

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

The regular meeting of the Planning Commission of the Township of Lower Makefield was held in the Municipal Building on March 13, 2017. Mr. Tracey called the meeting to order at 7:30 p.m.

Those present:

Planning Commission: John Tracey, Chair
 Dawn DiDonato-Burke, Vice Chair (joined meeting in progress)
 Chad Wallace, Secretary
 Craig Bryson, Member (joined meeting in progress)
 Charles Halboth, Member

Others: Jim Majewski, Director Planning & Zoning
 Barbara Kirk, Township Solicitor
 Jeff Benedetto, Supervisor Liaison (joined meeting in progress)

APPROVAL OF MINUTES

Mr. Halboth moved, Mr. Wallace seconded and it was unanimously carried to approve the Minutes of February 27, 2017 as written.

DISCUSSION OF COMPREHENSIVE PLAN

Mr. Majewski stated he has gone through updating some of the information that was outdated in the Plan. He stated he noticed that they have data available for 2015 for a lot of the information, but not all of the information that is contained in the Tables in the Comprehensive Plan. He stated he was going to update the Tables and draw a line through the areas for which they do not have information; but there would be so many blank spots, he felt it would be better to note it in paragraph form what the numbers are for the 2015 data. He noted particularly the Census data.

Mr. Bryson joined the meeting at this time.

Ms. Kirk suggested that they do a footnote or add a Table 28 and put “Recent Census Data as Available” and just attach it so that they do not have to change the body of the document or the Table.

Mr. Wallace stated he just wants to make sure that all history is preserved somewhere.

Ms. Kirk stated by following her suggestion, they would have a full document but they would not have to go back and re-do all the Tables. She stated the data is always changing. Mr. Majewski stated he feels this is an excellent idea. Mr. Halboth agreed it would be a lot easier and more efficient to do it that way.

Mr. Majewski stated he is still waiting on some traffic information from the traffic engineer and/or the Citizens Traffic Commission. He stated he hopes to get this shortly so he can present it to the Planning Commission in advance of the next meeting.

Ms. Burke joined the meeting at this time.

Mr. Tracey asked if there is a protocol for doing traffic studies or is it on an as-needed basis. Ms. Kirk stated generally if there is a new development project proposed, it will go to the Citizens Traffic Commission for review, and there would be independent traffic studies done by the Township traffic engineer. Ms. Kirk stated she feels the bigger concern was that in the updated Plan, the Section dealing with transportation and traffic was so slim, it did not give a good picture. She stated Mr. Halboth had indicated he felt this needed to be expanded. Mr. Halboth stated he feels it should have at least the bare bones of information as to where some of the difficult areas are in the Township so that there can be consideration as to what should be done going forward.

Mr. Majewski stated he felt they could add a table showing that the Citizens Traffic Commission has identified problematic areas in the Township, and they look forward to trying to resolve them in the future. Mr. Halboth stated he felt that would be acceptable.

Mr. Majewski stated with regard to some of the traffic information some things were out of date, and he noted particularly the progress of the Scudder Falls Bridge.

Mr. Majewski stated they were calling this the Comprehensive Master Plan Update 2015, and he feels it should be changed to 2017. Ms. Kirk agreed that the Title Page needs to be changed.

Mr. Benedetto stated with regard to the O/R, he was approached by someone regarding Capstone Terrace and the potential for using that site as a potential gun range. Mr. Benedetto stated these have been successful in other areas. Mr. Majewski stated he does not believe that use is mentioned in the Zoning Ordinance. Mr. Benedetto stated a medical marijuana dispensary has also been mentioned. Mr. Bryson stated his office is currently entertaining thirty-five proposals for dispensaries. Mr. Benedetto stated he feels the Township should get out ahead of it, and Mr. Bryson stated he agrees so that they can control where it goes. Mr. Bryson stated they just did an Ordinance for this in Northampton.

Ms. Kirk stated she went through the material that Mr. Majewski distributed; and in the Newtown Mixed-Use District, they had a good synopsis on Page 25 that could be of help to the discussion. She stated they could consider some of these uses to include in the O/R District; and if it is accepted by the Board of Supervisors, the specifics could be considered in the Zoning Ordinance.

Mr. Bryson asked if they are going to do an Overlay District or change the Zoning Codes to allow Conditional Uses and/or Special Exceptions. Ms. Kirk stated that would be up to the Township. Ms. Kirk asked Mr. Majewski if the Newtown Mixed-Use District was an Overlay; and Mr. Majewski stated it was not, and they took Light Industrial and expanded it to include extra uses either by Conditional Use or by Special Exception. Mr. Bryson stated the only advantage of doing an Overlay is that you could do an Overlay into other Zoning Districts. He stated they could lay it over Commercial and it would not have to be just for the O/R District. He stated if you are changing the O/R District, it is only a change to the O/R District. He stated for planning purposes, there are advantages and disadvantages for each one. He asked Mr. Majewski's opinion, and Mr. Majewski stated he has not considered the specifics of that at this time. He stated there is the chance for re-development in some of the Commercial areas such as the Giant Shopping Center and McCaffrey's.

Mr. Bryson stated it may be good to have a contiguous use and Overlay that goes into two different Zoning Districts; so if they want to plan it so that it co-mingles, you would do an Overlay so that you could harmonize the two which he feels may have some advantages.

Ms. Kirk suggested taking the Traditional Neighborhood Overlay District that was used for Edgewood Village, pulling it into the O/R, and using it to be applicable to O/R in the one particular area. Mr. Bryson stated if they change O/R, it would change all of O/R. Ms. Kirk stated if there is an Overlay anyone in the O/R District will be able to use that, and they could not limit it just to the Capstone property; however, Mr. Bryson stated they could if they pulled it into a specific area that has different Zoning Districts.

Mr. Tracey asked which would be the cleanest from a legal perspective. Ms. Kirk stated if they are looking at a specific area, an Overlay might work the best.

Ms. Kirk asked Mr. Majewski if they did an Overlay that carried over from Edgewood Village just to Capstone, would that be feasible as she feels it would have to be applicable to any O/R. Mr. Majewski agreed. He stated Mr. Dwyer was discussing an Overlay to tie the Capstone property to Edgewood Village which would make sense; however, you then have to consider the rest of the O/R Zone. Mr. Bryson stated he has done it many times when it was just an Overlay, and you designate where the Overlay is; and he does not feel you have to incorporate all of the O/R. Ms. Kirk stated it sounds like they just want to expand the Traditional Neighborhood District that is covering Edgewood Village to encompass that section of the O/R District. Mr. Bryson stated they would only then be dealing with that portion and not all of O/R.

Ms. Kirk stated she felt the concern with not just with Capstone but will all the other O/R areas and their future. Mr. Bryson stated he feels they need to discuss that. Mr. Halboth stated if they accept the premise of the dire state of Office space, they should dealing with the entire District or they will have to do this all again at some other time. Mr. Benedetto stated the vacancy rates are 50% further down on Township Line Road. Mr. Bryson stated he does not feel they will get any better any time soon.

Mr. Majewski asked if anyone is aware of what the vacancy rates are in other comparable Townships. Mr. Bryson stated he just saw a report for the suburban market, and it increased last quarter by .001%, and overall it is approximately 75% which is not good. He stated the numbers are actually skewed because of all the new offices in the City which are actually pulling business from the Suburbs. Ms. Kirk stated Retail is also an issue because of Internet sales.

Mr. Bryson stated whatever they do in the O/R part of the issue in the Office market is because people are working from home, and the offices need less square footage; however, they still have weekly, monthly, or quarterly meetings and the ratio for parking is skyrocketing. He stated in the Township's Code, the ratio is 4 per thousand for Office, and RFPs for Office space coming out now are 5 and 6 so that they can accommodate those times when all the employees come in for a meeting. He stated this is very problematic as they have to increase all of the impervious to provide the parking that is needed only one day a week or one day a month. He stated if Lower Makefield's Code is still 4 per thousand parking ratio for Office, they may want to consider bringing that up since if they are restricting it, it will hurt the Township's marketability. Mr. Majewski stated for years it was going down and the Township's Ordinance required too many spaces; and even

when the Office space was full, there were still approximately one third of the spaces empty. Mr. Halboth stated he feels there are technical ways to work around the impervious, but it would not change the fact of the space required. Mr. Majewski stated they could do pervious pavers. Mr. Majewski stated this is where a Mixed Use would be good since if there was a hotel and an Office, etc. when there is a large meeting at the Office, there would be sufficient parking; and at other times other uses can fill in. Mr. Bryson stated if they put in a hotel and overlapped it with Retail or Office, the different uses can use the parking at different times during the day. Mr. Majewski stated currently a hotel in O/R would be a Conditional Use so the Board of Supervisors would have the authority over this.

Ms. Kirk stated they could do an Overlay which includes first floor Retail with second floor apartments above, and they could also include some entertainment uses such as a small movie theater, or other entertainment facility. Mr. Majewski stated they have health or fitness club, but that does not capture a lot of other recreational uses.

Mr. Bryson stated he feels they need to consider what uses they do and do not want and decide if they want to incorporate them in an Overlay or do a Zoning change to the O/R. Ms. Kirk asked Mr. Majewski if he feels an Overlay would be more practical in today's market as opposed to changing specific uses in a certain District. Mr. Majewski stated he does not feel they have to decide that right now as part of the Comprehensive Plan. He stated they could just recommend that there be language in the Plan that they recommend exploring the use of an Overlay in portions of or throughout the whole District, or re-Zoning the District to allow additional uses that would be compatible. Mr. Bryson feels they all agree with that. Mr. Majewski stated the next question would be what do they want to see in the area, and what do they not want to see in the area. He stated currently they do not permit Retail in the area, and the discussion was that they did not want to compete with Edgewood Village; however, there may be something considered that might work.

Mr. Benedetto asked if they would be able to prohibit Big Box Retail recognizing that this is open to interpretation. Mr. Bryson stated they could spell it out, and prohibit Retail that is 50,000 square feet or more. Mr. Majewski stated the Ordinance does not indicate "Big Box", and it states "Retail Store Large," which would be over 10,000 square feet. Mr. Majewski stated one of the problems when they were looking at this earlier was that 10,000 square feet is still small for some uses, and he believes that Mr. Troilo was looking to increase that number. Mr. Bryson stated the modern-day drug store is now 15,000 square feet.

Ms. Kirk stated if they added Retail, they could consider whether it should be smaller boutique-type shops or a larger shop. Mr. Majewski stated one of the things that should be done then is to update what they would consider to be large. Ms. Kirk stated if they put in Retail, they could include a caveat that a Retail store in excess of 10,000 square feet would be a Conditional Use; and they would have to go before the Board of Supervisors.

Mr. Bryson stated he is not sure that they would want “Big Retail” there. He stated a traditional big box would be 60,000 to 100,000 square feet, and there would not then be much more left so that would be all the Retail they could theoretically have.

Ms. Kirk stated when they define the Retail it could be stores or facilities less than 10,000 square feet. Mr. Halboth stated they could also define it as greater than a certain size because if they are talking about the conflict with potential users of Edgewood Village that area is very size constrained, and they will not get anything large in Edgewood Village. He stated they could advise those interested in something larger than 10,000 square feet, that they could be in the area outside of Edgewood Village.

Ms. Kirk stated it is a matter of what uses they want to recommend be considered, and if that is agreed to there would be a separate group set aside as to how to define the Retail uses, and whether they should be permitted automatically, by Special Exception, or Conditional Use. She stated they should consider what they feel should be included to help the productivity of the O/R District. Mr. Majewski stated it seems that everyone is in agreement that Retail is something that would be a good idea, but it needs to be compatible with Edgewood Village and not be Big Box. Ms. Kirk stated they could do that with an Overlay.

Mr. Benedetto noted the Aria site, and he feels there would be a lot of push back on Big Box there. Mr. Bryson stated he does not feel there would be a lot of Big Box interest in that site. He stated the next big Retail trend is Amazon distribution/ Retail or something along those lines.

Ms. Kirk asked if there are any other uses other than Retail they want to consider. She stated she felt entertainment might bring in other types of uses not normally found here. Mr. Bryson stated he feels entertainment would be a use that would benefit Lower Makefield residents.

Mr. Bryson stated he does not feel there would be a problem with a hotel, and Ms. Kirk stated a hotel is permitted by Conditional Use. Mr. Majewski stated the hotel use does have some limitations that may need to be reviewed and changed.

Mr. Tracey asked if Ruth Wright's farm is in the O/R District, and Mr. Majewski stated it is not adding it is R-1. He stated Ms. Wright's part of the farm is preserved by an Agricultural Easement. He stated the Herb Wright farm is not preserved, and that is also R-1.

Ms. Kirk asked how many O/R Districts the Township has; and Mr. Majewski stated they just have one which is bounded by Route 332 to the north, the Township boundary on the west, I-95 on the east, and Yardley-Langhorne Road on the south.

Mr. Tracey asked the size of the Lower Makefield portion of Shady Brook Farm, and Mr. Majewski stated he believes it is approximately two-thirds of the Farm.

Ms. Kirk asked if they would want to consider second floor Residential units above Retail, and all members present stated they would be in favor of this. Mr. Bryson stated out of all the uses, this is what he would like to see there the most. He stated he would like to see an upscale rental to capture empty-nesters and young professionals so they can keep them in Lower Makefield. Mr. Tracey stated this would be a good location because they are near I-95. Ms. Kirk stated she feels a second floor Residential over Retail would give a different flavor than an apartment building.

Mr. Majewski stated Institutions could also fit into this area. He stated Holy Family may want to expand into Lower Makefield if the Zoning were in place to allow that. He asked if the Planning Commission felt that would be a desirable use for the Township. Mr. Majewski stated an Institution could be a place of worship, college, school, etc. Mr. Bryson stated he feels Holy Family or some similar Institution would really be more of a hybrid between an office building and a high school with auditoriums and big meeting rooms. He stated the problem would be if they ever leave, that space would be almost impossible to re-rent. Mr. Tracey stated Mr. Bryson had indicated earlier that the Office concept is starting to gravitate toward large meetings taking place, and possibly a facility like this could be re-purposed for meetings; and Mr. Bryson stated that is possible. Mr. Majewski stated his concern would be if they are tax exempt, and Mr. Bryson agreed they would be as would a hospital which is on the list. Mr. Majewski asked if they feel they should include Institutions. He noted an Ordinance would have to be developed, and the Board of Supervisors could decide if they do or do not want to have that. Mr. Majewski stated they could still put in the Comprehensive Plan that they consider the merits of this.

Mr. Halboth stated they could have a broad statement in the Comprehensive Plan that for the O/R they should consider additional uses that would complement and promote the further development of the O/R District. Mr. Majewski stated that is similar to what they have now, but it is vague. Mr. Tracey stated they could enumerate some of the uses and state they should consider other uses that might be appropriate.

Mr. Halboth stated despite the current market conditions, he feels one flaw in that area is that there is a lack of critical mass. He stated those working in the existing office building have no place to go to lunch, and there are no amenities of any sort nearby. He stated he feels that may be a contributing factor as to why it has not been successful. Mr. Majewski stated he feels Lower Makefield was a “little late to the game” because of Shady Brook Farm, and other things were developing in other communities. He stated once Shady Brook became available the potential had already been siphoned away.

Mr. Tracey stated he still feels the Office buildings have the potential for first-floor Retail. Mr. Benedetto stated they did try that in the building across the street from 777 Township Line Road where there was a crepe restaurant. Ms. Kirk stated the problem was that they did not advertise, and they went out of business. Ms. Kirk stated the Dunkin’ Donuts in the area does a great business. Mr. Tracey stated there is a fair amount of traffic already on the road so he feels Retail would have a lot of potential.

Ms. Kirk stated she feels they could make a recommendation for Retail, entertainment, second-floor Residential, and such other uses that are compatible to the existing uses.

Mr. Bryson asked what Mr. Dwyer felt would be the most successful for the Capstone site, and Ms. Kirk stated he wanted apartments. Mr. Bryson stated he feels apartments with pad restaurants, evening entertainment, etc. will thrive there. Ms. Kirk stated she feels they could do the first floor Retail site and have the apartments above as opposed to just having another apartment building. Mr. Bryson stated he would lean toward an Overlay that would dictate within that area that they would allow a certain number of residential apartment units with first-floor Retail so it is more like a “Main Street, USA.” He stated that would dictate what could go in the Overlay. Other Commission members were in favor of this as well. Mr. Majewski stated he feels they should include numbers for the mixes so they do not get too much of any one thing. Mr. Bryson stated they could write that the Overlay is primarily a Residential Overlay, however you have to have to a certain ratio or percentage dedicated to Retail and/or some other Use.

Mr. Benedetto stated he believes that the Board of Supervisors would support this. He stated Ms. Reiss has recently spoken about being in support of Mixed Use. Mr. Bryson stated they should also provide open recreational areas such as walking trails, courtyards etc. so that there is green mixed in.

Mr. Halboth stated Retail could also promote the idea of a storefront day care center which would be an amenity for those living there. Mr. Bryson stated if they are targeting empty-nesters, they should include hair dressers, dry cleaners, and other similar uses. Ms. Kirk stated she feels they need to limit the Residential so that it is not just one big apartment building.

Mr. Halboth asked if it is possible that the inventory of Residential units is fairly diverse so that they do not just get all one-bedroom apartments and could they diversify the type of units available which will hopefully diversify the population. Mr. Majewski stated he feels this is in the Traditional Neighborhood Overlay where it indicates they need to have a mix of one-bedroom and two-bedroom units. Mr. Bryson stated he feels they will do that from a marketability standpoint. Mr. Halboth stated they also need to be diligent as to how much a burden a development like this will put on the School District. Mr. Majewski stated that was an issue people had with the apartment as to the impact on the School District if families move in just so they can be in Pennsbury.

Ms. Kirk stated she feels the Planning Commission would have a lot of input as to how this will be crafted. She stated at this time the Planning Commission is just making a recommendation that this be considered as part of the Comprehensive Plan Update to include an Overlay District for certain uses. Mr. Bryson asked who would be the appointed person to start the draft, and Mr. Majewski stated first they have to get it into the Comprehensive Plan which is simply adding a sentence or two to what is already in there to broaden and clarify what the vision is. Ms. Kirk stated they would send this page to the Bucks County Planning Commission indicating the Plan itself remains the same, but they have added this recommendation. Mr. Majewski stated he has included some updated information throughout the Plan, and he will send them what was updated. Mr. Bryson stated the recommendation would be to identify the Overlay District as they do not yet know where the boundary line is yet. Mr. Bryson stated they are not making a recommendation for all of O/R. Mr. Majewski stated that may ultimately be what happens; however at this point they are just saying that the need to identify what is the extent. There was discussion on the amount of land left in the O/R.

March 13, 2017

Planning Commission – page 10 of 11

Mr. Majewski stated he will e-mail suggested wording to make sure everyone is in agreement, and he will finalize that along with some of the other edits that have been discussed. Ms. Kirk also noted the transportation issue. Mr. Bryson stated he also feels the sanitary sewer section should be expanded to provide more detail. Mr. Benedetto stated they could put back the original text that was taken out. Mr. Tracey stated the Planning Commission that was working on the Update at that time did get some push back as to what text should or should not be in from the Bucks County Planning Commission. Ms. Kirk stated part of that could have been because at the time the draft was being done there was still a significant moratorium for sanitary sewer connections that would flow through the Neshaminy Interceptor, and a lot of that is now getting resolved.

There being no further business, Mr. Wallace moved, Mr. Halboth seconded and it was unanimously carried to adjourn the meeting at 8:35 p.m.

Respectfully Submitted,

Chad Wallace, Secretary