1.63 because not every home has two occupants.

Mr. Lewis stated that particular road has had a significant change in its traffic structure related to Prickett Preserve; and some of those changes have been a net benefit, and some have been a net negative. He stated it is important for them to understand where things will be made worse particularly on weekends versus prime times during the day. He stated as a 55 and over community it may not be during the commuter times in the morning or later in the day which would be a positive but may have higher numbers during weekends which could exacerbate problems that have been seen there, which is why the traffic study should be robust and should consider potential future development.

Ms. Torbert stated the right-in/right-out in front of Wegmans is universally ignored, and there are often cars waiting to make a left into the right-in/right-out only to get into the Wegmans. She stated she feels the Township will need to consider putting some kind of physical barrier there. Mr. Lewis stated there have been some pedestrian issues as it relates to that particular crosswalk area, and it is being looked at.

Mr. Lewis stated we have not seen the completion of the Prickett Preserve development so we have not seen the full traffic impact although there is little left to open. He stated that is part of the planning exercise that the Township is going through.

Mr. Bush stated he prefers Option B not the option that was originally submitted, but he agrees there is a need for a traffic study; and he is concerned about not knowing what else is proposed for the property at this point knowing that something will be proposed soon understanding it is not the Applicant's responsibility. Mr. Bush asked how far that process is with the Township and the various property holders. Mr. Lewis stated all participants would be pleased that the Township undertook the planning study separate from letting it grow organically piecemeal, and they are aggressively proceeding. He stated he feels it will take less than six months for the planning exercise; however, Mr. McLoone stated he believes it will take more than six months. Mr. Murphy stated he is not privy to any of that. Mr. Lewis stated there was a public meeting. Mr. Lewis stated he feels the Planning Commission should make a recommendation as they see fit. He added a good point was made with regard to considering this in a larger framework.

Ms. Torbert stated she would like to know what is coming in the future. She would also like to see a traffic study and how it fits in with the plans for the area.

Mr. Morrissey stated as they design the road, they will make sure that it works for what Lower Makefield needs for the future development. He added that they want to do a nice development for Middletown, Lower Makefield, and the Flemings. He stated they build in a number of Townships; and if you reference them to any of the Townships they have built in, they have a good reputation, and they have a lot of happy homeowners.

Mr. Murphy stated there have been some discussions with the staff, and originally they thought they would engage the conversion with the Township and PADOT by submitting the Driveway-Opening Permit; but the Township wanted them to submit a fully-engineered Land Development Plan showing the proposed driveway which is why they are before the Planning Commission tonight. Mr. Murphy stated it seems that the Planning Commission is stating that if there is going to be a road, it should be lined up appropriately from a planning standpoint with PADOT and the Township to have a four-leg intersection at Township Line and Stony Hill. He stated the issue is the timing as to what happens next; and at this point, none of that is within the Applicant's control as the Township has retained a planner to look at the bigger picture. He asked that the Planning Commission make a recommendation on this proposal, and the Applicant will then have discussions with the Board of Supervisors when they can.

Ms. Torbert stated as she noted earlier she feels the four-way intersection makes sense, but they do not know how the land around it is going to be developed. She stated she feels they are going to want to run a road from that road into the light green property shown on the plan and have that be an entrance; however, if it is not going to be an entrance, signage will be needed indicating “no outlet” since drivers coming from Middletown will want to turn there to get into whatever the developed area is going to be which is a downside of that configuration. She stated if they were to do the other option, it would seem more like an entrance to a senior community.

Mr. Bush asked about keeping the design with the four-way intersection, but not having the road by 777 and making the emergency access point in the back into Middletown. Mr. Morrissey noted on the Plan where Middletown would like to see the emergency access. Mr. Bush stated he feels that because the development is in Middletown Township, they would want access to it.

Mr. Bush asked Ms. Carlton if the Planning Commission is on the clock where they have to make a decision, and Ms. Carlton stated they are on the clock. Mr. Murphy stated it was submitted on December 14. Ms. Carlton stated we have 30 more days since we have 90 days from the date of submission. Ms. Torbert stated while we could bring this up at the next Planning Commission meeting, she asked if we would have any better idea by then than we do today. Mr. Murphy stated he did not believe so; and if he thought that there would be an answer, he would grant an Extension. Mr. Bush stated the only other issue is the traffic study which we do not have. Mr. Murphy stated even if they had one, nothing would change if they were waiting for the Township planner to come up with their ideas. Mr. Bush stated the Township will ultimately need the Traffic Study, and the Planning Commission could make a recommendation to the Board of Supervisors subject to a traffic study; and Mr. Murphy stated that would be appropriate.

Mr. Bush stated ideally we would like to know what is going to happen with the rest of the property, but the Municipality is not going to know that by the time we have to make a decision about this Application. Ms. Carlton stated she feels that is correct given that the Planning Committee just met for the first time two weeks ago, and it will be a process.

Ms. Torbert asked Mr. Murphy if they would consider granting an Extension; however, Mr. Murphy stated while he would not consider that tonight, at some point they might consider an Extension once they start a meaningful dialogue with the Township.

Mr. Bush moved, Ms. Torbert seconded and it was unanimously carried to recommend approval of the Farm's Edge at Shady Brook access roadway subject to the following Conditions: That the Option B which was described tonight verbally be the plan that is pursued; That it is subject to an acceptable traffic study that has not yet been produced; That emergency access is through Middletown not through Lower Makefield; That the Board of Supervisors consider the input of the stakeholders group if and when available.

A short recess was taken at this time.

RENEWABLE ENERGY ORDINANCE APPROVAL

Mr. McLoone stated this is again before the Planning Commission, and a lot of the comments made by the Planning Commission last time have been incorporated. He stated changes include items related to the Fire Code and installation oversight, Fire Marshall review and clearance clarification, emergency disconnects and system labeling, inspections and on-going safety, comments regarding creating unnecessary roadblocks for homeowners, and fencing standards. Concerns were addressed regarding wind and energy systems, public notice and neighbor input, outdoor furnaces, concerns about emergent wind technology, and administrative issues. Mr. McLoone stated the Township solicitor's office also reviewed it and put it in Ordinance form, deleted some of the sections that were not relevant based on feedback, and added a few sections, adding the solar definitions to the general definition, and adding a section for principal solar energy systems.

Ms. Carlton stated they took into consideration comments from the Planning Commission and Tim Chamberlain. She stated they are confident that all of the comments and requested changes that the Planning Commission had have been incorporated in the final version before the Planning Commission tonight.

Ms. Torbert moved, Mr. Gill seconded and it was unanimously carried to approve the Renewable Energy Ordinance.

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There being no further business, Ms. Torbert moved, Mr. Gill seconded and it was unanimously carried to adjourn the meeting at 8:55 p.m.

Respectfully Submitted,

Tony Bush, Chair