

TOWNSHIP OF LOWER MAKEFIELD
PLANNING COMMISSION
MINUTES – APRIL 10, 2017

The regular meeting of the Planning Commission of the Township of Lower Makefield was held in the Municipal Building on April 10, 2017. Mr. Tracey called the meeting to order at 7:40 p.m.

Those present:

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

Others: Jim Majewski, Director Planning & Zoning
 Barbara Kirk, Township Solicitor
 Jeff Benedetto, Supervisor Liaison

Absent: Dawn DiDonato-Burke, Planning Commission
 Vice Chair
 Charles Halboth, Planning Commission Member

APPROVAL OF MINUTES

Mr. Bryson moved, Mr. Wallace seconded and it was unanimously carried to approve the Minutes of March 13, 2017 as written.

Mr. Tracey noted that a gentleman in the audience was recording the meeting, and he asked for what purpose he was doing so. Mr. Tony Kehoe stated he was doing it for archival purposes. He stated it will be on Facebook on a LMT Planning Committee Facebook page that he has created, and it will be accessible to anyone who is on Facebook. Mr. Benedetto stated they have requested that the Supervisors consider having the Planning Commission and Zoning Hearing Board meetings recorded, and the Board of Supervisors is going to consider that. Mr. Kehoe stated there will be no comments allowed, and it is simply a public service.

DISCUSSION OF THE COMPREHENSIVE PLAN

Mr. Majewski noted the handout he provided – Implementation Section – Page 3, and he stated he slightly modified the wording about the O/R Office Research District to capture what was discussed previously about additional uses in that District and considering some mixed-use projects that might be compatible with the

surrounding area and the Edgewood Village District. Mr. Majewski stated it would be up to the Board of Supervisors to have the Planning Commission look into implementing some of these ideas if this is adopted.

Mr. Majewski noted the Section on Transportation Planning – Page 4, and he stated the Planning Commission had discussed adding some Tables. Mr. Majewski stated he got accident data from the Police Department through the Citizens Traffic Commission, and this shows the five locations that have the most accidents; and he put these in a Table. He stated there are two copies – one with just the traffic accident data, and the other that has two pages of traffic volume data based on traffic studies that have been conducted by the Delaware Valley Regional Planning Commission over the last five years. He stated he arranged the traffic studies by order of the average annual daily traffic so it gives a sense of where the most heavily-traveled roads are located. He stated the accident areas coincide with some of the traffic volume data.

Ms. Kirk stated this would be good for new developers coming in for new developments or for re-development.

Mr. Majewski stated he would also like to add a map with dots showing where the traffic counts were taken or a verbal description next to the name of the road including the nearest intersection. Adding the traffic information to the Master Plan as suggested by Mr. Majewski was acceptable to the Planning Commission.

Mr. George Sengpiel stated he is a Lower Makefield Township resident, and he stated he looks at traffic maps at least two to three times a month; and he stated that the data that the Planning Commission has in front of them is generated by PennDOT, and he does not believe Delaware Valley conducts the traffic surveys. He stated the maps are available on-line and they represent a point in time. He stated he uses these in his Real Estate business. He stated he understands that this is average daily traffic and not an annualized figure. He stated the numbers do not typically vary a great deal. He stated the information is available on-line at PennDOT District 6 and you can put in an address of any location in the Township, and it will tell you the average counts with the most current data. He stated he feels they should put in a clarifier as well as the source of the information.

Mr. Majewski stated this is the latest data although they are always updating. Mr. Sengpiel stated he agrees, but he feels it should be noted that the data is just one point in time rather than annual. Ms. Kirk stated the data will help supplement what the Planning Commission had concerns about which was that this Section was too glossed over. Mr. Majewski stated he will include a note about the source of the data.

Mr. Majewski noted the larger hand out he had provided the Planning Commission, and the changes he added are those that are in blue. He stated he included more current data on estimates of population. He stated on Page 2 it shows that there is a 0.6% increase in the estimated population for the Township from 2010 through July, 2015. He stated average household size is shown on Page 3. Mr. Tracey stated he feels it is important that in the middle of Page 2, Mr. Majewski added some qualifiers. Mr. Majewski stated the chart in the back shows the latest data from July, 2015 from U.S. Census quick facts for Lower Makefield Township which shows what the data was in 2015 versus 2010 including changes in population and some population characteristics.

Mr. Benedetto asked if this has to be approved by the Bucks County Planning Commission; and Ms. Kirk stated she feels they just need to submit it to them in this format and advise that these are the current updates to be included in the Comprehensive Plan, and they can provide approval or not. She stated at that point they can have the Supervisors review it. Mr. Bryson stated what has been provided is all Mr. Majewski has recommended be changed from the 2015 Plan which will go forward to the Supervisors, and Ms. Kirk agreed. Ms. Kirk recommended that the changes first go to Bucks County Planning Commission for their comments, and then the Planning Commission can look at it one final time before it goes to the Board of Supervisors. Ms. Kirk stated she hopes that the Planning Commission will be able to make a recommendation to the Supervisors at their last meeting in May.

Mr. Benedetto stated Mr. Bryson had suggested putting back in more information with regard to the sewers. Mr. Bryson stated he felt what was in the red-line copy was more comprehensive; and when you read the more recent version, it is not very comprehensive. Mr. Bryson stated he would be fine going back to what was in the original draft. Mr. Majewski asked why it was taken out; however, no one present knew why it was taken out. Mr. Bryson stated he feels Mr. Ebert should look at the previous version that was stricken to make sure that it is appropriate to put it back in. This was acceptable to the Planning Commission members.

Mr. Benedetto asked that Mr. Ebert review this at the next Sewer Authority meeting scheduled for April 27, and Mr. Bryson agreed to attend that meeting if they wish. Mr. Majewski stated he will forward it to Mr. Ebert to get his input.

DISCUSSION OF SNIPES TRACT AND CANCELATION OF APRIL 24 MEETING

Mr. Tracey stated he and Ms. Kirk were discussing the Snipes Tract and the fact that there needs to be a public meeting to come to a resolution as to what is their recommendation. Ms. Kirk stated asked that since she is unavailable on April 24,

she would ask that this matter be put on the Planning Commission's Agenda for May 8. Mr. Majewski stated he does not believe there is anything else for the next Planning Commission meeting so he would recommend that they cancel that meeting. Mr. Bryson moved, Mr. Tracey seconded and it was unanimously carried to cancel the April 24 Planning Commission meeting.

Mr. Majewski stated additional documents have been received regarding the Snipes Tract including the Bucks County Planning Commission review letter. He stated the Township also received the Bucks County Erosion and Sediment Control Approval from the Bucks County Conservation District as well as the NPDES Stormwater Discharge Application.

Mr. Bryson asked about the Zoning issue. Ms. Kirk stated the Decision on Zoning was rendered, and the Board issued its written Decision the end of January. The time for Appeal ran until the beginning of March, and no one Appealed; so the Zoning relief has been approved.

Mr. Majewski stated they are meeting tomorrow afternoon to review the process with Boucher & James and Carroll Engineering. Ms. Kirk stated there had been questions about the Waivers that were being requested, and she stated they should ask Carroll Engineering about those Waivers.

FURTHER DISCUSSION ON THE COMPREHENSIVE MASTER PLAN

Mr. Bryan McNamara asked why they are adding Retail and Residential to the O/R District. Mr. Tracey stated the O/R is not currently working the way they envisioned it twenty years ago. Ms. Kirk stated this is not an automatic addition, and the way it is written in the Comprehensive Plan compared to what was presented to the Planning Commission at the last meeting is similar to what Montgomery County did to revitalize that District. She stated it is just for further study to see if these additional uses make sense. She stated it was to expand the availability of use of the land other than just for Office Research. Mr. Bryson reviewed what was done in Montgomery County. He stated the Lower Makefield Master Plan is not dictating that these uses be approved, rather it is to consider it as a future Comprehensive Plan methodology. He stated it is not an Overlay District, it is just the Comprehensive Plan stating that they should consider looking at this.

Mr. McNamara stated he feels this is "opening up the door," and it started because Capstone indicated they could not build their office building and wanted to change the Zoning on their piece of land to allow for two hundred apartments. Mr. Bryson stated the problem is that the existing office buildings are not leasing, and he asked why they should restrict it to a use that is not viable. He stated he feels they should look at alternatives based on the fact that use there as of now is not viable.

Mr. Sengpiel stated the contention that it is not viable is a function of the asking rates and pressure on the owners to make their debt service obligations. He noted a nearby office building in Newtown that is only asking \$26 a square foot; but at the Lower Makefield Corporate Center they are asking \$29, and this is why they are not filling. He stated to presume that the O/R District is not working is not market tested, and it is a function of the owners when they built the properties feeling that they would see rents go up in ten years and that they could get \$32 a square foot which they cannot get. Mr. Sengpiel reviewed a number of buildings which are at or near to full occupancy. He stated the data that is out there does not support the contention that the O/R District is not viable, and he would be happy to share the data he has. He stated he is opposed to opening up the O/R District. He stated he agrees that the O/R is not on the forefront of the market development, but that does not mean that forty years from now, they could not get a corporate center here. He stated once the O/R land is redeveloped into a Residential or non-Residential fashion, it will never come back. Mr. Sengpiel stated if the Supervisors want to do an Overlay, it has to be consistent with the Comprehensive Plan. He stated the Planning Commission is the “gatekeeper;” and if they state that O/R needs to remain as Office Research and related uses, the Board of Supervisors cannot just say they will do an Overlay since it will be “shot down” by the Courts as not being consistent with the Comprehensive Plan. He stated the Comprehensive Plan is key to validating or supporting changes. He stated he understands that the property owners are not getting the maximum return on their investment, but he is not concerned about that. Mr. Benedetto stated they are not building what was approved, and they cannot ignore that. Mr. Sengpiel stated Capstone could be built today and filled at 100% with Class A tenants.

Ms. Kirk stated they have discussed this subject at numerous meetings of the Planning Commission, and this is not a unilateral, direct response to Capstone. She stated the Planning Commission has enough expertise and background to recognize that in the future virtual offices may be the reality, and they are just proposing that the Comprehensive Plan be open to looking into whether the O/R District should include uses other than just Office and Research. They feel this is a positive, viable option that the Township should consider.

Mr. McNamara stated the O/R District was put in for tax revenue as it is a low drain on services; and by putting in high density Residential, they are going to put an incredible burden on the existing tax revenue. Ms. Kirk stated it may not be high density; however, Mr. McNamara stated that is what Capstone is coming in with. Ms. Kirk stated this is not a response to Capstone. Mr. McNamara stated they know that this is what Capstone will do, and they will then have the Aria tract follow the same suit as soon as it is allowed. He stated the existing buildings could be turned into apartments as well. Mr. McNamara stated he does not necessarily believe that O/R will never come back as he feels they are asking too much.

Ms. Kirk stated Mr. McNamara and Mr. Sengpiel have the opportunity to voice their concerns to the Board of Supervisors. Mr. McNamara stated he is concerned about Flowers Field as well where they will not be able to sell the \$700,000 townhomes adjacent to I-95, and they are going to want to change those to apartments as well. He stated this is the key that opens the door to allow that to come in, and it will be a drain on the taxpayers forever as they will bring in School children as well.

Ms. Kirk stated their comments are duly noted.

Mr. Sengpiel stated he did not address Capstone by name, and he just said Residential or Commercial; and he is trying to address where the Planning Commission is considering incorporating terminology in the Master Plan that would allow potential future uses. He stated he raised this issue at a prior Board of Supervisors meeting and was “shut down,” and his comments were terminated; and they said he should address them to the Planning Commission because the Supervisors were not at the point of moving on an Overlay or addressing the Comprehensive Plan. Mr. Sengpiel stated he is at the Planning Commission attempting to be heard. He stated he wanted to offer, facts, information, and perspective.

Mr. Sengpiel stated the American Farmland Trust produces at their expense cost/ expenditure surveys that attempts to evaluate what is the cost to the taxpayers in terms of tax revenue versus the services provided for various land uses. He stated he has the statistics available for Pennsylvania, and the average in Pennsylvania is that a Residential home costs the taxpayers on average \$1.27 per home so it is a net loss to the Township; and each Residential home uses about \$.27 more than the \$1 it generates. He stated for a Commercial and Industrial property, the average was \$.20 meaning the Commercial and Industrial property owner only uses \$.20 in services for every \$1 they pay in taxes. He stated good land planning says that a well-balanced Township should have a portion of Residential and a portion of Commercial and Non-Residential to overcome some of these shortfalls. He stated he would encourage the Planning Commission to indicate that the O/R District is underutilized, but to allow Residential and other Uses it will have the potential to negatively effect the balance of Lower Makefield. He stated they should keep it O/R; and if it sits vacant, that is fine. He stated one of the concerns that was expressed in the existing Comprehensive Plan from 2013 that is under review was that Lockheed Martin was closing down, and it would introduce 400,00 square feet of Office space; but it sold in three months. Mr. Sengpiel stated he does not feel the trends are as bad as they are being made out to be.

Mr. McNamara stated apartments do not generate the same amount of taxes as do other uses.

Mr. Bryson stated he understands their points; however, he is also in the business, and the trend for Suburban market of Office space is on the decline. He stated this trend has been going on since 2007. He stated he recognizes that there are special circumstances. He stated he feels it is better to have flexibility going forward as a planner for the Township than to lock it into a use right now that is not looking positive.

Mr. Sengpiel asked that they take the Residential component out since it is a tax drain. Mr. Bryson stated he feels that in order to go forward it needs to be put in the Comprehensive Plan so that they can study it further, and this is what they are doing. He stated he believes a mixed use of Residential over Commercial may be viable, and they want to study this further. Mr. McNamara stated they already have a developer “at their doorstep” trying to do high density Residential. Mr. Bryson stated he is not looking at this from a business standpoint rather he is looking at this as solid planning for good land use. Mr. Sengpiel stated Residential uses take more tax revenue than Commercial.

Ms. Kirk advised Mr. McNamara and Mr. Sengpiel that they have made their points. Mr. Sengpiel stated they tried to talk at the Supervisors meeting and could not talk there, and now they are trying to talk at the Planning Commission. Mr. Tracey stated they have talked, and the Planning Commission has been listening. He stated they have heard their points, and what is being shown in blue in the Comprehensive Plan will stay. He stated it will be reviewed by the Board of Supervisors who will make the final decision. Mr. Tracey stated they are trying to make the Comprehensive Plan as complete as they possibly can. He stated with regard to the O/R District, they want to make it flexible and make it grow with the Township.

Mr. McNamara stated they are just present to give their views that Residential is a drain on the existing taxpayers, and they already have more than their fair share of high-density housing in the Township.

Mr. Tracey stated this is only a recommendation for this planning document. Mr. McNamara stated Capstone has come to the Board of Supervisors for Spot Zoning and an Overlay District that only incorporated their property. He stated they are trying to change the Master Plan trying to get 180 apartments on their property; and once that is allowed, the Aria tract will not be that far behind. He stated they could also convert the empty office space into apartments. He stated Lower Makefield already has more than their fair share of high-density housing.

Mr. Bryson stated he does not feel their intent would be to have every O/R in the Overlay District. He stated the idea for the tract was to continue this use as a walkable community and extending the Village District with a viable mixed used. He stated this would not be high-density Residential. He stated it would be a mix. Mr. Bryson stated they just want a mechanism in place to study this.

Mr. Majewski stated at previous meetings they discussed the whole issue, and it was not going to be a huge apartment building; and it would have to be some kind of mixed use.

Mr. Kehoe stated he assumes at some point there will be a cost/benefit study, and Mr. Benedetto stated there was one done by Capstone; however, Mr. Sengpiel stated he does not feel that would pass professional muster. Mr. Sengpiel read information from a 1967 Court Decision with regard to Spot Zoning which referred to the Comprehensive Plan. Mr. Sengpiel stated he does not feel Residential for this area is good land planning.

Mr. McNamara asked if they could not study this without having it in the Master Plan. He reviewed the history of the Lockheed site, and the fact that there was discussion at one point about this being a Retail area although fortunately another company came in to purchase the Lockheed site. He stated when they were discussing the Lockheed site, they studied it without changing the Comprehensive Plan.

Mr. Wallace stated this is not just a recommendation for Capstone, and they have been discussing it for a long time and discussions are still in progress. Mr. Bryson stated he feels they need to look at all the options. He stated the empty-nesters are leaving Lower Makefield because they do not have a place to live, and he would like to be able to keep them in the Township. He stated he feels there is a shortage of rental properties for empty nesters. Mr. Kehoe asked if this is the case, why would they not make it for 55 and over; and Mr. Bryson stated they may, and this is why it needs to be studied. Mr. Kehoe expressed concern with the costs of education in Pennsbury.

Ms. Kirk again stated that this was not just a response to Capstone; and if it would get added to the Comprehensive Plan, it would not give Capstone or any other developer an “extra foot in the door;” and just because it is in the Comprehensive Plan, they do not necessarily have to allow it. Mr. Bryson stated there is nothing to say that Capstone could not go to the Zoning Hearing Board and get the proposal approved. Mr. Kehoe stated if they had data that it was not cost effective to have this Residential, they could get that information to the Zoning Hearing Board.

Mr. Sengpiel asked the Planning Commission if they are not accepting that the cost of services of Residential exceed what they pay in taxes. Mr. Bryson stated he has seen numerous studies, and he takes them for what they are worth. Mr. Sengpiel stated he believes this is a key component of the Planning Commission as to how Lower Makefield should fill out. Mr. Wallace stated the Planning Commission would be willing to look at any information Mr. Sengpiel has for them to read. Mr. Sengpiel agreed to provide this, and he asked that they consider striking the Residential part out of future studies for the O/R.

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There being no further business, Mr. Bryson moved, Mr. Wallace seconded and it was unanimously carried to adjourn the meeting at 8:50 p.m.

Respectfully Submitted,

Chad Wallace, Secretary