

TOWNSHIP OF LOWER MAKEFIELD
PLANNING COMMISSION
MINUTES – NOVEMBER 14, 2016

The regular meeting of the Planning Commission of the Township of Lower Makefield was held in the Municipal Building on November 14, 2016. Mr. Tracey called the meeting to order at 7:30 p.m.

Those present:

Planning Commission: John Tracey, Chairman
 Chad Wallace, Secretary
 Craig Bryson, Member
 Charles Halboth, Member

Others: Steve Ware, Keystone Municipal Services
 Barbara Kirk, Township Solicitor
 Mark Eisold, Township Engineer

Absent: Dawn DiDonato-Burke, Planning Commission
 Vice Chair
 Judi Reiss, Supervisor Liaison

APPROVAL OF MINUTES

Mr. Halboth moved, Mr. Wallace seconded and it was unanimously carried to approve the Minutes of October 24, 2016 as written.

DISCUSSION OF MOSER TRACT – TOWNHOUSE SKETCH PLAN

Mr. Edward Murphy, attorney, was present and stated this is currently the Marrazzo Garden Center at the corner of Sutphin and Yardley-Morrisville Roads. He stated it is slightly less than two and three quarter acres. He stated it is a long-time acknowledged non-conforming use in the R-2 Zoning District. He stated there has been a long history of violations and citations connected to the property, and it has not always been the best neighbor to Sutphin Pines.

Mr. Murphy stated earlier this spring he met with the Township staff to discuss a possible alternate use for the Marrazzo site. He stated the letter from Mr. Eisold is dated April 15, 2016; and at the time they met in April, they had an approval from Marrazzo to submit a Sketch Plan and meet with the Township, but it was only recently that a formal Agreement of Sale was signed. He stated this is the first time that there has been a public discussion about this Plan.

Mr. Murphy stated they do not have any issues with Mr. Eisold's letter. He stated the letter does highlight a number of needed Zoning Variances. Mr. Murphy stated this property is in the R-2 District which does not permit townhomes which they knew before they submitted it.

Mr. Eisold stated the letter he issued was done at the last minute so that they could have the meeting in April, and it was not formalized. Mr. Murphy agreed but added he feels it is instructive and comments on the obvious things that would need to be done in order for the Plan to move forward.

Mr. Murphy stated what they are proposing are seventeen townhouse units accessed off of Sutphin Road. He stated they believe that it is generally consistent with the lay-out, size, density, etc. that exists in Sutphin Pines; and that was the goal that they tried to achieve when they asked Rob Cunningham to do a Sketch.

Mr. Murphy stated Mr. Eisold's letter highlights a number of Variances that they would need; however, Mr. Murphy stated as opposed to changing the Zoning from R-2, the staff felt it would be best to make an Application for Variances from the Zoning Hearing Board.

Mr. Murphy stated the neighbors have had issues for many years about the activities that occur at Marrazzo's, the hours of operation, and noise. He stated the Township has also had issues with Marrazzo's doing building without Permits or Approvals. Mr. Murphy stated this was viewed as an opportunity to deal with the neighbor issue in a responsible way.

Mr. Murphy stated they would like to get reaction from the Planning Commission to what is being presented, and they will then have a similar conversation with the Board of Supervisors.

Mr. Eisold asked if any changes have been made to the Sketch since he reviewed it, and Mr. Murphy stated they did make changes based on his comments; and other than the Zoning Variances, they have been able to achieve everything Mr. Eisold had asked them to look at.

Mr. Ware stated he felt Sutphin Pines was built as a result of a Court Case, and Mr. Murphy may want to look into this.

Mr. Wallace asked how many units there are in Sutphin Pines, and Mr. Murphy estimated that there are one hundred forty units. Mr. Wallace asked about the occupancy at Sutphin Pines and if there is a need for additional townhomes. Mr. Bryson stated he lives near Sutphin Pines, and he knows that three to four of his neighbors are waiting for units in Sutphin Pines. He stated it is a very desirable location. He feels this proposed product will move well.

Mr. John Menno, Berkshire Hathaway, stated he worked with the developer on this property. He stated they modeled their ideas for this proposal on Sutphin Pines since there always seems to be a waiting list for the Sutphin Pines units. He stated the Sutphin Pines units are wide and have a nice appearance, and today architecturally, they are still very much in demand. He stated they have tried to incorporate the same kind of setting but modernized these proposed units as they will all have an elevator as well.

Mr. Bryson asked if it would not be better to re-zone the property rather than go for all of these Variances. Mr. Murphy stated that would be up to the Board how they would prefer doing it as the developer would be willing to go either way.

Mr. Halboth stated his home is close to this property, and he has had issues with Marrazzo's in the past; and he is unsure whether it would be appropriate to recuse himself from this particular issue. He added that he would be opposed to re-Zoning and would prefer that they obtain the Variances. He stated he would not want to see the area change its character and have this be a precedent to allow subsequent developers to come in. Mr. Murphy asked Mr. Halboth if he prefers this option as opposed to the Garden Center; and Mr. Halboth stated he always felt that if Marrazzo's was going to sell, an extension of Sutphin Pines made sense. He added he does not feel that there will be a lot of local opposition to this concept.

Mr. Murphy stated Mr. Menno did canvass the neighborhood somewhat, and that was the reaction he received as well.

Mr. Bryson expressed concern with making a left turn out of the Marrazzo's driveway, but he added he feels it is because of the location of the fence and it is a blocked sight triangle. He stated he assumes that once that is cleared out it will be better.

The Planning Commission members were in favor of the concept. Mr. Murphy stated they will schedule a meeting with the Board of Supervisors to get their input; and if they support it, the Board will give direction as to how they should move forward to implement it.

A rendering was shown of the proposed townhomes.

Mr. Menno stated a number of the people who reside in the area want to stay in the area and downsize. He stated by putting in an elevator you solve a lot of issues. He stated architecturally, they are trying to pick up on the design elevations of Sutphin Pines.

AURLIZ, LLC – DUNKIN’ DONUTS & DAY CARE CENTER SKETCH PLAN

Mr. Edward Murphy, attorney, was present. He reviewed the history of the Bellemead/Matrix property which eventually resulted in a Settlement Agreement that contemplated a maximum of six hundred age-qualified Residential units broken out into single-family, townhomes, and condominiums. He stated the singles and the townhomes are being built by Toll Bros., and the condo section is the subject of an Amended Final Plan that has been recommended by the Planning Commission but not yet gone to the Board of Supervisors.

Mr. Murphy stated there was another section of the overall project that was not going to be Residential, and that is the piece he is showing this evening. He stated Matrix sold it to Dr. Weinberg who is a pediatric physician who built his 12,000 square foot two story-building Lower Bucks Pediatrics. Mr. Murphy stated there are also two other pad sites which he showed on the Plan, and he added they now have two potential users one being a Day Care Center called Light Bridge Academy that would occupy a building footprint of 11,900 square feet and the other would be a 2,100 square foot Dunkin’ Donuts.

Mr. Murphy stated Mr. Eisold issued a review letter dated November 9. Mr. Murphy stated their Plan addresses most of Mr. Eisold’s comments, but tonight they are just focusing more on what the Planning Commission feels about the amended uses contemplated.

Mr. Bryson asked if there will be a playground for the Day Care, and Mr. Murphy stated a 5,000 square foot playground is proposed. Mr. Murphy showed the wetlands and the stormwater basin, and he stated most of the infrastructure out front is already installed.

Mr. Eisold stated the doctor’s office had a Phase II which put in more parking for Building A. Mr. Eisold stated this was done last year, but it does not seem that he is using all of that parking now. Mr. Murphy stated this Plan shows 109 parking spaces, and the requirement is for 107. Mr. Murphy stated they could put some of the parking in green if the Township wants them to do that. Mr. Eisold stated he was wondering if there was still the need for all this parking at the current building since that would not leave much parking for the Day Care. Mr. Murphy stated both the Day Care user and the Dunkin’ Donut user are satisfied with the lay out and

feel that there is more than sufficient parking. Mr. Eisold stated with regard to the Day Care, they had suggested that they look into a drop-off zone which may be more applicable to a Day Care than actual parking.

Mr. Halboth stated there could be an issue with the single-access to the site at certain times of the day, and they could get a back up out onto the road.

Mr. Tracey asked if the Day Care indicated what their normal hours of operation would be; and Mr. Murphy stated he does not know, but he could find out.

Ms. Kristen Palagano was present with her husband, Tony Palagano who are the Light Bridge Academy owners along with her father-in-law, Tony Palagano who they expect to attend this evening as well. She stated they do not have the hours set yet, but they understand from the Corporation, they will be either 6:30 a.m. to 6:30 p.m. or 7 to 7.

Mr. Palagano Sr. joined the meeting at this time. Mr. Murphy noted what they had discussed so far this evening including hours of operation and whether or not the parking as designed on the Plan is adequate; and he had explained that the requirement for the uses if combined was 107, and they have provided 109 on this site. Mr. Murphy stated that while Mr. Bryson is a member of the Planning Commission in Lower Makefield, he is a planner elsewhere; and Mr. Bryson had commented that he felt parking would not be an issue for the day care since the children are dropped off, and other than employees, there will not be a big parking demand.

Mr. Joe Glassman was present, and he stated he is the proposed operator of the Dunkin' Donuts. Mr. Glassman stated he and his wife also operate the Dunkin' Donuts at the Corporate Center by the Hampton Inn.

Mr. Wallace asked if this Dunkin' Donuts will look the same as the one at the Hampton Inn, and Mr. Glassman stated this will be a freestanding building with only the single purpose being the Dunkin' Donuts. He stated there is a prototype that he can show with the architecture and elevations, and they have also made a commitment to Dunkin' Donuts that this will be the first in this market of approximately 360 stores to be Dunkin' Certified Green; and they hope that this will be a spotlight for all the Dunkin' Donuts. He stated it is a new design.

Mr. Murphy stated he does not feel there are any issues with the Settlement Agreement. Ms. Kirk stated she did go through the Settlement Agreement and it indicates there is a non-Residential component of the Concept Plan to be located as shown on the Exhibit; however, her copy of Exhibit A is not clear, and she asked Mr. Murphy to provide her a better copy of the Concept Plan. Mr. Ware stated he

will provide additional information to Ms. Kirk as well. Ms. Kirk stated the doctor's office was constructed, and she does not know if there was a limitation as to there being professional offices or if they could include Day Care and Retail. Mr. Eisold stated he felt there was a reference somewhere as to Office and Retail, but he is not sure that there was anything about Day Care or Restaurants. Ms. Kirk stated the Settlement Agreement does not address that specifically. Ms. Kirk stated she will have to look into how it was presented as to whether it was professional offices which would mean that if that is the non-Residential component, their Plan would be subject to a change under the Settlement Agreement. She stated if it included under the Preliminary and Final Plan as well as the Concept professional offices, restaurant, or retail, then they would not need to modify the Settlement Agreement.

Mr. Bryson stated he is concerned about the stacking through the drive-through since if this is a typical, high-density, peak hour Dunkin' Donuts, they only have a single drive-through which provides for seven cars which would block the majority of the desired parking. Mr. Glassman stated he feels what is proposed is very good compared to a lot of other Dunkin' Donuts. He stated he understands they were looking for nine-car stacking; and while they can do that, their experience is that there have been no issues with drive-through stacking lanes encumbering the parking spaces, and they have not had these issues. Mr. Bryson asked if they could widen it and put a double "squawk box" in, and he added it would only take 2' in order to accommodate the second "squawk box." Mr. Murphy stated they will look into that.

Mr. Halboth stated at the Dunkin' Donuts on Route I their parking spaces are blocked and cars are going out onto the highway.

Mr. Eisold noted the intersection, and he feels it will be a very congested area at certain times. Mr. Murphy stated they will look into this.

Mr. Wallace asked about the safety of a pediatric office with sick children next to a Day Care. Ms. Palagano stated it will be two separate buildings, and Light Bridge Academy is very big on healthy habits and taking precautions. Ms. Kirk stated there is no regulation regarding distance between these uses.

Mr. Tracey asked if Light Bridge Academy is a franchise, and Mr. Palagano stated it is. Mr. Tracey asked the location of their Corporate headquarters, and Mr. Palagano stated it is Iselin, New Jersey.

There was discussion about the loading area, and the possibility of a designated drop off. Mr. Palagano stated Light Bridge does not want children dropped off, and they want you to park your car and walk the children in.

Mr. Ware asked the closest Light Bridge Academy in the area if they wanted to look at one, and Ms. Palagano stated there is one opening shortly in Lawrenceville. Mr. Murphy stated he was also involved with one in Bethlehem which was a two-story building. Ms. Kirk asked what the second story will be used for, and Mr. Palagano stated it will also be classrooms. He stated they will have an elevator.

Mr. Halboth asked how many students would be a full enrollment, and Mr. Palagano stated it would be approximately 130 to 140 children. Mr. Tracey asked the ages of the children, and Mr. Palagano stated he feels it will be six weeks to six years.

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

Respectfully Submitted,

Chad Wallace, Secretary