

TOWNSHIP OF LOWER MAKEFIELD  
PLANNING COMMISSION  
MINUTES – JULY 13, 2015

The regular meeting of the Planning Commission of the Township of Lower Makefield was held in the Municipal Building on July 13, 2015. Mr. Tracey called the meeting to order at 7:30 p.m.

Those present:

Planning Commission:      John Tracey, Vice Chairman  
   William Clark, Secretary  
   Dawn DiDonato-Burke, Member

Others:                              Steve Ware, Keystone Municipal Services  
   John Koopman, Township Solicitor  
   Mark Eisold, Township Engineer  
   Dobby Dobson, Supervisor Liaison

Absent:                                Dean Dickson, Planning Commission Chairman

APPROVAL OF MINUTES

Ms. Burke moved, Mr. Clark seconded and it was unanimously carried to approve the Minutes of May 11, 2015 as written.

Ms. Burke moved, Mr. Clark seconded and it was unanimously carried to approve the Minutes of June 22, 2015 as written.

SKETCH PLAN REVIEW OF THE KAPLAN TRACT SUBDIVISION LOCATED AT 1561 DOLINGTON ROAD

Mr. Mark Hintenlang was present with Mr. Larry Kaplan. Mr. Hintenlang stated the site is located off Dolington Road. He stated it is a five acre property which is an 18<sup>th</sup> Century farm. He stated they would like to split off one lot from the five acres so that they can gain revenue to take care of the farm.

Mr. Hintenlang stated they received a letter from Boucher & James dated 6/3/15. He stated most of the comments are “will comply,” adding this is a Sketch Plan only; and they do not have a full survey on the site yet which will modify some of the design aspects of the project.

Mr. Hintenlang noted Page 2 of the Boucher & James letter which lists the requested Waivers. He stated they are requesting a Waiver to not be required to widen Dolington Road, or provide a sidewalk or curbing on Dolington Road. He stated they are also requesting not to be required to put in a bike path on Dolington Road. He stated they are also going to ask for a Waiver not to be required to provide a reverse frontage lot which would be to install a road through the property for one lot. He stated the requirement is if you are developing off a Collector road, you have another road to access the lot so they are not fronting on the main road. He stated they are only adding one lot so they will need a Waiver from that.

Mr. Hintenlang noted Page 2 under Zoning Ordinance Comments Item #2 which refers to the Net Lot Area. He stated on most of the Lot Areas listed in the Ordinance for Minimum Lot Area, there is a percentage given back for Natural Resources. He stated they are proposing a Lane Lot which is a 40,000 square foot minimum so there is no percentage of Natural Resource there. He stated they may have woods on the lot, and they would then have to make the lot bigger because the wooded area would come out of the lot area. Mr. Hintenlang stated when they get the final survey, they will find out if this is the case or not. He asked the Planning Commission if this is something that has come up before, and whether it is an interpretation or would they have to go to the Zoning Hearing Board for approval.

Mr. Eisold stated this is a stringent requirement, and other developments have had to accommodate it to varying extents. Mr. Hintenlang stated he felt because it was a Lane Lot maybe this was overlooked to some extent. Mr. Eisold stated they have not had a lot of Lane Lots recently. Mr. Koopman stated he feels they would probably need a Variance for this as well as some other Variances depending on what they find out.

Mr. Hintenlang also noted Item #7 which is similar where you have to provide setbacks from the restricted area. He stated his understanding is that they would make up a line on the drawing that would include 70% of the woods, and they would then have to set the buildings back whatever the setback requirements are off of that. Mr. Koopman stated the line would be the disturbance line if they are going to disturb some of the woodland area. He stated you are allowed to disturb a certain amount. Mr. Eisold stated they need to find out which 30% they want to disturb. He stated he could bring out an arborist to see what makes sense as a woodlands or a grove.

Mr. Hintenlang noted Page #3, Items #24 and #25 are repeats of the Waiver requests; and he stated everything else is “will comply.”

Mr. Hintenlang noted Page #4 and asked if the Recreational Fee is just for the proposed lot, and Mr. Eisold agreed it would be just for the new lot.

Mr. Hintenlang stated they would like to have guidance from the Planning Commission as to whether they would be in favor of the Waiver requests. Mr. Eisold stated he understands there is an existing stone wall, and Mr. Hintenlang agreed there is a historic stone wall. Mr. Kaplan stated it is approximately 10' back from the edge of the road. Mr. Koopman asked if there is a curb, and Mr. Kaplan stated there is not. Mr. Hintenlang stated if the Township were to put in a bike trail in the future, there would be room for a combination shoulder/bike trail; but there is not room to put in an official trail due to the location of the wall. Mr. Eisold stated there is no bike trail on either side of the property, and Mr. Hintenlang agreed. He added they are only proposing one lot. Mr. Koopman asked if there is a bike trail in the area, and it was noted it is off Woodside. Mr. Hintenlang stated there are agricultural fields on both sides. Mr. Kaplan stated the house is surrounded by preserved land. Mr. Eisold stated it is a fairly rural area, and there would be no bike path that it would connect to. He added that curb and sidewalk are also not currently on that street. He stated as to road widening, the road has functioned adequately for a number of years in this area; and he does not see a real need to widen the road based on the existing conditions.

Mr. Tracey stated the Planning Commission cannot give a recommendation until they see a final Site Plan in documented form. Mr. Hintenlang stated they do plan on getting the survey done and finalizing all the issues, but they wanted to see how the Planning Commission felt recognizing that they make recommendations to the Supervisors. Mr. Tracey stated he feels it is good that they came in at the Sketch Plan stage and had it reviewed by the Township engineer.

Mr. Eisold stated the Township does have the right at any time to require curb and sidewalk on any property if deemed necessary so they are not really giving anything up.

#### SKETCH PLAN REVIEW OF THE DOBRY ROAD RETAIL SITE LOCATED AT THE NORTHWEST CORNER OF DOBRY ROAD AND OXFORD VALLEY ROAD

Mr. Edward Murphy, attorney, was present with Mr. Cornelius Brown, engineer, and Mr. Robert Hill to discuss a Sketch Plan for a limited Commercial development on a 2.2 acre property on Oxford Valley Road. Mr. Murphy stated the property is under Agreement of Sale to Mr. Hill; and the owners of the property, the Madak Estate family, are in the audience this evening if there are any questions as to the background. Mr. Murphy stated the property is two adjacent parcels that they are proposing to consolidate, and the total is two and a quarter acres Zoned C-3 – General Business.

Mr. Murphy stated the Plan before the Planning Commission was the subject of the June 5 review letter from Boucher & James and contemplates a development of approximately 13,000 square feet with two separate buildings. Mr. Murphy stated after they received the review letter, there was an on-site meeting last week between the Applicant's engineer and Mr. Eisold's office to discuss some of the issues in the letter. In the response to that, for discussion purposes tonight, an alternate Plan was prepared to give everyone an idea of what a Plan would look like if the Plan was conforming. Mr. Murphy stated they recognize that the Plan before the Planning Commission which was the subject of Mr. Eisold's review does list numerous Variances, and the alternate Plan highlights the problem with the Ordinance as applied to this site; and if they were to strictly comply, they would be left with a "postage stamp" of what they could do on the property which seems inconceivable when there is two and a quarter acres of a Commercial Zoned property. Mr. Koopman asked if Mr. Murphy is suggesting that there could be a hardship, and Mr. Murphy stated there could be.

Mr. Koopman asked if the property is vacant now; and Mr. Hill stated there is currently a house on it, and one of the family members lives in the house.

Mr. Brown showed an aerial view of the property and noted Dobry Road, Oxford Valley Road, and the existing residential dwelling. Mr. Koopman asked what is surrounding the property, and Mr. Murphy stated to the north is Makefield Executive Quarters, to the rear which is labeled "proposed development" is the recently-submitted plan the Township has seen for the Residential quads.

Mr. Hill noted that across Dobry Road is a small, triangular piece of ground where there is currently a Binswanger sign which is for sale, and to the south is the Toll Bros. project.

Mr. Brown showed the Plan which has two buildings – one 5,525 square feet and the other 6,800 square feet which are surrounded by parking with angled parking in the rear, and a stormwater management facility in the rear and one in the center of the property. Mr. Brown stated access will take place from two points – a full service intersection proposed along Oxford Valley Road and another full service intersection proposed off Dobry Road. Mr. Brown noted a drive-through lane on the south side of one of the buildings as a drive-through facility is anticipated. He stated they will locate the drive-through lane along the side of the building and along the rear to provide for a sufficient amount of stacking to comply with the Township Ordinance.

Mr. Hill stated typically they would not have two buildings, but they were trying to comply with one of the provisions of the Ordinance. Mr. Murphy stated there is a limitation on the size of a single Commercial building so they separated the buildings based on the minimum separation distance between buildings to comply with the Ordinance. Mr. Hill stated while this is not their preference, they are trying to comply.

Mr. Clark asked how many stories the buildings will be, and Mr. Hill stated they are one story.

Mr. Hill stated the stores would be 80' deep. He stated they are early in the process of talking to tenants. He stated they have had interest from local businesses as well some businesses that are outside of the area. He stated they would be businesses that would serve the neighborhood.

Mr. Murphy stated that the Plan that was the subject of the engineer's review letter contemplated a restaurant within the one building, and more generic retail for the balance. He stated the parking requirements for the restaurant are very dramatic and burdensome, and it would have required 160 parking spaces. He stated there is not an Ordinance in the area that is anywhere near as restrictive. He stated for the total site for this limited Commercial development according to the Ordinance, it would require 189 parking spaces for 12,000 square feet of Retail. Mr. Hill stated this is much higher than anything they encounter elsewhere.

Mr. Murphy stated the 6/5 Boucher & James letter was the subject of the on-site meeting last week; and while they have no quarrel with what Mr. Eisold and the staff have identified as potential items of relief, the problem is the site conditions particularly the required setbacks because of the classification of Oxford Valley Road, the trees on the site, and the natural resource restrictions almost "sterilize" the property for development. Mr. Murphy stated they therefore prepared the alternate Plan to show what a Plan would look like if they tried to comply with all the provisions of the Ordinance, and it shows a 1,500 square foot building with a suggested drive aisle. He stated for a two and a quarter acre site on an arterial roadway, he feels this is limiting in terms of the expectations of the seller to obtain a reasonable square footage development. He stated he feels this highlights the need for further discussion by the Planning Commission and the Board of Supervisors about what would be a reasonable expectation for a property like this. He stated there are family members in the audience who will advise that this site had no trees on it as recently as thirty years ago, and they are being penalized for letting the property grow back.

Mr. Eisold stated a lot of the Zoning comments are repetitive; and while it seems like a lot it is really just a few key issues including the woodlands situation, the big setback off of Oxford Valley Road, and a stream which also requires an offset. He stated all of this shrinks down the potential for the property. Mr. Murphy stated there are a number of natural resource restrictions, some of which overlap, which are limiting the area. He stated the parking requirement is also making this difficult.

Mr. Tracey stated the alternate Plan indicated a proposed restaurant, and they are showing a stacking lane; and he asked if the purpose of the stacking lane is for take-out. Mr. Hill stated they have a coffee shop that is interested in this location, and they would have a drive-through. Mr. Murphy stated he knows in the past, they have received some relief from the stacking requirements for the drive-up windows. He stated the Ordinance has a significant requirement of eight or nine spaces they have to provide for; and in some of the more recent developments, they have had this cut back in half to try to minimize unnecessary impervious surface.

Mr. Koopman stated that was for a bank, and Mr. Murphy agreed.

Ms. Grace Godshalk asked for an opportunity to review the Plan, and was provided time to do so. Ms. Godshalk stated where the sale sign is located on the property across the street on Dobry Road, the Township owns the full frontage of that property. She stated the Township owns four hundred feet along the front so they have no entrance on Oxford Valley Road, and it is very deceptive where the sign is. It was noted that is not the property under discussion this evening. Mr. Eisold stated he knows that the potential developer understands that the Township owns that section. Ms. Godshalk stated the sign should be moved, and Mr. Ware agreed to look into this and have the sign moved.

Mr. Dobson suggested that the Applicants come before the Board of Supervisors to discuss this project. He stated he feels this is going to have to go before the Zoning Hearing Board.

Mr. Tracey stated if they feel strongly about the original proposal with the two buildings, they should present that to the Board of Supervisors. Mr. Murphy stated the purpose of the alternate Plan was to show the impact on the property if they followed the Ordinance. Ms. Burke stated she feels it would be good to have something between the two Plans because there is such a vast difference between the two Plans. Mr. Koopman stated while he understands they do not know what the uses will be, the Township would probably like to have more information about the potential users recognizing that they do not always know exactly what they will be. He stated if there is something they could rule out, it may make it easier.

Ms. Burke stated while she does not feel it has to be as small as on the alternate Plan, she does not feel they need it as large as on the original Plan.

Mr. Hill asked about the Planning Commission's feelings about parking since they are required to have a very heavy parking ratio. He stated a lot of Townships are going to less intense parking requirements in favor of more green space and less impervious surface. Ms. Burke agreed that she does feel what is required is stringent. Mr. Koopman stated if they can show the use does not need these parking numbers, this may be a persuasive argument. Mr. Ware stated it may also be helpful if there is a way to share uses between the different components. Mr. Hill stated they assumed that they would be shared, and there would be some offsetting times such that there could be a use that is busier in the morning and a use that is busier later. Mr. Tracey stated they should also give serious consideration as to whether or not they would need a stacking lane, and Mr. Murphy stated that would depend on the nature of the use.

#### OTHER BUSINESS

Mr. Ware provided this evening Plans for the Bible Fellowship Church which will be on the Agenda for July 27.

There being no further business, Mr. Clark moved, Ms. Burke seconded and it was unanimously carried to adjourn the meeting at 8:10 p.m.

Respectfully Submitted,

William Clark, Secretary