

TOWNSHIP OF LOWER MAKEFIELD  
PLANNING COMMISSION  
MINUTES – MARCH 22, 2010

The regular meeting of the Planning Commission of the Township of Lower Makefield was held in the Municipal Building on March 22, 2010. Chairman Pazdera called the meeting to order at 7:35 p.m.

Those present:

Planning Commission: Karen Friedman, Member  
John Pazdera, Chair  
Mark Fried, Vice-Chairman  
Tony Bush, Member  
Dean Dickson, Secretary

Others: Nancy Frick, Director Zoning, Inspection, & Planning  
John Donaghy, Township Solicitor  
James Majewski, Township Engineer  
Dan McLaughlin, Supervisor Liaison

APPROVAL OF MINUTES

Ms. Friedman moved, Mr. Dickson seconded and it was unanimously carried to approve the Minutes of February 22, 2010 as corrected.

#602 – EDGEWOOD CROSSING – PRELIMINARY PLAN DISCUSSION

Mr. Carter van Dyke, Mr. Ed Murphy, attorney, Mr. Cameron Troilo, Jr. and Mr. Curtis Rittler, engineer were present. Mr. Murphy stated that this matter was last before the Planning Commission a month ago and a Preliminary Plan was presented. The Commission had a lot of issues with the lack of a streetscape, too much macadam and the need for greater separation between the roadway and sidewalks and his client was asked to go back and make revisions to the plan. They contacted Mr. van Dyke for his input and for revisions. Mr. Murphy said that Mr. van Dyke came up with revisions that were discussed with some of the other Township Boards and Commissions before coming to the meeting tonight.

Mr. van Dyke stated he met with the Historical Commission last month to review the plan. The Commissioners had the same comments as the Planning Commission and he prepared a memo with the requested changes. Mr. van Dyke described the layout of the property and the egress in and out of the property. He said the Commissioners suggested that the new building be oriented in a different way and the sidewalk is not designed as a streetscape that would fit in with the Village design. Mr. van Dyke said he created a sketch based on the suggestions and he recessed the sidewalks 5 feet, the parking was reoriented, the outbuildings were give a shed roof to make the buildings look closer together, circulation was made more efficient gaining 5 more parking spaces, all of the walkways are interconnected, and the outdoor seating area is screened with

landscaping. He suggested moving the rear building up front and the Historical Commission agreed this was an improvement.

Mr. van Dyke stated he met with HARB on March 12<sup>th</sup> and discussed relocating the barn building with the chicken coop and they like that idea and approved the demolition permit with conditions based on the presentation.

Mr. Bush asked if the existing building on the corner will be moved and Mr. van Dyke said no. Mr. Bush said that Ms. Friedman raised a safety issue at the corner with the road so close to the building and sidewalk. Mr. van Dyke suggested a refuge island in the middle of Yardley-Langhorne Road to improve safety. Mr. van Dyke noted the Historical Commission will be reviewing and recommending streetlights for Edgewood Village and box lights for the buildings. Mr. Dickson noted the parking spaces are being kept in the front of the bank and he is concerned about the safety of the on-street parking also noted by the Township Traffic Officer. Mr. van Dyke said The Historical Commission is looking into traffic calming throughout the Village and said anything to enhance traffic calming such as street trees and on-street parking slows people down. Mr. van Dyke stated the intent is to reduce the speed on Yardley-Langhorne Road from 40 MPH to 25 MPH but that cannot be changed until the design is approved.

Mr. Murphy said that Flowers Field would have on-street parking across the street from this development. There will be a meeting with Penn Dot to discuss reducing the speed in the Village and traffic calming.

Ms. Friedman asked what is the number of car lanes from the entrance on Yardley-Langhorne Road to the intersection. She said she is concerned about people exiting the development and the oncoming traffic. Mr. Murphy said that is an entrance only. Mr. Majewski said this proves the need for the speed reduction in this area.

Mr. Pazdera asked what is the obstacle of building up on the street. Mr. van Dyke said the traffic in and out of the development. Mr. Pazdera asked if reducing the number of teller lanes would help. He envisioned an outdoor seating area in the rear and to keep the buildings close to the street with less pavement. Mr. van Dyke said he has directed Mr. Troilo to an architect to design the plans to be sensitive to historical design.

Mr. Dickson asked if an engineer report was done on the barn. Mr. Rittler said they were out to the barn and an inspection was done determining that the barn is about 85% is useable but the post and beams and roof sheathing are not in good shape. He noted they are concerned about the barn boards.

Ms. Friedman said she would like the property looked at on its own not to be combined with Flowers Field. She asked what is the allowed percentage for the TND. Mr. Rittler said the allowance is 70%. Ms. Friedman asked if this development is within the allowed range and Mr. Rittler replied yes.

Mr. David Miller, 1684 Yardley-Langhorne Road stated the distance from the entrance into the development to the intersection on Yardley-Langhorne Road is one-car length not 3 car lengths and the cars on the road will block the entrance. This design focuses on the bank and if you took out the bank you would not have these issues, noting this property is not suitable for a bank.

Mr. Jim Bray, representing the Environmental Advisory Council said they are concerned about the request for the EIA waiver on Flowers Field and Edgewood Crossing. That assessment is integral to enforcing the Township's low impact development ordinance. Other developers have requested waivers to some of the conditions in the EIA and the Council would look favorably upon that request. The EAC agrees conceptually this is a good project for the Township but the stormwater issues need to be right before this project can move forward.

Mr. Alan Dresser, EAC commented on the December plan submittal and asked if there have been new plans since then. Mr. Murphy stated the new plans would be submitted after tonight's meeting. Mr. Dresser said the EIA should be completed and combined for both Flowers Field and Edgewood Crossing because the properties are symbiotic. He asked Mr. Murphy if they responded to Mr. Majewski's January comment letter. Mr. Ritter said they have no formal response. Mr. Dresser asked if the soil tests have been done. Mr. Rittler said the test was done on Wednesday. Mr. Dresser asked if the wetlands have been delineated and Mr. Rittler said they are waiting for the Army Corps of Engineer and they do not have a date certain of when they would be out. Mr. Dresser stated that the EAC would like a tree waiver.

Ms. Friedman asked what is the positive or negative to shutting down the entrance drive on Yardley-Langhorne Road. Mr. Murphy suggested the traffic engineer be consulted on that request. Mr. Majewski said that he would ask the traffic engineer. Mr. Fried asked Ms. Frick about the reports mentioned by the EAC members and asked who receives those reports. Ms. Frick said she receives the reports and then distributes the reports to all of the applicable Boards and Commissions. Mr. Fried said one resident mentioned one-car length versus 3 car lengths and asked Mr. Rittler to illustrate that on the plan to find the correct car length. Mr. Rittler explained his calculations.

Ms. Friedman asked Mr. Majewski to request a memorandum from TPD to the Planning Commission about impact of removing the entrance drive on Yardley-Langhorne Road. The applicant will submit the Preliminary Plans presented tonight to the Township.

#### #597 – FLOWERS FIELD AT EDGEWOOD – PRELIMINARY PLAN DISCUSSION

Mr. Carter van Dyke, Mr. Ed Murphy, attorney, Mr. Cameron Troilo, Jr. and Mr. Curtis Rittler, engineer were present. Mr. van Dyke said he met with the Historical Commission who reviewed the documents and the professional reviews. This is the first time everyone is looking at the project and he worked with the applicant to make the plan comply and the applicant is only asking for one variance. Mr. van Dyke noted that HARB has an objection to moving the 3 historic structures on Stony Hill Road. The ordinance calls for moving and reconstructing all 3 buildings. The Historical Commission suggested moving 2 of the buildings to the green area

within the development and keep one house on Stony Hill Road. HARB would like to keep the 3 buildings on Stony Hill Road. Mr. van Dyke said the Historical Commission asked how to address postal service in the Village and suggested using the small house as a Post Office and use the 2<sup>nd</sup> house for an adapted reuse of a residential house.

Mr. van Dyke said the traffic engineer noted his concern about the turning radius on the corners in this development. Mr. van Dyke said his office did extensive research and found the designed streetscape to be successful to promote safety based on 15 MPH. He stated that the underground water storage in one section of the development needs out flow. He noted that detention basins are not permitted in the Historic District and suggested rain gardens with vegetation. Mr. van Dyke stated there is one zoning request and that if for an exception to the rear yard setback. The ordinance has 2 setbacks one for the garage and one for the rear yard. The exception requested is to allow for living quarters over garages.

Mr. van Dyke stated the plan is compliant with a mixed use. The minimum percentage is 15% and the maximum is 50% for residential use. This plan shows residential is 31%, commercial is 58.5% and green space is 10.5%. Mr. van Dyke showed the location of the mixed uses throughout the development like apartments, retail, single homes, townhouses and office space.

Mr. van Dyke said Mr. Majewski expressed his concern that every unit would comply as a fee simple lot and meets the required mix. Mr. van Dyke showed pictures of housing examples. The residential units would be reviewed by HARB as an entire project not as individual units and would approve the types of finishes allowed, shutters, etc.

Mr. van Dyke stated there is on street parking on Stony Hill Road all the way up the street up to Heston Hall on Yardley-Langhorne Road. On-street parking promotes viability in an area and separates pedestrians from the street. He discussed issues of easements with Mr. Majewski and the ability to have street trees. Mr. van Dyke suggested a blanket easement and if work needs to be done and a tree must be removed the property owner must replace the tree.

Ms. Friedman said she liked that one of the small houses from Stony Hill Road would be used for the Post Office. Mr. van Dyke said one concern of the Historical Commission is they want to develop the Village to be successful and it is difficult to lease several 1,500 square feet buildings rather than 5,000 square feet buildings. Mr. Bush noted that relief is being asked for living quarters over the garages and asked what the Historical Commission said about that request. Mr. van Dyke said the Commission really like the idea.

Mr. Dave Miller said that buildings are being moved and asked how many buildings does Mr. Troilo own. Mr. van Dyke said that Mr. Troilo owns Dr. Biles house, Heston Hall and the 3 small houses on Stony Hill Road. Mr. Miller asked what would go in place of the houses. Mr. van Dyke the buildings would be a mix of eating establishments and retail/commercial. Mr. Miller said that both Mr. Troilo's projects should be approved and built simultaneously. He asked about the pipe under I-95. Mr. van Dyke said that is for stormwater runoff from the

development that goes under I-95 to Floral Vale and on. Mr. Miller asked if stormwater issues have been planned and discussed and asked where the development will tap into. Mr. Majewski said the development would tap into the manhole on Yardley-Langhorne Road. Mr. Miller asked where is the sewer outflow. Mr. Majewski and Mr. Murphy said they are not sure yet and the project engineer who designed that portion of the plans would know. Mr. Miller asked if this development will be done in phases and Mr. Murphy replied yes. Mr. Miller said he does not envision phasing this development in and it should be done all at once.

Mr. Dresser asked if the June 2009 plan was the latest plan and Ms. Frick replied yes. Mr. van Dyke said this plan is a culmination of input from the Historical Commission to get the Planning Commission on the same page. Mr. Dresser said a response letter was sent out from Mr. Majewski on March 9<sup>th</sup> and it was noted the applicant would work with the engineer. He asked that the comments also be given to the EAC. Mr. Dresser's one concern is the east flow to go to Paterson Farm. Mr. van Dyke said the site is designed for a 10-year storm and is designed to handle all of the stormwater on-site.

Mr. Fried said that the Planning Commission is being asked tonight to discuss the proposed 50ft curb radius, rain gardens, living quarters over garages, on-street parking and a blanket easement for trees and Mr. van Dyke replied yes.

Mr. van Dyke noted in the ordinance the Township takes ownership of detention basins. The Township does not want ownership of the basins for this development. Mr. Majewski noted that the Township could have the right to do work if the developer does not.

Mr. Bush said the letter of March 9<sup>th</sup> indicated trees to be planted on-site and if not, trees would be placed somewhere else and asked where. Mr. van Dyke said possibly in the green area of the development, Veterans Park and other areas to enhance the development.

#### OCTAGON CENTER – PRELIMINARY/FINAL PLAN APPROVAL

Mr. Ed Murphy, attorney and Mr. Russell Tepper, Vice President Matrix Development were present. Mr. Murphy said last fall, Matrix submitted a Preliminary Plan for 3 office buildings, revised the plans and resubmitted the plans to address Mr. Majewski's comments of March 16<sup>th</sup> to the original plans.

Mr. Murphy said the 1st two pages of the response letter address the history of review letters. Mr. Murphy addressed comments to the adequacy of the parking. Mr. Tepper said the parking on the plan is 4.6 spaces for 1,000 square feet, which comes to approximately 130 spaces determined on the needs of who will work in the buildings. He said they are willing to land bank some of the parking if demand for the spaces is not there and would allow for more green space. The location for the spaces would be between the buildings. Mr. Tepper said they have had discussions with Mr. Majewski about going to the Zoning Hearing Board for a variance for the loading berth. The ordinance requires any building to have loading areas even if it is not needed.

They looked to relocate the berths or leave them where they are and have a one-way drive and the latter makes sense. Ms. Friedman said she doesn't anticipate any large trucks loading and unloading and could those areas be made a green space now and if needed change the parking lot direction and convert the loading area.

Mr. Murphy talked about the woodland areas and noted the on-site disturbance on-site would be in the eastern part of the development. The ordinance requires a certain percentage of area not to be disturbed. There were 2 additional woodland areas they proposed to clear and did not, therefore, they are preserving 1/3 acre more than planned and will be below on the woodland maintenance requirement. Mr. Murphy said they are asking that the woodlands line be changed. Mr. Donaghy asked if the additional woodlands are designated in the retail area. Mr. Tepper said anything on the plans to show the balance not used in one area would be used in other areas. He said approvals for these items have been in place for the land since 2006. Mr. Murphy said these requests are based on the agreement between the parties. Mr. Donaghy said we must keep tract of exchanges in this project. Mr. Majewski said he is keeping track.

Mr. Murphy said the next section of the review letter deals with waivers. Mr. Majewski said the first waiver addressed how they will phase in road improvements. Mr. Tepper stated the next waiver is for sidewalks on both sides of the street. It is not appropriate or safe to have sidewalks on both sides of the road. We could possibly create a connection between the development to the west.

Mr. Murphy said his client is asking for a partial waiver for the basin that contains the retaining wall. Mr. Majewski said he would like to have the load calculations for the retaining wall.

Mr. Murphy said his client is asking for a section of Old Oxford Valley Road to be vacated. Mr. Tepper said the road was abandoned north of the development and the road is on the property. Mr. Majewski agreed that part of the road is on their property and asked if the property owner could challenge the rights to the road. Mr. Donaghy talked about the neighbor's rights to the road and said just because the road is abandoned or vacated does not extinguish the neighbor's rights. He asked if the Township researched the history of this road. Mr. Majewski said the road is so old, but it is listed on the Township's Liquid Fuels list. Mr. Murphy said there are utility lines that will be located in that area and will need an easement. Ms. Frick asked how close are the ruins from the Octagonal School house to the road. Mr. Murphy said the ruins are not near the road. Mr. Donaghy said because of the length of time the road has been abandoned the road would usually be vacated automatically but we need more information.

Mr. Murphy stated his client will comply on items 7 through 14 in the review letter and do not need discuss further. Mr. Tepper stated the 1<sup>st</sup> building will be a LEED certified building and will also have bike racks, infiltration beds and rain gardens.

Mr. Bush asked if there is any intention to deviate from the plan as to the residential component. Mr. Tepper said he doesn't know right now. They are having discussions with brokers and builders and if there were any changes they would present them to the Township.

Ms. Friedman asked if we are in agreement for the green space in lieu of the parking, which option she would prefer. Mr. Tepper said he agrees as well but need a happy medium to be marketable. Ms. Friedman stated that she does not see enough handicap parking spaces on the plans. Mr. Tepper said the number of handicap spaces are correct and are spread out.

Ms. Friedman asked if the 12,000 square feet building will be a medical facility and Mr. Tepper said yes and it is leased already. Ms. Friedman asked if the other building would be for medical use as well. Mr. Tepper said he did not know yet. Ms. Friedman said she has an issue with this development not being walk able for the proposed senior community and will not be safe.

Ms. Frick noted this was submitted as a Preliminary Final Plan.

Mr. Bush moved to recommend that the Board of Supervisors approve the Preliminary Plan last revised on 2/19/2010, plan #335-OC, subject to the Remington, Vernick letter dated 3/16/2010 with the caveats that parking spaces be removed between buildings B & C; subject to the notation on the plans that the drive around the loading area in the rear of the buildings be set as one way only; subject to comment #3 on the review letter and approval of the waivers on 5 A, B & C; prior to Board of Supervisor approval vacating Old Oxford Valley Road be resolved; and add details of the 3/18/10 TPD letter to the plans. Ms. Friedman seconded.

The motion unanimously carried.

Ms. Frick asked if any stipulations are needed to the Belle Mead agreement and Mr. Murphy replied no.

#### ZHB APPEAL #10-1547 – WINDSOR TOWNSHIP AT TOWNSHIP LP

Mr. Ed Murphy, attorney and Mr. Tom Weitzel leasing agent from Jones, Lang, and LaSalle were present at the meeting. Mr. Murphy stated an application was submitted on behalf of the owner in January 2007 asking for a special exception for the 30,000 square feet dedicated to medical use at 777 Township Line Road. Mr. Weitzel stated they are asking for a modification to the special exception for dedicated use on the 2<sup>nd</sup> and 3<sup>rd</sup> floor for other medical use. One proposed medical use is a physical therapist's office.

Ms. Friedman asked if there are a sufficient number of parking spaces for the 2<sup>nd</sup> and 3<sup>rd</sup> floors. Mr. Murphy stated his client did a parking study to determine the number of empty spaces at any given time. The lowest number of spaces available at anytime was 135. Mr. Majewski stated that research was done to determine where these potential uses could go and that is why the west end was chosen.

Mr. Donaghy stated in this case the role of the Planning Commission is to act as an advisory board to give a recommendation to the Zoning Hearing Board about the location of the special request and any planning related issues.

Ms. Friedman stated the Township originally allowed the medical portion on the northern end and asked what is on the other side. Mr. Weitzel stated the other side is used for administration. Ms. Friedman asked what changes would be needed to be done to accommodate a physical therapist's office, noting that many people may be wheelchair users. Mr. Weitzel stated that no configurations would be needed and the building meets accessibility requirements. Ms. Friedman asked if the practice would be a multi therapist's office or sole practitioner. Mr. Weitzel stated the practice would have a staff of at least 4 people with projections of weekday traffic of 4,000 visits per year, 2.5 visits per hours and open from 7:30 am to 5 pm. Ms. Friedman asked Mr. Weitzel if he knew the other proposed medical use and he replied no.

Mr. Fried stated that he just completed physical therapy and he saw as many as 10 people in the office during one visit. He asked if people would be spread out because he is concerned about traffic. Mr. Weitzel stated their projection of 2.5 people per hour is pretty close. Mr. Fried asked why the original restriction was placed on the building. Mr. Murphy said because of the parking limitations. Mr. Dickson asked if there is parking behind the building and Mr. Murphy replied yes. Mr. Dickson asked if the physical therapy patients would enter the building from the front or the back of the building and Mr. Weitzel said that most people would enter from the back of the building.

Ms. Friedman stated the Commission should review the permitted list of medical uses for the future. Mr. Donaghy read the list of permitted medical uses to the Commission.

Mr. Dickson moved that the Planning Commission supports appeal #10-1547 to allow additional medical use of 3,680 square feet on the 1<sup>st</sup> floor and 1,449 on the 2<sup>nd</sup> floor for permitted medical use in the southern portion of the building as read by Mr. Donaghy and request a special exception be granted. Mr. Bush seconded and the motion unanimously carried.

#### OTHER BUSINESS

Ms. Friedman said she would like to discuss how the Commission could go paperless at their next meeting.

The next meeting is scheduled for Tuesday, April 12<sup>th</sup> at 7:30 pm.

There being no further business, Mr. Dickson moved, Mr. Bush seconded and it was unanimously carried to adjourn the meeting at 10:25 p.m.

Respectfully submitted,

Dean Dickson, Secretary