

TOWNSHIP OF LOWER MAKEFIELD
PLANNING COMMISSION
MINUTES – FEBRUARY 13, 2017

The regular meeting of the Planning Commission of the Township of Lower Makefield was held in the Municipal Building on February 13, 2017. Mr. Tracey called the meeting to order at 7:35 p.m.

Those present:

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

Others: Steve Ware, Keystone Municipal Services
 Felicity Hanks, Township Solicitor
 Jeff Benedetto, Supervisor Liaison

Absent: Dawn DiDonato-Burke, Vice Chair Planning
 Commission

APPROVAL OF MINUTES

Mr. Wallace moved, Mr. Bryson seconded and it was unanimously carried to approve the Minutes of January 23, 2017 as written.

HILDEBRAND PROPERTY MINOR SUBDIVISION PLAN

Documents were distributed this evening for the Hildebrand Property Minor Subdivision Plan which will be discussed at a future time.

DISCUSSION OF COMPREHENSIVE PLAN

Mr. Tracey stated the Planning Commission has been asked to go over the Comprehensive Plan with particular emphasis on Office/Research. Mr. Ware stated they have provided a copy of the red-line mark ups. Mr. Tracey noted particularly the Section on Current Planning and Zoning Policies. Mr. Benedetto noted Page 46 of the original document that was recommended by the Planning Commission for adoption. He noted the Section entitled Future Needs and Recommendations for Action Land Use Plan Item #1 – Office, Commercial and

Industrial Development. He stated this Section talks about the vacancy rates which are 30% to 50%. Mr. Tracey stated this would be Page 5 of the red marked-up sheet. Mr. Tracey stated the concern is that with the passage of time, it was felt there was a need to take a closer look at the O/R.

Mr. Benedetto stated the vacancy rates that exist currently in the O/R District are significant, and he feels they could be approximately 50%. Mr. Benedetto stated Capstone Terrace has been approved for 180,000 square feet, but the developer has indicated that they are not going to build that facility since there is up to a 50% vacancy rate down the road; and they have been unable to get Class A tenants at the facility that is already built.

Mr. Bryson stated he feels the situation is going to get worse as the Scudders Falls Bridge will take out a lot of the market.

Mr. Benedetto stated there had been discussion about the possibility of Office/ Research coming back some day. Mr. Benedetto stated when they were discussing that Mr. Dwyer and Ms. Lynn Bush were present; and Ms. Bush agreed that it is a challenge, not only for Lower Makefield, but also for areas beyond Lower Makefield. Mr. Benedetto stated Ms. Bush did recommend that they discuss the O/R.

Mr. Tracey stated Mr. Dwyer did come to a Planning Commission meeting with a proposal for Retail; however the concern was that once you start considering this, you would have to look at the Ordinances. Mr. Tracey stated he feels that whatever they decide going forward, it should be reflected in the Comprehensive Plan.

Mr. Ware stated they also have to consider the impact on other O/R parcels that are undeveloped at this point.

Mr. Benedetto stated the way the proposal by Mr. Dwyer was written it almost read like Spot Zoning, and he feels this could be challenged by Aria or other property owners.

Mr. Bryson stated the way the Zoning Codes were originally written, there was a requirement per the Pennsylvania Municipal Code that you have to provide certain amount of percentages of every use. He stated they would have to make sure that they have met the O/R according to the Pennsylvania Municipal Code.

Mr. Ware stated the O/R District in Lower Makefield is pretty large, and it has a variety of uses that are allowed in it.

Mr. Bryson stated if they have decided that O/R is not successful, and they want to provide other options, they have to decide if they are going to do this through a Special Exception, Conditional Use etc. to avoid Spot Zoning.

Mr. Benedetto stated Mr. Dwyer was looking to get an apartment complex at the property; however, he could go to the Zoning Hearing Board to try to get a Special Exception for that use. Mr. Bryson stated that Special Exception use would have to be written into the Code. Mr. Ware stated there is no Residential component permitted in the O/R. Mr. Bryson stated they would therefore have to write it into the Code first before requesting this. He added they could consider an Overlay District, although he does not feel they would want to do that. Mr. Bryson stated he feels the first thing they need to consider is what uses they want there, and how they want to handle it.

Mr. Benedetto stated the only other discussion about the Capstone Terrace property was when a Super Wawa was looking at a property on Dobry Road, and it was suggested that they look at the Capstone Terrace property. Mr. Benedetto stated there would still have to be a Zoning change to permit that.

Mr. Bryson stated if they just leave it and someone wants to put a use on there that is not permitted, they could try to get a Use Variance so the future of the property would be in the hands of the Zoning Hearing Board. He stated if it were written as a Conditional Use, that would then have to be approved by the Board of Supervisors and it would not have to go to the Zoning Hearing Board. He stated he assumes the Board of Supervisors would want to control the destiny of what could or could not be there so they would have to do a Conditional Use change in the Code.

Mr. Benedetto stated he feels the sentiment of the Board of Supervisors with regard to the Capstone Terrace property is that they have not made up their minds and Mr. Dwyer could go through the Zoning Hearing Board to try to get a Use Variance. Mr. Benedetto stated he feels the Board of Supervisors should be the ones to make the decision.

Mr. Bryson stated he feels the Comprehensive Plan is a road map that is required to be done, and it does make you aware of issues. He stated he feels the Comprehensive Plan as written does a good job, but it is not going to solve problems.

Mr. Benedetto stated the Comprehensive Plan was recommended for approval by the Planning Commission to the Board of Supervisors almost two years ago. Mr. Bryson stated while he has not read the entire document, what he has read is very well written and does give good guidance.

Mr. Peter Solor, Co-Chair of the Environmental Advisory Council, was present; and he stated the EAC did discuss the Capstone Terrace project last year, and they had a lot of concerns regarding the Spot Zoning which they do not feel is appropriate, and there should be a standardized plan.

Mr. Tracey stated when Mr. Dwyer came back with a Plan for Retail Space, the Planning Commission looked more favorably on that than they did the plan for apartments. Mr. Benedetto stated Mr. Dwyer did not want to do the Retail Plan because they did not want to be in competition with Edgewood Village.

Mr. Benedetto stated he feels the O/R portion is already laid out in the Comprehensive Plan, and Mr. Tracey stated it also takes into consideration possibilities that may or may not come to fruition.

Mr. Benedetto stated he feels the Planning Commission and the EAC should look at the Master Plan as it relates to open space, and to see if there are areas where they would like to see Conservation Easements put on. He stated Mr. Alan Dresser of the EAC has indicated that Lower Makefield still ranks very low on overall preservation of open space in relation to surrounding Townships.

Mr. Solor stated at the last EAC meeting they discussed the fact that the inventory they did for open space is seven to eight years old, and they decided that they will re-evaluate the open space and re-catalog it in the Township so they get a better sense of what is available.

Mr. Benedetto stated in 2009 there was a joint effort by the Planning Commission and the EAC, and they came up with a document that was adopted by the Board of Supervisors that inventoried all open space and ranked it. Mr. Solor stated that is what they are talking about redoing, and they are starting that process now. Mr. Benedetto stated he feels this is a priority for a lot of residents and the Board of Supervisors and he noted some recent acquisitions. Mr. Benedetto stated he feels they should update the 2009 Plan and have that as something that could be adopted as part of the Master Plan as well. Mr. Tracey stated they are getting to a point where the Township will be built out.

Mr. Benedetto stated the other issue in the Master Plan to be considered would be Edgewood Village.

Mr. Bryson stated a lot of studies can be done, but the only way you can control your destiny is by changing the Code. He stated if you have an O/R District, and you want it to be something else, you need to change the Zoning Code.

Mr. Benedetto stated he feels that there should be an independent commission made up of Planning Commission members, EAC, Citizens Traffic, etc. which would look at everything in the current Code as he does not feel this has been done in at least a decade or longer. He stated Ms. Kirk would be the perfect person to work with them on this as she was the Zoning Hearing Board attorney. Mr. Ware stated even some of the definitions are outdated and difficult to understand. Mr. Benedetto stated the commission could come up with suggestion by the end of the year of what should be changed.

Mr. Bryson stated he deals with other Townships who have put something in their Ordinances already about where there could be marijuana distilleries so that it can be controlled and put in certain spots. Mr. Bryson also noted another situation where people buy a house and then rent it out through Airbnb. He stated there should be a “watchdog” to advise that these things need to be dealt with quickly as currently Lower Makefield is exposed. He stated there are some State laws that provide certain protections.

Mr. Wallace stated he gets concerned when they give numerous Waivers since this would make you question why you have the Code. Mr. Ware stated this is also true with regard to certain Variances that are often given under the Zoning Code.

Mr. Benedetto stated the Planning Commission had been asked to make a recommendation to the Board of Supervisors regarding the Master Plan by March 31, and he asked that they provide the Board with any suggestions on changes.

Mr. Bryson stated he feels it is very well written and it is not dictating any kind of policy, rather it is advising about things that should be looked at. He stated as far as a Comprehensive Plan, it is one of the better ones he has read. He stated he feels it has all the necessary elements, and he would be willing to make a Motion on it mid-March or even the beginning of March. Mr. Ware stated the Planning Commission spent years working on this with the Bucks County Planning Commission, and they went in depth.

Mr. Wallace asked why the Board of Supervisors did not adopt it when all this work was done; however, Mr. Benedetto stated he did not know. Mr. Benedetto stated the last time it came up was in 2016 when Mr. Dwyer went before the Board of Supervisors about Capstone Terrace, and the Board asked that the Comprehensive Plan go back to the Planning Commission. He stated he feels because there are new members on the Planning Commission the Board wanted it to go back to the Planning Commission to see if there were any suggestions. Mr. Bryson stated he could complete his review so that it could go before the Board of Supervisors

at their meeting on March 1. It was agreed that the Planning Commission will review this and put it back on their Agenda for February 27, 2017 so that they can make a Motion in time for the Board of Supervisors' meeting of March 1.

OTHER BUSINESS

Mr. Benedetto asked for an update on the Snipes Tract. Mr. Ware stated Mr. Fedorchak asked him today if he had a set of Plans that he could have; and Mr. Ware understands that someone was going to come in and pick it up, but it is still at the Township. Mr. Benedetto stated he believes that there is to be an independent review, and Plans are to be submitted to an engineering firm.

Mr. Bryson asked about the timeline; and Mr. Benedetto stated they had to wait for the Findings of Fact for the Zoning Hearing Board, and he believes that the Appeal period has now expired.

Mr. Solor stated the EAC provided a long list of comments of non-conformance for the Snipes Tract and violations of the Stormwater Ordinance, and they had a lot of concerns about the Township engineers checking their own work. Mr. Bryson stated he believes that is why they now have a different engineer checking it.

There being no further business, Mr. Halboth moved, Mr. Bryson seconded and it was unanimously carried to adjourn the meeting at 8:15 p.m.

Respectfully Submitted,

Chad Wallace, Secretary`