

TOWNSHIP OF LOWER MAKEFIELD  
PLANNING COMMISSION  
MINUTES – MAY 9, 2016

The regular meeting of the Planning Commission of the Township of Lower Makefield was held in the Municipal Building on May 9, 2016. Mr. Tracey called the meeting to order at 7:35 p.m.

Those present:

Planning Commission:           John Tracey, Chair  
  Chad Wallace, Secretary  
  Dean Dickson, Member  
  Charles Halboth, Member

Others:                             Steve Ware, Keystone Municipal Services  
  Barbara Kirk, Township Solicitor  
  Maryellen Saylor, Township Engineer  
  Michael Shinton, Township Traffic Engineer  
  Judi Reiss, Supervisor Liaison

Absent:                             Dawn DiDonato-Burke, Planning Commission  
  Vice Chair

APPROVAL OF MINUTES

Mr. Wallace moved, Mr. Dickson seconded and it was unanimously carried to approve the Minutes of April 11, 2016 as written.

MARKEFIELD GLENN IN EDGEWOOD VILLAGE REVISED PRELIMINARY/FINAL  
LAND DEVELOPMENT PLAN

Mr. Edward Murphy, attorney, was present with Mr. Leon McGuire, engineer, and Mr. C. T. Troilo.

Mr. Murphy stated on the easel they are showing a colored rendering of the Plan. He stated what is proposed are two free-standing buildings. He stated the first floor of the larger building is proposed to contain a 4,000 square foot restaurant, and on the second floor are two approximately 1,000 square foot apartments. He stated to the right of that building as you stand on the road, is an approximate 2,000 square foot retail space, the proposed tenant of which is not known today; and on the second floor they propose a single 1,500 square foot apartment. Mr. Murphy stated the Plan has been discussed for quite some time first at the Sketch Plan stage when multiple iterations of the Plan were presented, and then a more formal Application

was submitted last summer. He stated a Hearing was held at the Zoning Hearing Board late in July last summer when certain relief was granted in anticipation of the development of the fully-engineered Preliminary Land Development Plan.

Mr. Murphy stated the Plan before the Planning Commission this evening was the subject of a number of review letters that have been issued by the Township engineer, the EAC as of today, and the Township Traffic consultant. Mr. Murphy stated this is the second review by most of those consultants.

Mr. Murphy noted the 4/8/16 Boucher & James letter. He stated the first page and a half reflect relief that was already previously granted by the Zoning Hearing Board last July. He noted Item #1 for which relief was granted; however, this is no longer needed because they eliminated one of the apartments.

Mr. Murphy stated with regard to the Subdivision and Land Development comments, many of these are the subject of formal Waiver requests which they already made and which are pending before the Township. He noted #8 which correctly identifies the fact that they are seeking a Waiver to permit the presentation of a Preliminary and a Final Plan together. He stated he believes that the level of engineering detail that is contained on these Plans qualifies the Plan as a Preliminary as well as a Final Plan. Ms. Saylor stated as long as their comments are satisfied and the comments of others are satisfied, they would not have a problem with this Waiver.

Mr. Murphy noted #9 and #11 both highlight the requirement in the Ordinance for a submission of an Existing Resources and Site Analysis Map (ERSAM) and an Environmental Impact Assessment (EIA). Mr. Murphy stated the site is very small, and this is a re-development project. He stated there are not really any natural resources on the site other than some trees around the perimeter; and for those reasons, they did not feel expending a lot of time and energy doing those studies was warranted, and they have requested a Waiver on those from the outset of the project.

Mr. Murphy noted item #10 which they will comply with. He stated the project is intended to be served by public water and sewer, and they know they need to have letters from the relevant authorities of providing capacity.

Mr. Murphy stated Item #12 discusses the requirement that the minimum radius for a driveway is 15', and they are showing a curb radius of 10' on the western side. Mr. Murphy stated this is due largely to the configuration of the abutting roadway in the front. He stated they have asked for a Waiver for this.

Mr. Murphy stated Item #13 deals with the light fixtures, and they have revised the Plan to insure that the light fixtures they are proposing are consistent with the other light fixtures that the Troilos and others have provided in the Edgewood Historic District.

Mr. Murphy stated Item #14 is not a new issue, and they have previously requested a Waiver from the requirement of having to provide a planting strip between every twenty parking spaces. He stated the parking is principally located to the rear of the site, and the buildings are pushed toward the front along Langhorne-Yardley and Edgewood consistent with the Village approach to location of buildings. He stated they have asked for this before, and it is not intended to avoid obligations for planting of street trees or anything else; and they intend to fully comply with those requirements for tree replacement whether it is on the site, providing trees elsewhere, or paying a fee-in-lieu.

Mr. Murphy stated with regard to Item #15, this relates to the replacement tree requirement; and as just noted, they will comply, provide a fee-in-lieu, or plant trees elsewhere.

Mr. Murphy stated Item #16 relates to the fee-in-lieu for providing active recreation on the site; and for obvious reasons, they are prepared to pay the fee and not provide it on the site.

Mr. Murphy stated Item #17 deals with grading within 5' of the property line, and they have asked for a Waiver on this.

Mr. Murphy stated with regard to Item #18, they agree that they need to have appropriate Act 537 Planning Module approval to confirm sewer capacity for the project.

Mr. Murphy stated Items #19 through #23 relate to stormwater management, and they are working directly with Mr. Eisold's office to resolve these issues.

Mr. Murphy stated they will comply with Items #24 through #30.

Mr. McGuire stated they have the Traffic Circulation Plan with them this evening, and he has also sent that to Boucher & James. Ms. Saylor stated they did have a concern with the circulation as there was an awkward turning movement as noted in their letter under Item #25 with regard to cars coming in from Edgewood Road. She stated they would defer to the Township Traffic Engineer for this or will discuss it with them. Ms. Saylor stated she feels they can address this when they see the Plan.

Mr. Murphy noted the letter from Gilmore & Associates dated 4/20. He stated one issue was whether a Traffic Impact Study was going to be submitted, and Mr. Murphy stated they did request a Waiver from having the obligation to do so; and this has been their request since the outset of the project. Mr. Murphy stated they do have an issue with the Impact Fee calculation, and they had previously noted this. He stated they feel that the Fee as calculated by Gilmore is nearly double what the Fee should be, and they will have their consultant share with Mr. Shinton their calculations for that Fee. He stated they do recognize that they have an obligation to pay the Fee; however, they feel the approximately \$123,000 number that was calculated by Gilmore is much in excess of where they feel it should be. Mr. Murphy stated they also acknowledge that PennDOT will control the improvements along the frontage, and he feels they will all have to defer to PennDOT. He added that they have had an informal meeting already with PennDOT, and he feels that the improvements they have shown on the Plan are consistent with what PennDOT will require.

Mr. Tracey asked what the SR number designation is for the road, and Mr. Shinton stated Langhorne-Yardley is 2049 and Edgewood Road is 2030.

Mr. Shinton asked if they have started the HOP process yet; and Mr. McGuire stated they have submitted Plans to PennDOT for informal comment, and they have received some feedback. Mr. Murphy stated a PennDOT representative has been on the site. Mr. McGuire stated they have already incorporated on the Plan some of the items raised by PennDOT. Mr. Shinton asked if PennDOT is inclined not to require a TIS as well; and Mr. Murphy stated while he believes that is correct, they can confirm that.

Mr. Shinton asked Mr. Murphy if PennDOT had any opinion as to turn lanes since it would impact site frontage improvements if they were going to require turn lanes at the intersection. Mr. Murphy stated he does not feel they require them, but they can confirm that. Mr. Shinton also noted the right-of-way widths. He stated there is a 40' half right-of-way width on the adjacent parcel, and he believes that they are proposing 30'. He stated there would then be structures being constructed within the 40' half width.

Mr. Murphy noted the 5/9/16 letter from the EAC which they received this afternoon. He stated the first item deals with stormwater management and the reference that the author of the letter did not feel they met the appropriate stormwater volume control requirements in the Ordinance; however, Mr. Murphy stated he would defer to Boucher & James on this issue. Mr. Murphy stated he feels they do meet the requirements or they will not have any trouble satisfying any Boucher & James comments on the adequacy of the design.

Mr. Murphy stated with regard to the trees and woodlands section, there is a comment that the correct number of total trees to be replaced is 89 as opposed to 81; and Mr. Murphy stated if there is an issue about this, they will acknowledge it. Mr. Murphy stated with regard to compliance with the Tree Protection Standards, they have no issue with that.

Mr. Dickson stated he has been approached by a number of people who asked why the Heacock Tenant House was never reconstructed. Mr. Dickson stated he recalls that Mr. Murphy was Mr. Messick's attorney of record in 2005 when this first came before the Board of Supervisors. Mr. Murphy stated he believes he attended one meeting with Chris Messick on that project. Mr. Dickson stated he feels it was the intent of the Board of Supervisors and HARB in 2005 that the House would be reconstructed. He stated the Minutes of the Board of Supervisors meeting indicate that a Demolition Permit was granted to Mr. Messick. Mr. Dickson stated apparently there was some negligence on the part of the Township in that there was never any movement by the Township to secure an Agreement with Mr. Messick or with Mr. Cameron Troilo following that.

Mr. Dickson noted the Minutes from the Zoning Hearing Board meeting of July 27 about parking. He read from #40 of the Findings which states: "Due to the location of the property and the close proximity to the Edgewood Village Center across the street, additional off-street parking is available to patrons and customers."

Mr. Dickson stated he reads this to mean that one of the reasons the Waiver was granted was because there is additional parking across the street in Edgewood Village; however, Mr. Dickson stated those parking spaces do not exist. Mr. Dickson added he is the only person who was on the Planning Commission when Edgewood Village was approved, and the Applicant got a Waiver for parking at that point. Mr. Dickson stated when they approved what is now the Edgewood Café, the intent was that it would be an ice cream parlor or a bagel shop. He stated they then applied for a sit-down restaurant, and they had to reduce the number of seats in the restaurant due to inadequate parking. Mr. Dickson stated one of the reasons the Edgewood Café does not serve dinner is because the Cigar Shop patrons took up so many spaces that there was no place for the patrons to park for dinner.

Mr. Murphy stated the parking spaces do exist; and the way he and C. T. Troilo understand it, the Cigar Shop has six spaces in front of it, and those spaces are typically occupied by patrons of the Cigar Store. He stated the rest of the spaces, of which there is a total of 61, are mostly empty during the hours when the Café would be open in the evening. He stated it is true that people may not want to walk another 20 feet to get to them.

Mr. Dickson stated the Edgewood Café was not envisioned as a sit-down restaurant; and Mr. Murphy stated while this was originally true, over time it was acknowledged to be a sit-down restaurant, and they received relief to permit evening dining three or four nights a week. Mr. Dickson stated he is still concerned with the parking as he does not believe the parking spaces really exist.

Ms. Reiss asked if the parking spaces would be available at Flowers Field for overflow. Mr. Murphy stated he was involved from the outset when they created the Overlay to create the Edgewood Village and to try to generate more foot traffic. He stated the concept was always to try to create walkability and a synergy by and among the different businesses that would be in the Village. He stated it was always contemplated that people would be able to walk from one site to another site. He stated Ms. Reiss is correct, and there are 61 spaces at Edgewood Village and another 478 total spaces at the Flowers Field of Edgewood. He stated the expectation was that everyone would be able to park wherever they could and to walk and patronize the different businesses in the Village. He stated Mr. Dickson is correct in that they got relief from the requirement so that they could have 74 spaces associated with the mixed use retail/apartment complex; however, it was always anticipated that those spots would be available together with any others that might be created through other projects in the Village that have yet to come before the Planning Commission. Mr. Murphy stated this was a piece of a larger fabric of how they were going to help create a new Edgewood Village, and it was always intended that there would be shared parking.

Dr. Helen Heinz, Historic Commission, stated she has been here since the beginning of the Traditional Neighborhood Development; and they did expect shared parking spaces. She stated she recalls parking spaces for this project being saved at the bank building, and walking through the space that is supposedly Giant open space which is between since she feels people would park at the Giant and then come in the back way to the proposed restaurant as opposed to parking at Flowers Field.

Dr. Heinz stated she was also here when Mr. Celli owned the building that came down. She stated it was a 1,600 square foot building with a basement, two levels, and an attic. She stated it was built in 1810, and there was a requirement to have measured drawings of the building which Mr. Carter VanDyke did as part of working for Mr. Troilo, Mr. Messick, and all the people who were trying to develop that particular site. Dr. Heinz stated adjacent to that where the proposed restaurant is supposed to be there was a 400 square foot garage that had been a Mobil station; and the Bennett's who lived across the street took that down. Dr. Heinz stated both of the structures were on the Historic Register and the National Register, and they were removed through demolition by neglect. Dr. Heinz stated the Bennetts took down theirs voluntarily, and she knows that she tried vigorously to make them not do that. She stated this was before the TND was in place. She stated she advised

them that once they took it down, they would lose the frontage which was close to the front line and the overlying Zoning would come into play which meant that it would be an un-buildable lot.

Dr. Heinz stated the TND caused this development to come in, and they were hoping to have in-fill; but nothing as large as what is coming in here now. She stated she understands that the developers have to make money, and they are all about trying to develop this as a walking Village; but she feels this is so much put into such a little space, and they are replacing the historic structure. She stated if it were going to be an apartment, they would ask that it look something like what was there before.

Dr. Heinz stated when the house came down, part of the issue was that the lady that was living there was upset because there was seepage from the garage next door from an underground gasoline tank that was seeping gasoline into her basement. They eventually sold the house to the “Messick/Troilo conglomerate.” Dr. Heinz stated she knows that when they took out the tank, it was in terrible condition; and the soil was impacted. She stated the fact that they are not doing a soil analysis or archeology on the site is of great concern.

Mr. Dave Miller, 1648 Yardley-Langhorne Road, stated he has lived there for over forty-five years. Mr. Miller stated he is particularly concerned about the stormwater management, and Mr. Murphy had stated that they would be discussing stormwater management at a later point. Mr. Miller stated he feels it was suggested that a lot of things would be discussed at a later point. Mr. Miller stated he understands that they are asking that tonight the Preliminary and Final Approval be given which means they everyone only has tonight to go through all the information that is being put out before voting on it. Mr. Miller stated he hopes that some of the things the Planning Commission is hearing tonight will make them think about it for a while, and that Final Approval is not voted on tonight.

Mr. Miller provided information this evening to the Planning Commission which includes his drawings of the neighborhood involved as it relates to the stormwater management. He stated he has shown on the drawing the way the developer is proposing to have the stormwater directed. He noted the location of the property under discussion as well as his home on this drawing. Mr. Miller stated he has also shown on the drawing a blue-dotted line which is the way he would suggest that the stormwater flow which follows Yardley-Langhorne Road since there is already a partial system in place in front of the CVS which was put in place by the same developer to accommodate the stormwater management systems for the CVS property. Mr. Miller stated he feels the stormwater from the proposed property should be put into a new pipe extending from the intersection down to the first existing storm drain, and it will not then go across his property and cause more

erosion or go to the Patterson Farm to the stream causing continuing erosion through the Patterson Farm. He stated his proposal would put it into Mirror Lake and then it would be slowly released down to the Delaware River. He stated this would be a shorter run for the developer as well as being better for himself, the Patterson Farm, and other people downstream.

Mr. Miller showed an area on his drawing which is often flooded because the basin where the developer wants to deposit their water into overflows. He stated if they went along with his idea they could cut down on flooding the road. He noted Page #3 of his hand out shows how water would flow under his proposal. He stated when Basin #1 was built it was built to handle the McCaffrey Shopping Center and the Giant Shopping Center; and since then the Grange, Woodside Church, the Children's Learning Center, the Edgewood Café property including all the shops and banks, and now Flowers Field have been added to that same system so it is probably three to four times as much water going in there now from when it was originally designed. He stated the developer has indicated that the water will go there anyway because it is downstream. Mr. Miller stated he does not agree with that since a lot of the water that lands on Flowers Field is absorbed into the ground or evaporates into the air. He stated if they would pipe it all the way, it would go there; but if they just let it drain like it has for the past hundred years, much of it will not get there. He stated he is not an engineer so he cannot state how much of it will get there, but he knows he sees flooding in front of his property now that they never had when they moved in forty years ago. Mr. Miller stated he feels it is unfair for the Township and the developer to ask his family to take any more water on their property. He stated he has provided a picture of the stream on his property which is flooded every time there are heavy rains. He stated he feels it will be better for everyone in the long run if the stormwater management system is changed from the way it is proposed.

Mr. Wallace asked the developer if they looked into this, and Mr. Murphy stated these issues are not new. Mr. Murphy stated Mr. Miller has discussed them over the years, and it has been studied repeatedly; and the developer is following the direction that both the Township engineer and the developer has designed which they feel is the correct approach to be taken.

Mr. McGuire reviewed how the water flows, and he stated it is also a legal issue since they cannot divert water from one watershed to another.

Ms. Saylor stated she was not initially involved in the discussions so she cannot speak to the history of this; however, the Ordinance does state that you are supposed to maintain the watersheds pre and post. Mr. McGuire stated PennDOT would not approve taking drainage somewhere else.

Mr. Miller stated they have indicated that they cannot change from one watershed to another, but that is not what he is proposing. He stated they are sending it to the same watershed as his proposal; and he is saying instead of sending it down Edgewood Road onto his property, they should send it down Yardley-Langhorne Road to the pipe that is already there. He stated they are not changing the watershed. Mr. McGuire stated they will be tying it into an existing storm sewer a few hundred feet down the road.

Mr. Tracey thanked Mr. Miller for his comments, and he asked that others be given the opportunity to speak at this time.

Ms. Grace Godshalk stated forty years ago she brought to the attention of the Board of Supervisors that Edgewood Village was facing some problems; and she asked them to establish Legislation to start a Historic Commission, which they started thirty-nine years ago. She stated the first job of the Historic Commission was to put Edgewood Village on the Historic Register, and all of the buildings complied. She stated it was one of the few places in Bucks County that was eligible to be on the Historic Register. She stated since that time, they have seen nothing but deterioration in the Village. Ms. Godshalk stated there are a number of residents present this evening who live in the Village, and they were called out to many meetings on the Edgewood Village Plan that was passed. She stated she feels they are doing a disservice to the people of the community with regard to the building which will be a DeLorenzo's restaurant. She stated she feels the pizza they have already in the area is good enough for everyone; however, a number of those present this evening disagreed.

Ms. Godshalk stated this property was approved to be taken down, but a sign was put up that a historic restoration would be taking place on this piece of property; and there are records in the Township that the setback cannot change. She stated it has to be exactly where that building was.

Ms. Godshalk stated she hopes that they can save the other buildings that are not on the Agenda tonight. She stated she also feels that the road widening in the Village is excessive compared to what was planned originally, and that probably comes into play with the stormwater since wider roads bring more water.

Ms. Godshalk stated everyone should be honest and say that this is a building that is trying to be constructed on something that was supposed to be preserved.

Mr. Dickson stated Ms. Godshalk was on the Board of Supervisors in 2005 when the Motions were passed. He stated in the Zoning Hearing Board Minutes from the July 27 meeting when they granted the Variance, it was stated, "Various residents voiced concern that the Township entered into a certain Agreement with the prior property owner regarding the historic nature of the prior residence, which had been a Gentlemen's Agreement between the prior property owner and the Township so the prior property owner could demolish and rebuild the former residential home." Mr. Dickson asked if that is accurate, and Ms. Godshalk stated she feels "Gentlemen's Agreement," is a stretch because he put a sign up "Historic Restoration;" and she understands the setbacks were guaranteed to remain what the building was prior to that time, and she feels that should be adhered to. Mr. Dickson stated he is hearing from Ms. Godshalk that there was an Agreement between the Township and the prior owner to restore the property, and it was not just a "Gentlemen's Agreement;" and Ms. Godshalk agreed adding there was a sign there for many years, and it is in the record somewhere that the setback must remain.

Ms. Judith Grant, 1576 Bud Lane, asked for further clarifications on the Variances being requested of the Planning Commission; however, Mr. McGuire stated the Variances have already been granted by the Zoning Hearing Board. Mr. Murphy stated they are requesting Waivers from the Planning Commission which are different from the Variances which were granted by the Zoning Hearing Board.

Ms. Grant stated they are requesting relief from green space every twenty parking spaces, and she asked if that is primarily so that they can get more parking spaces in. Mr. Murphy stated it is designed to ease snow plowing in the winter. He stated the trees that would have been put in those grassy areas will be distributed elsewhere on the site, and they are not looking to avoid any obligation on tree replacement. He stated Waivers have been granted multiple times in the past in similar circumstances. Ms. Grant asked if those Waivers were granted in Edgewood Village, and Mr. Murphy stated they have been granted elsewhere in the Township as well as for Edgewood Café he believes and possibly Flowers Field as well. Ms. Grant stated she would urge the Planning Commission not to grant this since she feels what is required is in line with the Village feel to have these green spaces in between parking lots. She stated she feels the impervious surface contributes to the run off. She added that Village life is about walkability and green spaces.

Ms. Grant asked for further discussion about the setback where they wanted 20' instead of 30'. Mr. Shinto asked if she is asking about the right-of-way line. Mr. Shinto stated they are proposing a 30' half width from the center line onto their property; and they are requesting a Waiver to permit 30' instead of 40'. Ms. Grant was shown on the Plan where this occurs. Ms. Grant asked if the building would

have to be pushed back if they were not granted this request.. Mr. Murphy stated the issue is no one wants there to be a wider road in the Village of Edgewood, and they do not want to widen it another 10'. He added that when PennDOT was there and made a site inspection, they indicated they did not want it widened any more either. He stated they are trying to keep the scale of the road to be consistent with the Village approach and not make it a more traditional, new, modern thoroughfare.

Ms. Grant stated she understands they did not want to do something with the grading. Mr. Murphy stated the Ordinance states that you cannot grade within 5' of a property line, and they want to grade within 5' of the property line. He stated this is also a fairly common Waiver that is routinely granted in Edgewood Village and beyond. He stated they want to be able to grade within the 5' and then restore it and put it back the way it was before. Ms. Grant asked if they would grade out the site so that there would be retaining walls or grade it out so it slopes down to the adjoining tenant. Mr. McGuire stated they will match the existing grade, and there will be no retaining walls.

Mr. Alan Dresser, EAC, stated they did submit their comments today on this project. He stated with regard to the stormwater management, this area is heavily impacted by run off. He stated they commented on what stormwater volume control requirement this site would have to meet. He stated the determinant is whether the regulated area is greater than one acre or less than one acre. Mr. Dresser stated if it is greater than one acre, the stormwater volume control requirement is much more strict than it is if it is under one acre. He read the definition of regulated activity in the Stormwater Ordinance. Mr. Dresser stated the entire site is 1.2 acres, but the Applicant has indicated that they are under 1 acre because their base area which is the entire site subtracting out the sewer and the road right-of-ways, comes down to .95 acres; however, he stated one of the maps they submitted shows the limits of disturbance, you can see that it covers more than 1 acre so they are clearly disturbing more than 1 acre. Mr. Dresser stated they are going into the right-of-way building the sidewalk and the egresses in and out, and therefore it qualifies as a regulated activity in that area. He stated he does not see any way that they do not meet the higher level of stormwater volume control requirement, and he would like to hear from the Township engineer on this.

Ms. Saylor stated she just received the EAC letter this evening so she has not had an opportunity to review it. Mr. Dresser stated he also raised this issue in December in the December 9 EAC letter. He stated more than 1 acre will be disturbed. Mr. McGuire stated he agrees that the limit of disturbance exceeds 1 acre, but it is primarily because they are tying into an existing storm sewer two hundred feet down the road, and disturbing area that is already paved. He stated they are disturbing it and repairing/replacing it; and it is not the intent to develop a site that is over 1 acre in size. Mr. Dresser suggested they look at the definition of regulated activities.

Mr. Murphy stated Boucher & James will look at this, and the regulatory agencies which will review the Stormwater Application will comment on it as well.

Mr. Dresser stated if the more strict control requirement applies, the developer will have to re-do the stormwater management; and Mr. Tracey stated everyone understands that.

Mr. Dresser asked the Applicant if they indicated that they are going to comply with the Tree Protection Ordinance both on site and off site, and Mr. McGuire stated he believes that is what their landscaper indicated. Mr. Dresser stated if that is the case, they will have to revise the Plans because they cannot disturb within 15' of a trunk or the drip line of a tree whichever is greater; and there are trees right on the boundary on the other side which are owned by the person who owns the property next to them. Mr. Dresser noted the location on the Plan of an old wooden fence and a row of trees inside the fence line next to the property line. Mr. Dresser stated they will have to move their parking.

Mr. Tracey stated Boucher & James will review the letter submitted by the EAC; and in conjunction with their consultation with Van Cleef, they will make a determination. Mr. Dresser stated he felt he should let them know that they cannot comply with the Tree Ordinance with respect to the off site trees the way it is designed now.

Mr. Joel Voldari stated he is a twenty year resident and lives approximately one mile from this site, and he has known about DeLorenzo's for over ten years. He stated he feels they have an opportunity to make something in this area that people will actually come to as a destination, and he feels it is important for the Township. He stated the County is going through a resurgence and different parts of the County are doing similar things, and he would hate to miss out on an opportunity for something that looks custom made for; and is an area where people can go to for dinner and then walk around. He stated this is a Nationally-known name which he feels will be able to spark a lot in the Township, and they should keep this in mind. He stated he feels the details can be worked out, and this is an opportunity they should not miss.

Ms. Donna Doan, 2814 Langhorne-Yardley Road, stated she grew up here and has fifty years of experience in the Village which was a lovely Village at one time. She stated she has seen it go downhill for many, many years now. She stated it is a National Registered town; but somewhere along the way, that got neglected. She stated she understands that people like to bring more people in, but from what she knows of this town, it was all farms; but they have done plenty to bring lots of people in, and she hopes they can agree that it is important to preserve the heritage

and history which is what make us Bucks County, and this is why she and members of the audience formed the Patterson Farm Preservation Group because they did not want to see these important, historical properties go away.

Ms. Doan stated she feels the project is way too big; and she feels the lot across from Mr. Bennett's house would make a great town square, and she feels they should put in a clock, some greenery, and some benches for people to walk to. Ms. Doan stated she is very distressed to see Flowers Fields stalled because she was not happy to see the farmland go; and nothing is going on there other than a storage area for construction material which she does not like to see in the Village. She stated there is potential to make this a beautiful little American crossroads town which is what it started out to be. She stated they should honor the history and be respectful to the Veterans Monument that was just built, and she would not like to see a lot of trash and litter blowing across and people coming and going when family members are at the Veterans monument to pay respects to the Veterans. She stated there are approximately 700 hundred signatures on a Petition to stop the demolition of the Ismael House and Danny Quill's house. She stated there is movement in the community that would like to get actively involved in preserving these properties. She stated the Danny Quill house also known as Carriage Crest would make an excellent Veterans Museum. She stated the Chapel is right there which could serve the Veterans Museum well. She stated the Ishmael House was the home of one of the first free black residents – Ishmael the tailor – and it was built in the 1700s. Ms. Doan stated the developer who wants to do the DeLorenzo's project is also the developer who has owned those homes and let them fall into disrepair.

Ms. Doan stated with regard to the stormwater, Yardley-Langhorne Road does flood in front of CVS; and the basin does not function as it should. She stated in the winter weather, the Township has to close that Road because it ices over; and it is not passable. Ms. Doan stated she had a relative who lived in the Heacock Tenant House that was torn down; and when they lived there, there was fuel oil in the well. She stated there are a number of issues that need to be looked into, and she feels they should "put the brakes on it" for a while to consider everything. She stated the traffic study is definitely needed, and it takes about three cycles of the traffic light to get through the traffic light at Stony Hill and Langhorne-Yardley. She stated she also knows that Mr. Bennett has a lot of problems trying to get out of his driveways at times because the traffic backs up so much there.

Ms. Reiss stated this Board of Supervisors is determined to make sure that our Historic properties are kept. She stated with regard to the stormwater, they all know that the basin at CVS probably needs some upgrading; and this would be an issue whether they build this property or do not. She stated she feels that the issue

is that leaves build up where the water is supposed to go down so it is more of a maintenance issue than an engineering issue. She stated she has seen them pull out the leaves, and then everything drained properly.

Mr. Halboth asked the basis for the belief that a Waiver from the Traffic Study is an appropriate request to make, and Mr. Murphy stated under their calculations they believe that only 28 new trips will be generated by this development. He stated this is different from pass-by trips which are people already on the road visiting these establishments. He stated they feel for 28 new trips doing a full-blown Traffic Study does not accomplish anything. Mr. Halboth asked if the Township engineer is privy to their calculations and opinions and verified that position, and Mr. Shinton stated they have not.

Mr. Halboth asked if the drainage from this project will escalate or exacerbate any existing problems or result in exceeding the capacity of any of the existing drainage systems in the area; and Mr. McGuire stated it does not, and in fact for the one year storm they are reducing the peak rate by 77%, and for the 100 year storm, they have reduced it 22%. Mr. McGuire stated the Township engineer has not had an opportunity to review this. Ms. Saylor stated they did make the comment that the developer needs to address the volume, and they will provide calculations for the Township engineer to review.

Mr. David Miller stated reference was made to the Zoning Hearing Board meeting when the Variances were approved; and near the end of that meeting, one of the members of the Zoning Board asked the audience how many people wanted DeLorenzo's Pizza to come to Lower Makefield Township. He stated while he was not in the audience, he would have raised his hand because he does want them to come to the Township. He stated he feels the way the question was worded at the Zoning Hearing Board it was worded to get a positive response from the audience. He stated they want DeLorenzo's to come, but not to be at the expense of the Village. He stated building a 4,000 square foot restaurant would be fine since they would not need as much parking. He stated he feels they should tear down the second building and remove the apartments before it is even built. He stated he feels they should build a restaurant that he could walk to and others could drive to, but not do this project at the expense of the history of Edgewood Village. He stated he feels the developer should be made to accommodate the Township and not the other way around.

Mr. Tracey stated Mr. Troilo has heard all the commentary. Mr. Tracey stated he feels there is a lot of interest in having the restaurant here, as well as interest in preserving Edgewood Village to whatever degree possible. Mr. Tracey stated those in the audience should realize that they are dealing with State roads. Mr. Tracey asked Mr. Troilo if he feels it is reasonable, in the interest of moving the project

forward and to accommodate the interests of the residents who live adjacent to this activity and to help to preserve the intent of the Historic District, would he be open to donating property specifically the Ishmael House and the Danny Quill house.

Mr. Troilo stated his father owns the property so he cannot speak for his father or give any guarantees. He stated what he does know is that his father is in communications/negotiations with the Board of Supervisors and the Township Officials about some sort of an arrangement for the property. He stated he knows that they were talking about the stone house on the corner with additional talks about the Quill House. Mr. Troilo stated his family has been in the Township for a long time as well, and they take pride in what they do. He stated they take a lot of “bashing” for trying to develop the Edgewood properties. He stated they do not do things because they want to tear down houses or because they want to change the complexion of the Township. He stated they all live here, and they want to make something nice. He stated he feels they did a very nice job on the corner, took the barn down, re-built the barn and made a beautiful structure, re-did the house on the corner, and added a couple of buildings. Mr. Troilo stated people see the finished project but do not understand everything that goes into it including all the engineers they hire. He stated people do not see the 4,000 square foot detention basin that is under the parking lot that collects the water. He stated they hire engineers to make sure that the right thing is done. Mr. Troilo stated they were approached by the family that owns DeLorenzo’s, and it was felt that this would be a wonderful project for the Township; and a lot of people tell them they want this here. He stated they are trying their best.

Mr. Dickson stated he believes that Mr. Troilo and his father acquired the property from Mr. Messick, and Mr. Troilo stated they acquired it from the bank. Mr. Dickson stated there was an Agreement that the Heacock Tenant House would be re-constructed as a restoration. He asked Mr. Troilo what was his understanding when he and his father acquired the property from the bank. Mr. Troilo stated when they acquired it from the bank, there were no encumbrances or limitations on the property. Mr. Dickson asked if anyone from the Township approached them about the restrictions; and Mr. Troilo stated they did not to his knowledge, and there were no Deed Restrictions or anything else noted.

Mr. Troilo stated his father originally owned the property on the point, and they sold that to Mr. Messick. Mr. Troilo stated his family did not own the properties that they are discussing this evening; and Mr. Messick acquired them although he is not sure who he acquired it from. Mr. Troilo stated he understands that Mr. Messick worked with the Planning Board and the Zoning Board to try to develop both of them at the same time and that is when they became linked. Mr. Troilo stated his family had nothing to do with that property, and a number of people have stated the “Troilo/Messick partnership or group;” however, Mr. Troilo stated his family had no

connection with Mr. Messick besides the fact that they knew each other. Mr. Troilo stated unfortunately the bank foreclosed on it; and it was for sale, and his family bought it just as anyone could have bought it. Mr. Troilo stated it had been inferred that his family was with Mr. Messick or helped him tear it down, etc.; but his family was not involved in any of this.

Mr. Dickson stated he feels everyone is in favor of DeLorenzo's, and the issue is the fact that it would have been best if there had been a way for the Tenant House to be re-constructed and DeLorenzo's be there. He stated he feels it was the intent of the Township that the property would be re-constructed so they could maintain the nature, and there is the possibility that they may lose the National Historic Register designation. Mr. Troilo stated while he can understand that, the site itself poses some problems because of the shape and configuration; and what is proposed is what their engineers and other professionals have advised them is the best way to go.

Mr. Dickson asked if there were any tanks on the property, and Mr. Troilo stated there were not that he was aware of; and to his knowledge, there was no environmental disclosure in the sale so it must have been remediated at some point.

Mr. Wallace moved and Mr. Tracey seconded to recommend to the Board of Supervisors approval of the Preliminary/Final Plan subject to the compliance by the Applicant to those items outlined in the Township engineer's review letter of 4/8/16 and the traffic engineer's review letter of 4/20/16 with the exception of the Supervisors granting the appropriate Waivers as the Board of Supervisors see fit.

Motion did not carry as Mr. Tracey and Mr. Wallace were in favor and Mr. Dickson and Mr. Halboth were opposed.

Ms. Kirk stated because there is a split decision by the Commission, under the rules that means status quo remains so it is not being recommended for approval.

#### LARIONOV RESIDENCE SPECIAL EXCEPTION RECOMMENDATION

Mr. Edward Murphy, attorney, was present. He stated Lower Makefield has an Ordinance provision that whenever there is a Special Exception Application, it is to be reviewed by the Planning Commission. He stated the Application he submitted is scheduled to be heard by the Zoning Hearing Board next month, and it involves a piece of property on River Road near the Morrisville Borough border. He stated the client desires to tear the house down and build a compliant house in terms of elevation out of the floodway. He stated there will also be multiple Variances requested.

Mr. Murphy stated the house is approximately 1,700 total square feet; and the new house, even though it has a smaller footprint and is elevated on stilts, will be bigger than 50% of 1,680. He stated you are allowed by Special Exception to go up to 2,400/2,500 square feet, and the new house being proposed is 3,100 square feet. He stated the Special Exception provision stated if you want to expand the house 50% of the existing non-conforming sized house, you need a Special Exception. He stated the process in Lower Makefield is to bring the Special Exception to the Planning Commission before it goes to the Zoning Hearing Board which will then rule on the appropriateness of the Special Exception as well as the Variances.

Ms. Kirk stated a Special Exception is a use permitted by right under the Zoning Ordinance; however, you can have certain Conditions attached to it which is why it comes before the Planning Commission in the event that there are certain Conditions that the Commission believes should be attached to any recommended Approval.

Mr. Murphy stated given the nature of the Application, there will be a myriad of Conditions that will be approved by the Zoning Hearing Board.

Mr. Dickson asked if the existing house had been damaged by one of the floods; and Mr. Murphy agreed, adding that the house is not habitable at the present time.

Mr. Murphy showed a picture of what the proposed house will look like, and he stated the adjacent neighbors are very much in favor of what they are proposing.

Ms. Kirk asked if the building footprint will change, and Mr. Murphy stated it will be much smaller because it will be built on stilts.

Mr. Dickson moved, Mr. Halboth seconded and it was unanimously carried to recommend that the Special Exception be approved as requested in order to enlarge the existing non-conformity of the house by more than 50% of the existing house with the Condition that the actual building footprint not exceed the existing building footprint on the ground.

#### DISCUSSION OF JENNINGS TRACT OPEN SPACE SUBDIVISION

Ms. Saylor stated Mr. Eisold was hoping to be present by the time this matter was going to be discussed; but since he has been delayed, she can present it. She stated the property is between Taylorsville Road and the Canal, and it is approximately ten acres. She stated it is almost all wooded, and there are a lot of natural resources. She showed on the Plan the location of an existing footbridge that goes across the Canal which the surrounding neighbors have been accustomed

to using even though it was on private property. She stated the owner was concerned about this because of liability issues. She stated the surrounding residents came to the Township about their desire to use the bridge and to have a Conservation Easement. She stated the owner has entered into discussions with the Township and the Township engineer was asked to prepare a Plan that would show a Subdivision for an area of open space. They are also looking into a Grant for this open space. She stated they have designed a number of lay outs, and she showed the lay out they are proposing which has a 75' wide swath of land. Ms. Saylor showed the parcel which will remain with the owner that has an existing house, and it will be in compliance with the RRP Zoning.

Mr. Dickson stated this has been well documented in the press. Mr. Tracey asked if the ultimate intent is for construction of new homes, and Ms. Saylor stated she does not know if the owner intends to do anything further.

Ms. Reiss stated she recalls that at the Board of Supervisors' meeting it came up that it could only be subdivided for two lots. She stated the surrounding residents have been using the property for years, and the owner had a concern with liability. Mr. Dickson stated he did close the bridge off at one point. He asked if there is an intent to construct a new bridge; however, Ms. Saylor stated she did not know about that. Mr. Dickson stated the bridge is in poor shape and that was why there was a liability issue. Mr. Dickson asked if this is open space that is going to be donated to the Township; and Ms. Reiss stated it is a purchase, but they are hoping for Grants to improve the bike path and make any improvements to the bridge that need to be done since the Township would not want a liability either.

Ms. Saylor stated she does not know if the Supervisors were looking for a recommendation, and Ms. Reiss stated she feels it was just to let the Planning Commission know what was going on.

There being no further business, Mr. Dickson moved, Mr. Wallace seconded and it was unanimously carried to adjourn the meeting at 9:35 p.m.

Respectfully Submitted,

Chad Wallace, Secretary

