

TOWNSHIP OF LOWER MAKEFIELD
PLANNING COMMISSION
MINUTES – MARCH 26, 2018

The regular meeting of the Planning Commission of the Township of Lower Makefield was held in the Municipal Building on March 26, 2018. Ms. Burke called the meeting to order at 7:35.

Those present:

Planning Commission: Dawn DiDonato-Burke, Vice Chair
Chad Wallace, Secretary
Craig Bryson, Member
Charles Halboth, Member

Others: Jim Majewski, Director Zoning & Planning
Barbara Kirk, Township Solicitor
Andrew Pockl, Township Engineer
Dan Grenier, Supervisor Liaison

Absent: John Tracey, Planning Commission Chair

APPROVAL OF MINUTES

Mr. Bryson moved, Mr. Halboth seconded and it was unanimously carried to approve the Minutes of February 26, 2018 as written.

#660 – OCTAGON CENTER – OFFICE CONDO PHASE II (DUNKIN' DONUTS/DAY CARE) – PRELIMINARY LAND DEVELOPMENT PLAN DISCUSSION

Mr. Edward Murphy, attorney, and Mr. Eric Clase, project engineer, were present. He stated they are present tonight to review the Revised Plans which have been the subject of some recent reviews. Mr. Murphy stated a Plan was submitted in late 2016 and was the subject of an initial round of reviews in the spring of last year. He stated they also had meetings with the Police Department and various members of the Township staff and outside consultants which resulted in the submission of the Revised Plans which are before the Planning Commission this evening.

Mr. Murphy stated the most recent review from Remington Vernick was dated March 6 and it shows the initial comments that were contained in the original review letter as well as the responses to the initial comments. He stated other than the Waivers, which they can review again, he feels that all of the engineering items

that were originally outlined have been addressed. Mr. Murphy stated he believes that is also true with regard to the other review letters that have been recently issued by the various consultants including TPD, the Township traffic consultant.

Mr. Murphy stated the issue of traffic both internally on the site and along Big Oak Road has been the subject of a number of discussions with the Police Department and the Township traffic engineer to discuss recommendations made by the Police Department and TPD for revisions to the Plan for both inside the site and externally. Mr. Murphy stated all those comments have been incorporated into the Plans including the agreement to design and ultimately construct a new traffic signal at a location that has been determined by TPD and the Police Department.

Mr. Murphy stated Mr. Clase has indicated that all outstanding comments from reviewing agencies to the extent that there are any left are all “will comply” items.

Mr. Alex Geiger, 1735 Mulberry Way, stated he submitted a letter which the Planning Commission indicated they received. Mr. Geiger stated he stated while he will not recite everything in the letter, he would like to quickly summarize it. Mr. Geiger stated while he understands from Mr. Murphy that the developer believes that everything has been satisfied; however, Mr. Geiger stated he feels the opposite is true. Mr. Geiger stated in his letter he identified eleven separate issues that have not been addressed.

Mr. Geiger stated issue number one is that this proposal violates the 2006 Settlement Agreement in the Matrix case. He stated this parcel where they are proposing to put a Dunkin’ Donuts drive through and a day care center was designated on the Plans that were referenced and incorporated into the Settlement Agreement and specified that this parcel was reserved for office buildings. He stated neither a Dunkin’ Donuts drive through nor a day care center are office uses, and therefore each of these would constitute a violation of the Settlement Agreement. He stated the Settlement Agreement is binding on Lower Makefield Township and to proceed without checking into this is likely to trigger further litigation. Mr. Geiger stated he feels at a minimum the developer should submit a legal counsel opinion letter dealing with this issue, and then the Township solicitor should be asked to give an impartial view on behalf of the Township and the residents of the Township on whether or not this proposal violates the 2006 Settlement approval which was Court-approved and binding on the Township.

Mr. Geiger stated the second issue is the traffic. He stated he heard Mr. Murphy refer to the TPD traffic consultant. Mr. Geiger stated he came to the Township offices a week ago to review whatever had been submitted, and he did not see a Traffic Impact Study pertaining to this development. Mr. Geiger stated maybe there is something that has been withheld from public review. He stated all he saw was a Traffic Impact Study which was done in 2000.

Ms. Burke asked Mr. Majewski if there is a more current Traffic Impact Study, and Mr. Majewski stated there is not to his knowledge.

Mr. Geiger stated the Study from 2000 is eighteen years old, and a lot of things have happened since then. He stated the intersection of Oxford Valley Road and Big Oak Road is the busiest intersection in Lower Makefield Township. He stated that intersection was upgraded since 2000 by putting in the two left turning lanes from Oxford Valley going west on Big Oak, and there have been other changes. He stated there has also been a lot of development that has happened at this section of Big Oak.

Ms. Burke asked Mr. Murphy if there has been a more current Traffic Study prepared. She also asked Mr. Murphy what his position is with regard to the first issue Mr. Geiger raised about preparing an opinion letter and having the Township solicitor review it. Mr. Murphy stated there would be no reason for that. He stated the Settlement Agreement that Mr. Geiger referred to clearly states that a non-Residential use is contemplated for this section of the project. He stated what they are proposing are non-Residential uses. He stated if you look at the underlying Zoning Ordinance provisions under C-3 and the Age-Qualified Uses that are specifically permitted, a restaurant use, which is how Dunkin' Donuts is characterized, is one of the specifically-permitted uses under non-Residential.

Mr. Murphy stated this issue has been the subject of discussion for close to two years. He stated they reviewed this issue with the Township's prior solicitor at the very outset of the project, and they have reviewed this multiple times. Ms. Burke asked if there is an opinion letter from the Township solicitor, and Mr. Murphy stated he has not seen an opinion letter from either the prior or current solicitor. He stated they have had discussions, and everyone acknowledged that these uses are appropriate and consistent with the Settlement Agreement and the current Ordinance.

Mr. Geiger stated this is all "off the record, hearsay conversations that allegedly took place between counsel for the developer and the Township solicitor." Mr. Geiger stated the public has no way of knowing that, and this is all supposed to be done in writing, and posted or at least available through a Right-To-Know Request. He stated there has to be an opinion letter from the solicitor.

Mr. Geiger again noted that the Traffic Impact Study was done eighteen years ago. He stated this project could have “devastating impacts” on the “most heavily-traffic impacted” intersection in the Township, and they are proceeding without doing a Traffic Impact Study which is “unbelievable.” Mr. Geiger stated there was a traffic review done by the Lower Makefield Township Police Department for a totally-unrelated issue in 2016 having to do with the speed limit on Big Oak because the speed limit had been 40 miles per hour in this section, and when you hit Middletown Township, it went to 35 miles per hour; and they wanted to lower the speed limit to 35 miles per hour which they did. Mr. Geiger stated the study was “eye-opening,” and they found there are 12,715 vehicles on average every day on this section of Big Oak Road with the average speed being 47 miles per hour.

Mr. Wallace asked Mr. Majewski what the Township has in terms of history in terms of any type of traffic-related studies for this project. Mr. Majewski stated he believes that the last study that was done was in 2000, and that was in conjunction with a previous plan for the overall Octagon Center which incorporates all of Regency, the Matrix Residential property, and the development; and at that time it was a Big Box office center, and the traffic study was done with those numbers in mind. He stated the traffic counts for the Regency project are significantly lower than what was anticipated from the prior Application, and Mr. Murphy agreed.

Mr. Geiger stated this particular use that they are proposing – a drive through Dunkin’ Donuts will generate a lot of traffic and is particularly “time dependent” and people will buy more cups of coffee going to work in the morning than later in the afternoon. He stated not only do they need a Traffic Impact Study dealing with all the traffic that is happening on Big Oak right now, they need information that he is sure Dunkin’ Donuts has as to the “minute and the cars” on how many cars they expect to go through their drive through. He stated they have two drive-through lanes that they are proposing, and that should be part of any study and not just what is happening on Big Oak “which is bad enough.” He stated they need to know the impact of a drive-through, fast food coffee and doughnut establishment plus the impact of a day care center which also has the “unfortunate” characteristic that all the traffic happens during the morning rush hour and during the evening rush hour which are the worst possible times for both of these proposed uses.

Mr. Geiger showed on the Plan for the project the location of the proposed drive through and its relation to Big Oak. He stated the Plan they have shown does not give an accurate picture of Big Oak, and he showed where Big Oak has seven lanes. He noted the location of the service road that services CVS, PNC Bank, the Shell gas station, Bucks County International which is a truck dealership, and some

other business uses. He stated this results in a lot of traffic coming out from the service road directly across the exit, and most try to go east; and they need to go across seven lanes of traffic to get on Oxford Valley.

Ms. Burke stated she agrees with Mr. Geiger that they cannot have a 2000 Traffic Study. Mr. Murphy stated what Mr. Geiger may be unaware of is the fact that the information he has just suggested has already been provided as requested by the Township's traffic consultant and the Police Department including fifteen to thirty minute traffic counts by Dunkin' Donuts as well as the day care center; and all of that information has already been requested and shared with the Township staff. He stated all of the information that would be included in a typical Traffic Impact Study has already been shared as requested by the Township consultants.

Ms. Burke asked if that is somewhere that could be viewed. Mr. Murphy stated perhaps it would be better for Mr. Geiger to arrange to discuss this directly with the Township traffic consultant and Police Department. Mr. Murphy stated the developer is taking their cues from them both in terms of the changes that have been made to the Plan internally and the improvements they have made on Big Oak Road and because of their commitment to install a new traffic signal as directed and designed by the Township which would have been the end result of any Traffic Impact Study in any event. He stated the developer has agreed to do these things. He stated the issues that Mr. Geiger has raised are all issues that have been vetted to the developer by the Township's traffic consultant and incorporated into the Plans.

Mr. Geiger stated he has done as thorough and diligent job of an examination of the record pertaining to this Application as he could as a private citizen, and there is nothing on the Township Website posted about this consultation with the traffic consultant. Ms. Burke stated there was also nothing provided to the Planning Commission or to the Board of Supervisors. Mr. Geiger stated there is no substitute for a Traffic Impact Study, and they have to do that; however, Mr. Murphy disagreed adding they have effectively done more than any Traffic Study would have suggested and the result of it, they have agreed to implement. Mr. Geiger stated the developer still has to satisfy the Planning Commission that this is not going to "destroy all the traffic patterns in Lower Makefield Township."

Mr. Wallace asked why there is no record, and Mr. Murphy stated they have made submissions to the Township's consultants. Mr. Wallace asked Mr. Majewski if he has anything, and Mr. Majewski stated he has nothing in his files. Mr. Majewski asked Mr. Murphy to submit it to the Township in addition to the Township consultants in the future.

Mr. Geiger stated the Township's Citizen Traffic Commission is "upset" because they have not been advised of any of this or given an opportunity to examine it. He stated to the extent that they have "hearsay information about what is being proposed," they are opposed to it. He stated they have asked that they be "included in the loop;" and he saw an e-mail asking for that a few weeks ago, and he does not know if that has happened or not. Mr. Geiger stated he would have more confidence in what the Citizens Traffic Commission has to say than in what the counsel for the developer has to say.

Mr. Geiger stated the third point in his letter has to do with the proposed "fix." He stated the developer has attempted to address the issues, but the "remedy is worse than the disease." Mr. Wallace asked Mr. Geiger how he knew about the "fix" if there was no information available publicly. Mr. Geiger stated there was an amended Plan and he saw how they changed the Plan from the original. Mr. Greiner stated Mr. Geiger is indicating that the drawings had changed but not the data behind it, and Mr. Geiger agreed.

Mr. Bryson asked if the "fix" has to do with traffic, and Mr. Geiger stated it is a traffic issue. Mr. Bryson stated the Planning Commission has already agreed that they need more information about the traffic, and he asked that Mr. Geiger discuss any other issues he has other than with the traffic.

Mr. Geiger stated he would like to discuss what the developer is proposing to do; however, Ms. Burke asked that Mr. Geiger move on to other issues he has apart from traffic. Mr. Geiger stated he does not know if they are saying they might do the traffic light or if they might not. He stated if the traffic light is an integral part of this, a traffic light should be a Condition of approval. He stated they need multiple Permits before they can put in a traffic light. He showed on the Plan where he believes they want to put in the traffic light. Mr. Geiger stated he feels the developer is saying that people coming out of the Dunkin' Donuts will drive inside the lot on the "narrow, little, lane" to an exit he showed on the Plan so that they can wait at the red light before they enter Big Oak; however, Mr. Geiger stated he feels that is a bad idea.

Mr. Wallace stated Mr. Murphy has indicated he has addressed the issues with the Police and all the associated bodies. Mr. Wallace stated the Planning Commission has already established that they agree with Mr. Geiger that they need to see the traffic information. Ms. Burke stated they will come back to discuss further the traffic information. She asked Mr. Geiger to discuss what else he wishes to address apart from traffic so that Mr. Murphy can address those issues. Mr. Geiger stated Mr. Murphy has his letter. Mr. Geiger stated the "fix" includes the traffic light, and there are problems with the traffic light. Ms. Burke stated the Planning Commission cannot address it without seeing a Traffic Study.

Mr. Murphy suggested that the next time they meet, the Planning Commission should invite Mr. Wursta from TPD to attend the meeting so that they can hear the information from him since the developer is taking their cues from him. Mr. Murphy stated they can discuss the traffic light and internal issues at that time.

Mr. Grenier asked Mr. Murphy if he will be submitting the data through Mr. Majewski, and Mr. Murphy stated they will re-submit it again or they will get TPD to share the information with the Township.

Mr. Geiger stated he believes that the Township hired a fire protection consultant to look at this from the standpoint of whether a fire truck can get to these buildings in case there is a fire. He stated the consultant's name was James V. C. Yates, and he submitted his report by letter dated December 9, 2017; and his recommendation was against approval because fire trucks cannot get around internally. Mr. Geiger stated he has not seen a response to that letter. Mr. Wallace asked Mr. Majewski if he has a copy of that letter; and Mr. Majewski stated he does as well as the follow-up letter sent by Mr. Yates a few months later. Mr. Majewski stated in that letter, Mr. Yates still had concerns about showing the fire hydrant to support the fire sprinkler systems. Mr. Murphy stated they have no problem re-locating the fire hydrant if that is what Mr. Yates wants. He stated they have addressed the safety issues that Mr. Yates had originally highlighted.

Mr. Geiger stated while he has not seen the follow-up letter, the concern addressed in the original letter was there were very narrow lanes all the way around, and a "big fire truck is somehow supposed to navigate," and then they will put a traffic signal in which will back up all the traffic so no one will be able to get in or out. Mr. Wallace stated apparently that has been discussed.

Mr. Grenier asked about the turning radii relative to a fire truck internally, and Mr. Clase stated they provided traffic turning radii on the Plan, and they work. Mr. Pockl noted Sheet 20 of 24 shows the internal routing. Mr. Clase stated in Mr. Yates' updated letter of February, 2018 he no longer expressed concern.

Mr. Geiger stated that may work at 3:00 a.m. when there is no one there; however, at 7:00 a.m. when there are 400 cars per hour going through the drive-in, the turning radius is not going to work. Mr. Bryson stated he is looking at it, and it does not interfere with any parked cars; and all the access lanes are clear. Mr. Geiger stated it is not the parked cars that are a problem, although there is a separate problem with that. He stated it is the backed-up cars, and there is no way to get out. He stated there will be cars backed up on all of the internal roads, and the fire truck will have no way of getting in or out. Mr. Geiger stated the parking spaces

will be inaccessible as well because of all the traffic that will be backed up in the lanes, and there will be no way for anyone to get into or out of a parking space. Mr. Bryson stated they have satisfied the fire consultant.

Mr. Wallace asked Mr. Murphy if he is familiar with all eleven items that are in Mr. Geiger's letter, and Mr. Murphy agreed. Mr. Wallace asked Mr. Murphy if all eleven items have been addressed with the appropriate parties in the Township, and he asked if he could provide the Planning Commission with that information; and Mr. Murphy agreed.

Mr. Geiger stated while they say they have responses, he feels that is "incredible" because his letter is dated March 21, and today is March 26; and he has not seen any of the responses. He stated he understands that the developer will submit the responses in written form so that the Planning Commission can see them and the public can see them, and there will be another Hearing so that the public can comment on their responses rather than having the "blanket assurance that everything is taken care of – don't worry about it." Mr. Murphy stated it is not his intention to respond on a point-by-point basis to Mr. Geiger. He stated to make it meaningful for everyone, they should have the Township traffic consultant appear and explain the traffic approach that they have taken for the last eighteen months. Mr. Murphy stated many of Mr. Geiger's comments are traffic related both externally and internally; and the other issues Mr. Geiger has raised, other consultants in the Township such as the Township engineer have commented on already as has Mr. Yates. He stated they also responded to the EAC letter recently.

Ms. Burke asked Mr. Majewski if there is a way that Mr. Geiger can get the response such as the follow-up from the fire protection consultant. Mr. Majewski stated he can post all of this on-line.

Mr. Geiger stated there was a detailed letter from the Lower Makefield Township Environmental Advisory Council raising environmental issues, and he just heard from Mr. Murphy that there was a response to that letter. He asked that to be posted as well, and Mr. Majewski agreed.

Mr. Alan Dresser, 105 E. Ferry Road, stated he is a member of the Environmental Advisory Council. He stated the EAC also had comments about the traffic; and they looked at trip generation, and in the morning peak over 300 vehicle trips will be generated from the day care and the Dunkin' Donuts. He stated they also put that in their comment letter, and the response was "the Applicant is preparing a Transportation Impact Assessment to address these issues." Mr. Dresser stated the EAC got the response four days ago, and he asked if it is already done. Mr. Murphy stated what they have done is respond directly to the request for additional

information, data, etc. by the Police Department and the Township traffic consultant - not the EAC. He stated the Township has an appointed traffic consultant, and they are responding to him. He stated all of that information including the scope of any additional information that was sought as part of a more traditional study, they have agreed to provide once the developer is given more direction, if there is more, of other data or points they want the developer to study. Mr. Dresser stated there is no report, and it is just a lot of data “out there.” Mr. Murphy stated Mr. Dresser is aware that there has been a series of back and forth provision of information over the last sixteen to eighteen months with the Township traffic consultant. Mr. Murphy stated the installation of a traffic light far exceeds whatever would have otherwise been required by any Traffic Impact Assessment.

Ms. Burke asked if there is something in writing from the Township traffic consultant, and Mr. Murphy stated there is. Ms. Kirk stated what was provided to the Planning Commission was Remington Vernick engineer’s letter of March 6, a memo dated February 8 from the Traffic Safety Officer, a report from Traffic Planning & Design dated March 2, 2018, the Township sewer engineer’s letter of February 19, a letter dated March 5, 2018 from the Citizens Traffic Commission, a letter dated February 13 from James Yates regarding the fire review, the Bucks County Planning Commission letter dated December 13, 2017, and a post-construction stormwater management report of February 2, 2018. Ms. Kirk stated if there was anything submitted since March 6, it has not been circulated.

Mr. Dresser stated he would be interested in getting the data that was used to generate the vehicle traffic and if there was a Level of Service analysis. He stated he would like the background data that went into the analysis, and he asked Mr. Majewski if he could provide that.

Mr. Dresser asked if this project will have to pay a Traffic Impact Fee, and Mr. Murphy stated it probably will not because the cost of the traffic signal would far exceed the cost of the Traffic Impact Fee associated with it. Ms. Kirk stated the Planning Commission is not at that point yet as this is a Preliminary Revised Plan, and it is not Final. Mr. Dresser stated the Township Ordinance says that when you get Preliminary Plan Approval, you have to have the Traffic Impact Fee assessed. Mr. Murphy stated any Approval of any Preliminary Plan received will deal with the Traffic Impact Fee issue.

Mr. Dresser asked the Township engineer to look closely at the Stormwater Management Plan because some of the infiltration rates at the underground infiltration basins are below PADEP’s recommended value of four tenths of an inch an hour, and they are down to about one eighth of an inch an hour so they

are three times less than the recommended value. He stated the Township engineer should check this out to make sure that the Stormwater Management Plan will work.

Mr. Dresser asked Ms. Kirk to look to see if this proposal is consistent with the Concept Plan that went into the Settlement Agreement. He read language that is in the Settlement Agreement. Ms. Kirk stated she has been through the Settlement Agreement multiple times including when it first came to them, and a portion of this was involved with the development of the townhomes instead of the condos; and there is nothing in the Settlement Agreement that she can find that has a limitation that would prohibit these proposed uses from going in as long as they comply with the Zoning Ordinance. Mr. Dresser stated Exhibit A “shows you nothing.” Ms. Kirk stated while she was not involved in that, Exhibit A is the Concept Plan.

Mr. Dresser stated if you look at the Preliminary Plan that was submitted two months after the Settlement Agreement they had up to 40,000 square feet of Office at this location and 15,000 square feet of Retail at the location where the PNC Bank and CVS Pharmacy are located. Mr. Dresser stated Ms. Kirk should look into the discussions by the Supervisors when they were looking at the Concept Plan. He stated when Legislation is passed and the Laws are challenged in Court, sometimes the Judges and the Court will look at the discussion the Legislators had coming up with the Bill. Mr. Dresser stated Ms. Kirk should specifically look into the special meeting that was held on October 25, 2004; and in that the Matrix representative specifically discussed 15,000 to 20,000 square feet of Retail at the intersection of Big Oak Road and up to 40,000 square feet of Office building north of Big Oak. Ms. Kirk stated she will take her direction from the Township.

Mr. Dresser stated he feels there may be a better Plan than what he has, and Ms. Kirk stated the Concept Plan Mr. Dresser is showing is the Concept Plan and she and Mr. Majewski have looked to see if there is anything other than the Concept Plan being shown by Mr. Dresser. Mr. Dresser stated they should look into the whole Record and not just the Settlement Agreement.

Ms. Burke asked if they should make a Motion concerning the Traffic Study other than the one that was done in 2000.

Mr. Clase stated while a full Traffic Study has not been completed, Mr. Wursta has been involved from the very beginning when this was a Conceptual Sketch; and over the last eighteen months as Mr. Murphy has already stated, they have provided more and more information including parking studies, “in and out” studies, etc. Ms. Burke stated she would like that information condensed into a Traffic Study. Mr. Murphy agreed to profile all of that information, and he asked that the Planning Commission invite Mr. Wursta to attend the next meeting to go through this. Ms. Burke asked Mr. Majewski to do that, and Mr. Majewski agreed.

Mr. Bryson asked if the developer has a traffic consultant, and Mr. Clase stated it would probably be McMann and Associates, and Mr. Bryson stated he assumes they will come to the next meeting as well; however, Mr. Murphy stated the developer is agreeing with the Township's traffic consultant, so it will not be necessary for the developer to have a traffic engineer present, and they will agree to do what the Township consultant has requested.

Mr. Grenier stated there was a comment in the March 2 TPD letter about requesting a Traffic Study specific to the signal, and he asked if that has been done. Mr. Murphy stated that is a recent request from TPD asking the developer to provide some additional information, and the developer has agreed to do that.

Mr. Bryson moved, Mr. Halboth seconded and it was unanimously carried to carry this matter to the next meeting on April 9.

#653 – MARRAZZO GARDEN CENTER PROPERTY – INFORMAL SKETCH PLAN

Ms. Burke stated this is an Informal Sketch Plan, and they are here for informational purposes only. She stated the Planning Commission will not be voting on anything tonight. She stated this is here so they can hear what they are proposing to do.

Mr. Edward Murphy, attorney, was present along with Mr. Ed Moser, equitable owner under an Agreement of Sale to purchase the Marrasso Garden Center property located at Yardley-Morrisville Road and Sutphin Road. Mr. Murphy stated the property has been under Agreement for a little over a year, and during the past year they have had an intermittent dialogue with the Sutphin Pines HOA to present different Sketch Plans that they have generated since their first meeting in March of last year. He stated most recently they presented the Revised Plan which is being shown this evening at a more formal meeting of the Sutphin Pines HOA Board about one month ago.

Mr. Murphy stated the Plan contemplates the elimination of the Garden Center in its entirety, and the re-development of the site for sixteen townhomes as depicted on the Plan. He stated an earlier Plan had one or two more units and other issues with regard to height that was of concern to the adjacent neighborhood. Mr. Wallace asked what was the height issue; and Mr. Murphy stated the originally designed units were three stories in height and would have exceeded the Township's thirty-five height feet limitation, and these Plans are within compliance.

Mr. Murphy stated there is a single point of access on the lower-classification road, not Yardley-Morrisville Road; and it enters into a T arrangement with units facing the road. He stated there is no direct access onto Yardley-Morrisville Road, and instead there will be landscaping and berming along that area. He stated that same enhanced landscape treatment would be installed around the perimeter of the site. Mr. Murphy stated stormwater would be treated in an underground fashion.

Mr. Murphy stated in the earlier design, there was concern that decks extending from the rear of the units would be on the elevated Plan and there was concern about intrusion into the abutting neighbors properties and to the community pool which is to the rear as shown on the Plan

Mr. Murphy stated he understands there is a lot of community interest both for and against the proposal, but what they did was consult early on with the Township traffic consultant to engage from his standpoint what the relevant traffic impacts would be from a current garden center use to a proposal with sixteen market-rate townhomes. Mr. Murphy stated he shared this information previously with Mr. Majewski, and he understands Mr. Majewski put the TPD analysis on the Website. Mr. Majewski stated it was not on the Website. The analysis was provided to the Planning Commission this evening. Ms. Burke asked Mr. Majewski to put it on the Website. Mr. Murphy stated what the analysis shows based on TPD's calculation is that a 6,400 square foot garden center would generate a certain number of trips per week, and compared to sixteen market-rate townhomes there would be a dramatic reduction in the number of weekly trips. Mr. Murphy stated in an effort to verify that, the developer asked Marrazzo to provide, based on actual receipts at his register in May and October of last year, what the traffic activity was; and that letter is dated March 22, and he provided copies of that, and he assumes Mr. Majewski will put that on the Website as well. Mr. Murphy stated it shows that the amount of traffic that Marrazzo had during those periods of time which he says were the busiest months, was even greater than the TPD estimate. Mr. Murphy stated he understands traffic has been a concern; and they wanted to show what they would expect to be a dramatically-reduced amount of traffic as opposed to what currently occurs at the site.

Mr. Bryson asked if these units would be age-restricted; and Mr. Murphy stated they will not, and they are proposed to be market-rate units, and the analysis that TPD did was based on market-rate units.

Mr. Murphy stated they have answered questions the community has asked about what the price point would be for the units; and Mr. John Meno, a local Realtor who is working with the Applicant, is present this evening and can provide that information.

Mr. Murphy stated there have also been a number of questions about density and whether they need relief from the Ordinance requirements for this proposal, and Mr. Murphy stated they do still need relief in some fashion whether it is in the form of a Variance or by modifying the Zoning Ordinance. He stated under the current Ordinance, they would be permitted three or four single-family homes; however, this Applicant is not interested in pursuing that approach. Mr. Murphy also stated given the position of the Marrassos who are selling the property, that would not work for them either. Mr. Murphy stated the Applicant's view was that to present a townhome project that would be consistent with the adjacent townhome community would be the most appropriate. Mr. Murphy stated there were also questions about whether they would lose two to four units; however, the Applicant's proposal is for sixteen units and not something other than that.

Mr. Murphy stated he believes representatives of the HOA Board as well as other residents from Sutphin Pines are present this evening. Mr. Murphy stated they have had a good dialogue with the HOA over the last year, and they have had two to three meetings and other e-mail exchanges with the HOA representatives and their counsel. Mr. Murphy stated he felt they were at a point now where they should bring the matter to the public, and this is the first opportunity they have had to share the Plan with the Planning Commission and the public.

Mr. Meno stated they anticipate the pricing to start at \$425,000. He stated their goal was to have the units wide enough to potentially offer a first-floor master bedroom suite. He stated they will have full basements and a two-car garage. Mr. Grenier asked how that compares to Sutphin Pines, and Mr. Meno stated the starting point for this new development will be on Sutphin Pines high side.

Mr. Richard Beatch, 24 Berkley Drive, asked the square footage of the new units on average, and Mr. Meno stated they will be about 2,300 to 2,400 square feet above grade. Ms. Burke asked Mr. Beatch the prices at Sutphin Pines, and Mr. Beatch stated they are about \$350,000.

Ms. Burke asked Mr. Meno the price points at Sutphin Pines, and Mr. Meno stated they are mostly in the mid \$300,000 adding they have a number of different models in Sutphin Pines so there is a variety of different prices and they average \$350,000.

Mr. Wallace stated density has been an issue, and he asked how this new development compares to Sutphin Pines. Mr. Rob Cunningham, the project engineer, stated Sutphin Pines is of similar density; and there are phases in Sutphin Pines which are much more dense than what they are proposing, and there are some sections that have ten units so they are on par with the average density of Sutphin Pines. Mr. Wallace stated this is not an extension of

Sutphin Pines and is a completely separate development, and Mr. Murphy agreed. Mr. Wallace asked if their goal is to design it to be like Sutphin Pines, and Mr. Meno stated their goal was to take on the same kind of exterior design from a Colonial standpoint and keep the brick façade in mind as well so that they have the same flavor of Sutphin Pines from an exterior element.

Ms. Burke asked how high they will be, and Mr. Cunningham stated they will be 33' high. Mr. Murphy stated the Ordinance permits 35'.

Mr. Bryson asked if the target market is empty nesters or young professionals, and Mr. Meno stated it could be both. He stated with the width of the design, it gives them the ability to have a first floor master bedroom. He stated the important part of the design was to have a two-car garage which was essential in this product. He stated if someone is downsizing, they would still have the two-car garage as well as room for two cars in the driveway.

Mr. Murphy stated Mr. Wallace had asked if this would be an extension of Sutphin Pines; and while it is not, in the last number of months that they have had discussions with the HOA Board, who had inquired of the developer as to whether or not the developer would be willing to offer as an amenity the ability of the new homeowners to join their community pool. A number of people in the audience called out their disapproval. Mr. Murphy stated they had advised the HOA Board that they would be willing to offer such an amenity; however, subsequently they heard back that a larger majority of Board members and apparently the community were not in favor of that.

Mr. Halboth stated the density is about seven dwelling units per acre on the proposed Plan, and he asked how that compares to Sutphin Pines. Mr. Murphy stated as Mr. Cunningham just indicated, on the average they are about the same.

Ms. Cynthia Weiss, 1308 Yardley-Morrisville Road, stated she had lived directly across the street from Marrazzo's since 2004. She stated there are Minutes over a number of years from the Board of Supervisors meetings when she spoke out during Public Comment about living across the street from Marrazzo's that went from a very nice, small flower shop with beautiful trees in front to a lawn mower supply shop, a bulk mulch delivery place that starts at 7:00 a.m. in the morning, and not a "great neighbor." Ms. Weiss stated the idea of townhomes across the street from her next to the ninety-two townhomes behind them sounds nice. She stated Marrazzo's had a Variance to have a Commercial property on a Residential street, and she understands that when Sutphin Pines was developed in the late 1980s they also got a Variance for their townhomes. She stated now those townhome owners appear to be unhappy with this project which they consider to be high density housing. Ms. Weiss stated this Commercial property has

been sold to have residences, and those sixteen townhomes would be paying transfer taxes to the Township every time they sell. Ms. Weiss stated she does not feel anyone would put just three to four houses on that property. Ms. Weiss stated since there are ninety-eight townhomes behind this property, she feels an additional sixteen new townhomes that would be of the same quality of Sutphin Pines is appropriate.

Mr. Richard Johnson, 1220 Evergreen Road, stated he has lived in the neighborhood for approximately thirty years, and he has no objection to having sixteen townhomes at this location; and he feels it will be an improvement to the neighborhood. He stated he is concerned that they have only proposed six or eight parking space which may not be adequate when people have parties. Mr. Johnson stated his other concern is that people's decks are not always attractive to drive by, and he would like to be assured that the buffers and trees are not deciduous, and he would like to see a lot of evergreens; and Mr. Murphy agreed. Mr. Johnson stated he would welcome seeing this development.

Mr. Majewski stated he believes that they have shown ten parking spaces on the Plan.

Mr. Beatch stated he does share the concern with the parking since if someone were to have a big party, that would be an issue. He also stated these units will be newer than Sutphin Pines; and there is a difference of approximately \$50,000 to \$75,000 between these units and Sutphin Pines. He asked the projected Homeowners Association Fees for this development, and how they compare to the Sutphin Pines HOA Fees. Mr. Murphy stated no one has yet calculated what that Fee may be; and he stated it will depend on certain issues that the Township has to decide such as whether or not they will be taking Dedication of the road. He stated if the Township chooses not to, then the cost of that future maintenance would be borne by the HOA members so there are a lot of variables at this early stage that would have to be decided before they could do a realistic budget. Mr. Beatch stated he feels these new units have a fairly high proposed price for this area, and he is concerned about the feasibility of the development.

Mr. Grenier asked if there are any amenities associated with this development, and Mr. Murphy stated there are not.

Mr. John Barry, Milton Drive, stated he lives in the adjoining Wynnewood neighborhood. He stated he is concerned that this site grossly exceeds the reasonable development for a property of this size of 2.75 acres. He stated he does not know why it would not be possible to put in three or four single-family homes in keeping with the current Zoning other than that is not an attractive price point for the property for Mr. Marrasso. Mr. Barry stated his concern is

that the number of Variances and the extent of those Variances is tantamount to re-Zoning this property. He stated they are talking about impervious surface of 55% versus 15%, a front yard of 48' versus 100' that is required, 45' where 85' is required, and a density that is five times that which is permitted under the current Residential Zoning which was in force when Mr. Marrasso bought this property. Mr. Barry stated Mr. Murphy alluded to the fact that Mr. Marrasso has not always been a good neighbor, and Mr. Barry stated he does not feel they should reward him by letting them have 55% impervious just because the existing property is 80% impervious surface. Mr. Barry stated he would rather they stay with the R-2 Zoning and have it developed in single-family homes like the rest of the neighborhood. He stated these Variances should not be allowed.

Ms. Burke stated they will have to apply to the Zoning Hearing Board for Variances with a "high burden" to meet.

Mr. Dennis Steadman, 10 Milton Drive, stated he has lived here for twenty-nine years. He stated he is not in favor of this development; and like the previous speaker indicated, he feels the number of Variances is not only a large number, but they are also extreme. He stated they are requesting setbacks of 21' instead of 50' and 10' instead of 30'. He stated he also feels the density is unfair. He stated when asked about comparisons to Sutphin Pines and all the meetings with the Sutphin Pines Homeowners Association, he feels there is a reason why they have gone to Sutphin Pines because they need those neighbors' approval or concurrence relative to "winning" these Variances. Mr. Steadman stated he understands Mr. Marrasso wants to maximize the value of his property; but he feels this is too dense. He stated the comparison to Sutphin Pines is fair; however, that is only two sides of this property, and on the other two sides of this property there are all single-family homes, and he cannot justify how this is consistent with the neighborhood. He stated he is not in favor of any Variances or this project with this level of density.

Mr. Murphy stated that he does not disagree with some of the statements made by the last two speakers, and he agrees that there are multiple Variances being requested. Mr. Murphy stated throughout the process, they have shared in advance with the Sutphin Pines HOA representatives and their counsel drafts of the Zoning Hearing Board Application that they were considering submitting to let them review what the developer was thinking about. Mr. Murphy stated there are different approaches to this situation, one of which would be to seek Zoning relief, and the other would be to seek to have an Ordinance change to legislate a change. Mr. Murphy stated Sutphin Pines was not Zoned originally the way it is now, and it developed through a litigation history. Mr. Murphy stated he has reviewed the Township files, and Marrasso's has frequently had a difficult time being compliant with a lot of the Township's rules and regulations. Mr. Murphy

stated the approach might not be to seek a Variance, and it might be to seek a change in the Zoning Ordinance to try to be consistent with the approach that as taken on an ad hoc basis in the past, and “clean up” this whole corner. He stated it is not just a potential Zoning Hearing Board route, and there may be another alternative. He stated they would like to seek the input and support of the abutting property owners who are directly effected.

Mr. Jim Ioka, 20 Berkley Drive, stated the square footage number they indicated was 2,300 square feet; and if you take the actual external dimensions of the units, it works out to exactly 2,300 square feet which is “optimistic” considering how thick a wall has to be. He stated he feels the number will be less than 2,300 square feet which may change their comps in terms of what the home value is. He stated if they are talking about a two-car garage and two living floors, they are losing 3’ somewhere so either there are low ceilings or a low roof pitch. He stated he would like to know what the actual general lay out is where they are achieving the 2,300 square feet. He stated while they claim that the max density is similar to Sutphin Pines on average, he asked about the impervious coverage area of Sutphin Pines overall since they are using Sutphin Pines as a comparable location when it benefits, but they are using the current Commercial property impervious data as opposed to Residential data of the proposed neighbor. He asked if they have data available on the impervious coverage for Sutphin Pines versus the proposed development.

Mr. Murphy stated he does not believe that is available at this point.

Mr. Cunningham stated the Plans that were Recorded as part of Sutphin Pines showed no detail so the Plans they took the density off of was just understanding the number of Lots versus the acreage of that section. He stated what was actually built may be different from what was on the Record Plan. He stated they always look at impervious coverage of an existing Lot and the proposed coverage; and the Marrazzo site is well paved, and what they are doing will reduce that although they still are required because of the changing Use to request a Variance for impervious coverage.

Mr. Grenier asked if they did an analysis taking the aerial for Sutphin Pines and making polygons to show impervious areas for drive aisles, etc. Mr. Cunningham stated while they have not done that, it is something they could do if the Township would like to see that. Mr. Grenier stated he feels that would be worth looking at.

Mr. Fred Karp, 35 Sutphin Pines, stated between buildings 6 and 16, the Variances for those buildings with regard to the Sutphin Pines residents seem to be extreme for some of those units, in that the Sutphin Pines homes back up to those buildings. He stated they would now have neighbors to be looking at every day and every night, and he is not sure what the extent of the Variance would be because it is

difficult to read the Plans. He stated in some instances, they are fairly close together. He stated there are some units within the Sutphin Pines community where there are units that are that narrowly together, but none of those buildings would have had a neighbor that close. Ms. Burke asked Mr. Karp for a further explanation of his comments. Mr. Karp stated he is concerned about how close they are to his property line. Mr. Karp showed the units he was talking about on the Plan. He showed the location of his home on the Plan, and he noted an area where people would have a direct view of their neighbors although he would not. He stated he feels the Variances they are seeking are largely the result of the density of the proposal. He stated they are asking \$425,000 as a starting price; and while it was indicated that the average selling price for homes in Sutphin Pines was \$350,000, the home next to him just sold for over \$400,000. Mr. Karp stated another concern of Sutphin Pines residents would be that given a choice of selling an end home which would be larger than some of the townhouses in the middle or buying a brand new \$425,000 parcel in this new development, people would buy the new one. He stated someone could buy a new home for \$50,000 more and have less maintenance over the years especially if they do not care about a pool. He stated residents in Sutphin Pines feel that this proposed development should have fewer units and should be priced higher so that Sutphin Pines can still have room to grow and catch up with whatever increase in market value could occur over time.

Mr. Majewski asked if they could slide the whole subdivision to the northwest and to the northeast to be further off the property line so that it is more toward Sutphin Road and Yardley-Morrisville Road. Mr. Cunningham stated they could look at that.

Mr. Larry Iaquinto, 36 Rickert Drive, stated his home is in old Wynnewood. He stated his property is about 100 yards to Moon Road, and there does not seem to be any consideration for foot traffic in the area. He stated showed on the Plan where there are no sidewalks on Sutphin Road. He stated they should consider pedestrian traffic as there are a lot of children in the area. He stated they have not proposed enough places to park when there is overflow from the new development, and he feels they will be parking on Moon Drive.

Ms. Burke asked if sidewalks are proposed, and Mr. Murphy stated they are not. Ms. Burke asked if sidewalks could be put in. It was noted that the sidewalk ends on the other side of Sutphin Pines by Barn Drive.

Mr. Tom Will, 389 Trend Road, stated he feels there is a total disconnect between all the exceptions and Variances that would be required versus the economics. He stated he feels the only solution is that since Lower Makefield “likes to spend a lot of money for open spaces,” they should knock all this down and let Lower Makefield “give Marrazzo a million bucks” and create this as open space.

Ms. Jean Elkins, 53 Sutphin Pines, stated this is her third house within Sutphin Pines, and she has lived in this community for eighteen years. She stated her current house backs up to Marrazzo; and while they may not be the best of neighbors, she really sees very few people there and it is fairly quiet. She stated she does not hear them in the morning. Ms. Elkins stated her concern is the Variances which are huge. She stated these houses will be on top of her. She stated in terms of density, Sutphin Pines has ten acres of open space, and the homes are very far back from the road. She stated this proposed development will be a “concrete jungle,” and ten parking spaces is not enough. Ms. Elkins stated she understands the concerns of those living in the single homes on Moon and adjacent streets as there are children there all the time, and the concern is where the extra cars will be parking and not just when there is a party. Ms. Elkins stated if you drive through Sutphin Pines on an average day, they should look at the number of vehicles in there doing work, cleaning their homes, etc. She stated there will not be enough parking in the new development, and it will be a safety concern. Ms. Elkins stated while she is not opposed to Marrazzo selling, she wants whoever comes in to have a plan that will enhance the whole area.

Mr. Wallace stated he agrees with the concern with the parking, and they should look into that.

Mr. Pockl stated with regard to open space, multi-family units typically require 40% open space for the development, and he does not see a calculation as to meeting that requirement or a request for a Variance. Mr. Murphy stated they do not intend to meet the open space requirement, and they have indicated that they will not be developing this Plan in accordance with the current underlying Zoning. He stated he understands the requirement, but it is not part of this proposal. Mr. Grenier stated if there is a requirement for that, they would need to request a Variance.

Mr. Murphy stated if they were to do something more comprehensively, they could develop an Ordinance so that hopefully they would be Variance free. Ms. Kirk stated it would be similar to what was requested when they were developing Edgewood Village; and they would either create a new Ordinance that would have dimensional requirements that could fit the proposed project, or there could be an Overlay District. She stated if that is not done, they would have to seek Variances from the Zoning Hearing Board.

Mr. Peter Kundra stated he lives on Yardley Road across the street from Marrazzo’s, and he is one of the people who has a standing agreement with the Marrazzo family regarding the use of their nursery center. He stated the townhouse community as proposed would be a lot better than what they see right now. He stated during the months of late March, April, May, and June there are numerous trailer trucks there

per day delivering mulch, stone, and topsoil; and the back-up beepers are constantly going, and the scraping of macadam is a constant factor. He stated he feels his neighbors are very much in favor of the townhouse community as being an asset to the community. He stated with regard to the price point, he does not feel it will be a hardship to himself or his neighbors.

Mr. Kundra stated there is a bike path that goes along Sutphin Road adjacent to Sutphin Pines. He stated Sutphin Pines does not have a sidewalk. Mr. Kundra stated he does not see a lot of foot traffic in the area. Mr. Kundra stated trailers and trucks pulling into and backing out of Marrazzo's is a safety hazard.

Mr. Kundra stated he sees this proposal as an extension of the "marvelous" community of Sutphin Pines, and he feels this townhouse community will be an asset. Mr. Kundra suggested to Mr. Murphy that there are other people in the community other than Sutphin Pines so as he is having discussions in the neighborhood, Mr. Murphy should include the other neighbors as well including those on Yardley Road.

Mr. Kundra stated with regard to impervious surface, the proposed development will have a lot less impervious surface than presently exists as currently Marrazzo's is mostly impervious. He stated they will also have a retention basin for flood control.

Mr. Grenier asked if they have considered pervious paving, and Mr. Cunningham stated based on the area they have along Yardley-Morrisville Road, they were considering installing BMPs such as rain gardens to mitigate the stormwater as opposed to doing pervious paving which could be a maintenance problem.

Ms. Judith Habersaat, 113 Glen Valley Road, stated she has been a resident since 1978. She stated she is concerned about the stormwater being treated in an underground fashion, and she would like to know which direction that will go since currently there is too much stormwater that runs under Yardley-Morrisville Road and down the back of properties on Glen Valley and through the center of her property. She stated it is not handled properly now, and she does not know how it will be handled for this particular development. Mr. Bryson stated this will have to go through the Township engineer and meet the Township Stormwater Ordinance, and it will also have to be reviewed by the PADEP, and those are two very tough standards as to how they treat stormwater. Mr. Bryson stated he guarantees that the end result of this development will be far better from a stormwater standpoint than it is today. Ms. Habersaat asked if Mr. Bryson means that there will be less water passing under Yardley-Morrisville Road and in back of the properties and through the center of her property; and Mr. Bryson stated there will not be an increase, and in fact there will be a decrease of water

run off from the site onto the public sector. Ms. Habersaat stated she believes that there should be a different way to treat the water that is running behind and across private property. Mr. Bryson stated they will have to do water clarification and water recharge. Ms. Habersaat stated several years back it seemed that when more stormwater drains were put under Yardley-Morrisville Road, the problem became much worse and was dumped on private property. Mr. Bryson stated downstream, they will see less water run off from this development being there. Ms. Habersaat stated she would be happier if it were all treated in the proper fashion with proper drainage under the road. She stated there is other water that is going on private property. Mr. Bryson stated it would not be this developer's obligation to fix the entire road. Ms. Habersaat stated it was done incorrectly in the beginning, and it has only gotten worse; and Mr. Bryson stated this developer will do their part to improve that.

Ms. Barbara Petrush, 47 Sutphin Pines, stated she has lived there since 1986 and she watched the Marrazzo's come on site when they purchased the property and developed their business. She stated during that time, they used it as a Commercial property based on the fact that it started out first as Moon Nurseries and then Rickert Nursery. She stated what Marrazzo bought into was being allowed to run it as a nursery and he was allowed to have three additional pieces added on to the building that he had. She stated Mr. Kundra and Ms. Weiss were involved in the problems they had with Marrazzo putting in a building with all kinds of lights without getting permission from the Township. Ms. Petrush stated they hired an attorney to work with them to develop the ways and means of how they could develop the Marrazzo's property. She stated they were allowed three additional buildings, and they had to get clearance through the Township for that. Ms. Petrush stated they had an Agreement that is filed in Doylestown as to what Marrazzo could and could not do. She stated Marrazzo's did whatever they wanted to do, however they wanted to do.

Ms. Petrush stated Sutphin Pines is a beautiful community that they maintain, and they have property in front of their homes and in back of their homes. She stated they also have a pool and a tennis court, and what is being proposed are sixteen units that will be one right on top of the other which will be backing up to her 10' away which is "ridiculous." She asked if they will have basements, and Mr. Murphy stated the intention is to have basements.

Ms. Petrush stated what this builder, who is from North Carolina, is interested in is making money which she can understand. She stated because these homes are newer, they will be a higher price; and the demand for the Sutphin Pines homes will be less because not everyone in Sutphin Pines has renovated their home and updated them. She stated the value of their homes will be less and less. Ms. Petrush

stated she is sorry for what is going on with Mr. Michael Marrazzo wanting to sell and not getting what he wants, but he has done what he has wanted to do the whole time that he has been there. Ms. Petrush stated she is not in favor of the proposal.

Ms. Petrush stated with regard to the HOA Board, she presented to them exactly what the demands were from the Township to be able to build this; and she was told that the information that she provided was not enough so they hired an attorney and met with people from the developer's organization. Ms. Petrush stated they came back with the exact same information that she had provided them and the fact that the developer was going to be eliminating one house and that they would reduce the height of the house "which proves nothing." She stated at a meeting of the Homeowners Association at Sutphin Pines, the majority of the homeowners that were there were "dead set against this;" and yet there was another meeting that took place with the developer's attorney.

Ms. Petrush stated they also had a Board Supervisor come to their meeting who was very much in favor of "changing things around because of his attitude about what they had in Sutphin Pines, and what they needed to change at Sutphin Pines, and how it would benefit them." She stated the Sutphin Pines Homeowners Association taking on the responsibility of a whole new development is "not the way it is going to go, and they will never vote for that." She stated they could run into problems as they did with the second builder that came into their community; and it cost them thousands of dollars within the first five years to repair the roofs and shingles because it was not done properly. Ms. Petrush stated she does not know what type of materials this developer will use; and as far as this new development being part of Sutphin Pines, "it is never going to happen." She stated she feels sorry for the gentleman who is trying to build here, and "he cannot make his money unless he has all of these townhouses." She stated the Code still has to be changed and the Variances have to be changed, and it is a drastic change having these new units 10' away from the back of the Sutphin Pines homes.

Ms. Petrush stated if Marrazzo is doing something, you can go to the Township and tell them what he is doing. She stated there is a "deal with him," and there is a certain time during the day that he can do work; and if it is a problem, they should report him as there is a file in Doylestown as to what he can do and what he cannot do.

Ms. Petrush stated the Sutphin Pines Homeowners Association and their Board has tried to work this out, but the fact that a Township Supervisor asked to come to their meeting and spoke against Sutphin Pines is not the way things go in the Township, and "they will not put up with it."

Mr. John Kuebler, 51 Sutphin Pines, stated his home is behind Marrazzo's; and while it is noisy, at night it is private and quiet, and he does not see any lights. Mr. Kuebler thanked them for the changes made so that they will not have second story decks which would have intruded on his privacy. Mr. Kuebler stated there are things about Marrazzo's that he does not like, but out of the 98 townhomes in Sutphin Pines there are only six that will be backing up within 10'. Mr. Bryson stated it is incorrect that they are 10' away. He stated the closest he sees from one unit to another is 80'. Mr. Kuebler showed the location of his patio on the Plan, and it is not 80' away. Mr. Bryson stated it is 40' to the property line, and then another 31'. Mr. Cunningham stated the decks are 21' from the property line, and the structures themselves are 31' from the property line on the developer's property. Mr. Bryson stated from their deck it would be about 56', and Mr. Cunningham agreed.

Mr. Kuebler stated he is not for or against the proposal, but he is hearing from Mr. Murphy that they "have to take it or leave it." Mr. Kuebler stated Mr. Majewski raised the question of whether there was a possibility of moving things up a little further away from the houses, and he asked that they look into that.

Ms. Yvonne Capiola, Evergreen Road, stated she hopes the Planning Board and the Zoning Board takes care in approving any of these Zoning changes or Variances as it seems that the Township takes so much time approving changes that may not necessarily be the best thing for the Township. She stated the setbacks proposed on this Plan are going from 80' to 50'. She stated there are a lot of Variances that have to be approved, and she would like to know at some point that they have "back bone" and not make the changes. She stated with regard to the bike path on Sutphin Road, it is a really dangerous bike path, and at night she has almost hit cyclists because you do not know they are there.

Mr. Burke suggested to Mr. Murphy that they consider putting in sidewalks and a bike path.

Mr. Majewski stated what is on Sutphin Road is not a bike path in that area – it is a bike lane. He stated further to the west it goes off the road and becomes a bike path which is separated from the road by grass.

ORDINANCE AMENDMENTS – SALDO REQUIREMENTS

Mr. Majewski stated he did not have sufficient time to get the information to the Planning Commission in advance of the meeting so this item will be deferred to the next meeting.

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There being no further business, Ms. Burke moved, Mr. Wallace seconded and it was unanimously carried to adjourn the meeting at 9:30 p.m.

Respectfully Submitted,

Chad Wallace, Secretary