

TOWNSHIP OF LOWER MAKEFIELD
PLANNING COMMISSION
MINUTES – OCTOBER 8, 2018

The regular meeting of the Planning Commission of the Township of Lower Makefield was held in the Municipal Building on October 8, 2018. Ms. Burke called the meeting to order at 7:35 p.m. and called the Roll.

Those present:

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

Others: Mike Kirk, Code Enforcement Officer
Barbara Kirk, Township Solicitor
Andrew Pockl, Township Engineer
Dan Grenier, Supervisor Liaison (joined meeting in progress)

APPROVAL OF MINUTES

Mr. Bryson moved, Mr. Halboth seconded and it was unanimously carried to approve the Minutes of September 24, 2018 as written.

#663 – CADDIS HEALTHCARE REAL ESTATE ASSISTED LIVING FACILITY FINAL SUBDIVISION AND LAND DEVELOPMENT PLAN DISCUSSION AND APPROVAL

Mr. Edward Murphy, attorney, was present with Mr. Eric Reiter, Caddis, and Mr. Justin Geonnotti, engineer. Mr. Murphy stated this project has been before the Planning Commission multiple times. He stated the initial review culminated in July when they received the Preliminary Subdivision and Preliminary Land Development Plan approval from the Board of Supervisors. Mr. Murphy stated since that time they have submitted the Final Plans and received the various review letters that have been generated by the Township consultants. Mr. Murphy stated they have had an opportunity to look at those letters, and Mr. Geonnotti has had a chance to talk to Mr. Pockl about the Plans; and the review letters are “will comply” items with the exception of some items in the EAC letter.

Mr. Wallace stated he assumes that has to do with stormwater and the pervious paving, and Mr. Murphy agreed. Mr. Geonnotti stated he discussed the pervious paving with Mr. Pockl; and because of the infiltration elevation they have, which was determined through testing, it is so shallow that while doing porous paving would work, they also had the opportunity to capture more stormwater through the surface rainwater. He stated rather than just getting the parking stalls through porous paving, they are able to capture the parking stalls plus the entire drive area. He stated he feels it is a better design adding that porous paving does have maintenance issues.

Mr. Grenier joined the meeting at this time.

Mr. Murphy stated the Planning Commission is aware that as part of this project as well as the project across on the north side of Dobry Road, the Township has long been interested in having the entire length of Dobry Road reconstructed from Oxford Valley Road past Caddis down to where the Railroad crosses it on the western end. Mr. Murphy stated they have had a series of meetings with the Township staff, Mr. Pockl, and the project developer across the street; and Mr. Geonnotti has done full design plans for the reconstruction of the road which have been reviewed by Mr. Pockl with comments made back to Mr. Geonnotti. Mr. Murphy stated he feels they are at a point where they are in agreement with the Township staff to apportion the cost between Caddis and the Erin Development project across the street for the reconstruction of the entirety of Dobry Road at no cost to the Township. Mr. Murphy stated this is a very significant undertaking.

Mr. Murphy stated when they were last before the Planning Commission he is not sure that the matter of the dumpster and the generator was resolved. He stated there had been questions and comments from the Regency neighbors about the location of the dumpster and the generator. Mr. Geonnotti showed on the Plan where the dumpster and generator had previously been located, and he showed where they have been relocated to. He stated there will be a privacy fence to buffer the neighboring residents.

Ms. Burke stated one of the neighbors expressed concern about the noise from the generator. Mr. Geonnotti stated the generator itself has a Level 2 sound cabinet; and in speaking with Mr. Pockl, they will do a sound test after construction and take additional measures if necessary. He added they also have a substantial amount of landscaping. Mr. Wallace asked if they have a level of sound they have agreed to. Mr. Geonnotti stated the level for the generator at a distance of 23' is 76 decibels. Mr. Pockl stated because the adjacent development is Residential, the Township Code requires the decibel level to be at about 55 at the property line. He stated their measurements are based off of 23' from the generator, and he feels the

property line is 120' to the rear property line. Mr. Geonnotti stated he feels that brings it down to the acceptable level. Mr. Pockl stated there is also landscaping and there is a change in grade which is about 10' higher.

Mr. Wallace stated they have agreed to test it after construction, and Mr. Geonnotti agreed.

Mr. Grenier asked how far they are from the adjacent property to the west, and Mr. Geonnotti stated the generator is 25' off of their property line. Mr. Grenier stated at the property line they will be at 76 instead of 55, and Mr. Murphy stated they are going to enclose it or do whatever else they need to do to get it to the required level of the Township. Mr. Geonnotti stated there is also a fence proposed on that property line already. Mr. Grenier asked if they have done a noise model or any "guestimating" as to how much dampening of the noise that will do, and Mr. Geonnotti answered that they have not.

Mr. Wallace stated he feels that what they are agreeing to will actually be better since they are stating that once everything is constructed, they will meet the Township requirements.

Mr. Grenier stated there is a neighbor immediately adjacent, and their living room window was lined up at one point although he does not know how it lines up now.

Mr. Geonnotti stated that the generator will only run during emergency situations and the maintenance level is one time a month for thirty minutes/maximum of two hours. Mr. Murphy stated they can program it to be whatever day makes the most sense, and most of them run mid-day on Saturday. Mr. Grenier stated the fence and the vegetation they are putting in will dampen it some, and they will do a post-construction sound test; and Mr. Murphy agreed. Mr. Grenier asked if it is at 76 even with everything they have proposed, are they prepared to do additional measures; and Mr. Murphy agreed. Mr. Wallace stated they are agreeing to meet the Township standards once construction is completed, and Mr. Murphy agreed.

Mr. Grenier stated there was concern about the slow release concept. Mr. Geonnotti stated the slow release concept is an approved method from DEP for sites that do not have infiltration capacity. He stated at this site they have a small amount of infiltration which they are maximizing the use of which he and Mr. Pockl have verified through the latest revision. He stated for sites that do not have infiltration all you have to meet is rate control. He stated the slow release concept is an added measure that mimics groundwater recharge for water quality, and by doing this they are infiltrating through a soil medium at the bottom of the basins. He stated it is an added measure for water quality and a volume reduction requirement

in accordance with DEP. Mr. Grenier asked the thickness of the soil that they are putting in, and Mr. Geonnotti stated it is between 18” and 24”. He stated that goes below the storage volume of the basin although they do not take credit for that storage volume, and the water has to filter through it into an under drain through a 1” or 2” orifice before it leaves their site. He stated it is added capacity, but you do not get credit for the stone volume or the soil medium volume.

Ms. Burke stated the Police Department had concerns for the exit driveway and requested signs to make the project safer. She stated they were concerned about the potential conflict of southbound traffic using the same center turning lanes for their homes as the Assisted Living Centers northbound left turning traffic. Mr. Murphy stated they saw the Tom Roche review, and they have already shared that concern with PennDOT; and it has been addressed as part of the PennDOT Plan. Mr. Geonnotti stated he forwarded Mr. Roche their latest PennDOT revision, indicating that they are incorporating that. Mr. Geonnotti stated ultimately it is up to PennDOT.

Mr. Fred Falk, 253 Truman Way, stated last time questions were asked, but he has not seen answers to them. He stated one of the questions was about the potential for rearranging some of the facility with regard to the dumpster, the generator, and the loading bay; and that the facility be flipped around. Ms. Burke stated the Applicant tried to work with the concerns, and they did move the generator and the dumpster. Mr. Wallace that was done in consultation with the Township engineer.

Mr. Pockl stated he believes Mr. Falk is referring to an investigation to basically take the loading area and put it on the north side of the building and put the parking down on the south side of the building, and Mr. Falk stated that was one big concern. Mr. Pockl stated in looking at that, it was the Applicant’s and the Township’s Building and Planning concern that they would have car doors slamming and headlights shining south if they did that, and it was felt that would be more intrusive than a loading dock that would be sporadically used.

Mr. Falk stated he is concerned about idling diesel trucks and the time of day that they may be using the loading dock which he feels would be more intrusive than when people are coming to and leaving work.

Mr. Wallace stated they did take those comments into consideration, and this is what the parties agreed to. Mr. Falk stated he did not hear any of the feedback, and he wanted to make sure the Planning Commission was satisfied based on the questions that were asked. Mr. Falk stated the vote by the Planning Commission was three to two, and there were two people who wanted at least additional information at the time of the last Planning Commission meeting, and he wanted to make sure the Planning Commission got the answers to their questions.

Mr. Falk stated with respect to the size of the property and the building that is being put on it, it was stated that for a Nursing Home only five acres was required; but oftentimes this has been referred to as Assisted Living. Mr. Falk asked the difference between Assisted Living and a Nursing Home and are they able to be used interchangeably given that there are different Zoning requirements for the two different kinds of facilities.

Ms. Kirk stated the Zoning Ordinance defines a Nursing Home which is more restrictive where it requires twenty-four hour care for the occupants whereas an Assisted Living similar to what is already at Heacock and Stony Hill is a facility where it is not all twenty-four hour care supervision, and the occupants are able to move about on their own, but there are services there to assist them. Ms. Kirk stated ultimately when this Plan goes before the Board of Supervisors, if they interpret that the project constitutes a Nursing Home, the Applicant will either need to comply with the requirements or go before the Zoning Hearing Board and ask for a Variance. Mr. Falk asked if the Nursing Home requires the larger Lot size since he thought it was the other way around.

Mr. Murphy stated they have had this discussion multiple times in the past, and everyone was comfortable when the Board approved it in July that the five acre minimum is what is required for their use; and that there was never a ten acre requirement as an earlier comment from either Mr. Majewski or someone else in the Zoning Department suggested.

Ms. Kirk stated whatever the Code requires, they will need to comply with.

Mr. Falk stated they are using the two terms interchangeably, but there are different Zoning requirements; however, Mr. Murphy stated there are not. Mr. Murphy stated there is a definition in the Township Zoning Ordinance that refers to it as a Nursing Home, and this Use falls within that definition and all Nursing Homes, regardless of where they are located, have a five acre minimum Lot requirement. He stated there is not a different area requirement for an Assisted Living facility versus a Nursing Home. Ms. Kirk stated she does not believe that an Assisted Living is even defined per se under the Zoning Code, and Mr. Murphy agreed.

Mr. Falk stated with the community that will eventually be built across the street which is between seventy and ninety families that will be moving in there, he feels since Dobry Road will be their main access out and PennDOT will not approve a traffic light there, he feels that at key parts of the day, it is going to get quite congested with anyone who wants to make a left hand turn off of Dobry Road. He stated human nature would be that if they want to make a right onto Dobry Road and do not want to wait for all the lefts to be made, they will cut through their property in order to do that.

Mr. Bryson stated currently a signal is not warranted because this use does not generate enough traffic, and Mr. Murphy agreed. Mr. Bryson stated that does not mean that when the Residential units come in that have a bigger trip generation, that it would then not warrant the signal. Mr. Falk stated when he spoke with

Mr. Majewski about this, he indicated that PennDOT generally makes their determination not proactively but more reactively based on the number of incidents in the area. Mr. Bryson agreed that is one of the warrants; however, there are twelve warrants for a signal, and one is accident history. He stated there are eleven more categories that could justify a signal.

Mr. Falk asked if there is anything that could be done on their property with speed bumps or something like that which would make it more difficult for someone to come to the conclusion that if there is not a traffic light it would be just as problematic driving through their property. Mr. Bryson stated they could look at that once the traffic is generated.

Mr. Falk stated he has read in some of the traffic work that was done that there would be right-in, right-out for the “extra” drive proposed; but some of them say “left in” as well off of Oxford Valley Road, and he asked the status of that right now. Ms. Kirk stated those comments were raised by the Township traffic safety officer from the Police Department and were provided to the Applicant who has included them in their Plans that were submitted to PennDOT. Mr. Geonnotti stated PennDOT is who requested that there be a left-in added to the driveway movement so there will be a right-in, right-out, and a left-in since there is a center turn lane which they are making available. He stated that was per PennDOT and not the Applicant, and PennDOT made them modify the median to do so.

Mr. Falk stated that is being done because there is not a median in Oxford Valley Road right now, and he feels it will create a more unsafe situation. Mr. Bryson stated they are saying that if they do not provide the left-in, people will assume it, use the center lane, try to make a left turn, and realize that they cannot. He stated PennDOT being aware of this and is requiring it. Mr. Bryson stated he feels most likely this will make it a safer condition. Ms. Kirk stated Oxford Valley Road is a State highway, and the Township cannot usurp what PennDOT requires. Mr. Falk stated at Regency at Yardley where he is, there is a right-in, right-out; and people still make lefts in, and that is really not safe when they realize they should not doing this. He stated now they are going to be doing it 100' up from where Regency is which is a potential problem once it is more highly-traveled. Mr. Wallace stated this is being directed by PennDOT.

Mr. Falk stated at the meeting in January, one of the residents “across the way” made a request that seems to have been granted with regard to the angle of the drive so that people’s headlights would not hit their house as they were coming out. Mr. Falk stated with the vestibule that is in front of the main entrance, when people are waiting there, the headlights will be pointing directly at the back of his home. He asked about the possibility of having the vestibule extended so that the headlights do not come glaring into the living area of his home. Mr. Falk showed the vestibule on the Plan as well as the location of his home. There was discussion about the elevation, and Mr. Bryson stated there is an 8’ difference. Mr. Grenier asked about the width of the vegetation, and Mr. Geonnotti stated there is existing vegetation there. Mr. Falk stated there is not vegetation in that area. Mr. Geonnotti showed on the Plan what they are proposing in terms of vegetation. Mr. Falk asked if the plants are evergreens, and Mr. Geonnotti stated it will be a mix, and it 25’ of a landscape buffer and 37’ of landscaping. Mr. Bryson stated the base of the trees will be 8’ above the paving, and headlights will not be a problem. Mr. Falk stated someone could come in with high beams or halogen lights. Mr. Bryson stated while he recognizes Mr. Falk’s concern, the actual difference is 9’. Mr. Murphy stated the height of car headlights would be 3 ½’ off the ground. Mr. Falk asked if there would be a time when emergency vehicles would be coming in as well, and it was noted that could happen if needed. Mr. Falk asked if it would be possible to extend the vestibule out so that it would block the light since trees could die. Mr. Bryson stated the ground will block the light from Mr. Falk’s house as the headlights would hit at the bottom of the hill. Mr. Falk stated there could be a bigger vehicle or emergency vehicles with flashing lights.

Mr. Albert Scalone, 247 Hoover Way, stated his home is next door to Mr. Falk who just spoke. He stated from the beginning the back roadway and the exit has been voiced as a concern by the residents as being a heavy traffic area; and the fact that it was right in, right out only would tend to mitigate the amount of traffic. He stated by adding the left in it becomes more of a major entrance and exit to the development. Mr. Wallace stated while they understand his concern, it is out of the Planning Commission’s scope to talk about that since PennDOT has required it, and they are required to put it in. Mr. Scalone asked if the requirement for that was due to the limitation on Dobry Road; however, Mr. Wallace stated he does not know why PennDOT required it; but it is the State’s requirement, and the Township does not have the authority to change that. Ms. Kirk stated it is a State Highway, and PennDOT governs that. Mr. Wallace stated he could contact PennDOT about his concern. Mr. Scalone stated he personally believes that was required because of the very poor turning angles in and out of Dobry Road; and it is a Dobry Road problem that now gets pushed back to the lower entry/exit.

Mr. Scalone stated he understands that there is a height difference between the entering vehicles and the residents behind that might mitigate some of the headlight glare, but he feels it will exist and at a minimum the Township should ask the developer to plant larger than minimum trees at that entrance so that there is a guarantee that there will be a blockage of light, and they will not be waiting eight years for the trees to get bigger. Mr. Bryson stated he believes that they are proposing 252 trees. Ms. Kirk stated there are requirements under Subdivision and Land Development. Mr. Scalone stated he understands that there are standards and that they meet the standards; however, he is asking whether something could be done to require that the trees be taller and more dense than the current minimum standards required. Ms. Kirk stated the Applicant has heard that request.

Mr. Murphy stated he feels they should wait until after everything is planted; and if there is still an issue, he feels they could go back and supplement the plantings. He stated he feels Mr. Pockl will make sure that the enhanced buffer that they are already proposing that will be 25' deep will be adequate.

Mr. Grenier stated Regency had a similar buffer requirement when it was built so there should be 60' of green space between the parking lot and the back of the residences. Mr. Pockl stated that edge of the property line is graded down almost like an embankment, and there are plantings and trees at each phase of the embankment so there would be some lower plantings that would capture anything at the lower level as well as at the medium level and at the high level.

Ms. Kirk stated when the property is developed, the Applicant will have to post money with the Township before final inspections and sign offs in order to get their Use and Occupancy Permits. She stated if there is a deficiency in the landscaping plan, that will need to be addressed before the Township will issue final approval. She stated there is also a requirement for a Maintenance Agreement to insure that whatever is planted is maintained and replaced so there are other mechanisms in place under the Ordinance to insure that what is being proposed is accomplished.

Mr. Scalone stated while he appreciates that, he is suggesting that for the six to eight trees that would block those headlights it could be a slight difference in cost between putting in a 6' tree compared to a 10' tree which would help out right away.

Mr. Grenier stated there are a number of 7' to 10' trees that are being planted. Mr. Bryson stated just within the width of that driveway, he counts four trees that are 10', six that are 4' to 6', and another twenty-five to thirty shrubs so that it will be a "forest" just for the width of the driveway at the property line. Mr. Wallace stated clearly consideration has been given to accommodate the concerns of the residents. Mr. Wallace stated there is a lot of landscaping and they also have the height differential.

Mr. Murphy stated they are paying a substantial fee-in-lieu of tree replacement since there is no more physical room to plant trees. Mr. Bryson stated they are paying approximately \$20,000 to the tree bank; and if there is an issue, they could use that to put in some additional trees.

Mr. Grenier stated it would be helpful if the Applicant could provide elevations of the buffer when they go before the Board of Supervisors.

Mr. Grenier asked the distance between the Regency ingress/egress and the one proposed by the developer, and Mr. Geonnotti stated it exceeds the minimum requirements. After review it was felt that it is probably 300' between the two driveways. One gentleman in the audience stated he believes it is 200'; however, several Planning Commission members and the Applicant disagreed.

Mr. George Dodelin, 249 Hoover Way, stated he was surprised by the approval of left turns in from Oxford Valley to this site; and he understands that they have explained that they cannot change that. He stated he feels that they should change their overall thinking at this point, and he showed on the Plan where he feels the road should come out on Dobry which would require less paving. Mr. Murphy stated that has already been considered, and that option was rejected by the Township's traffic consultant as well. Mr. Dodelin asked if there is another alternative that could be considered. Mr. Dodelin stated the left in means that there will now be more sanitation trucks coming in that way rather than coming in on Dobry Road. He stated if another road could be built into Dobry Road, that could be changed. Mr. Dodelin stated the "State Police" have already expressed their concern over the safety. Ms. Kirk stated the Township's concern about the access in and out have been addressed and submitted by the Applicant to PennDOT for PennDOT's approval. Ms. Kirk stated the Applicant has advised that when they submitted their initial Permit request to PennDOT, PennDOT came back to them and told them they had to insert a left turn in from Oxford Valley Road to the property. Mr. Dodelin stated while he understands that, what he is saying is he feels it requires some re-thinking at this point to not even use the road coming into Oxford Valley, and they should do something different. Ms. Kirk stated other alternatives were addressed and were rejected not only by the Applicant but also by the Township's consultants. Mr. Dodelin stated he is disappointed that they are going this way.

Mr. Mitchell Goldberg, 249 Carson Way, asked where the dumpsters and generator are located, and he was shown on the Plan where they are now proposed. Mr. Goldberg stated he had suggested "the flipping idea" in a letter he wrote, and the answer he got from Mr. Ferguson was as if "it was flipped originally." Mr. Goldberg stated the letter was from John Lewis to Kurt Ferguson. Mr. Goldberg stated he had asked the Township why the flipping of the design of the building

was not considered which would place the loading dock further away from the property line. Mr. Goldberg stated Mr. Ferguson answered Mr. Lewis as follows: “The parking lot was flipped as a recommendation from the Planning Commission as a result of input from the surrounding residents. Those residents of Regency Yardley were concerned with the parking lot being close to their homes. The lot was flipped and the driving lane was placed around the back side of the building. This would be closest to their houses, but was their preferred choice because of the concerns of people coming and going in the parking lot and the lighting in the parking lot. The dumpster was moved as part of the process 100’ north farther away from the properties where the residents had requested. Flipping the building would put the parking and the lighting back toward the residents which they were fairly adamant about not having.” Mr. Goldberg stated he does not recall that at all, and most of the residents, himself and others, wanted it flipped and they were okay with the parking lot being there.

Mr. Pockl stated he understands that there was a Plan prior to the time he was Township engineer that was submitted that showed the parking area along the southern property line. Mr. Bryson agreed and stated the first Sketch Plan had the parking lot along the back of the residents’ property, and Mr. Goldberg stated the residents were fine with that; however, the Planning Commission members indicated that was not what the residents told them. Mr. Goldberg stated it was fine with the residents, and they would not have to put another road in. Mr. Pockl stated they would still need the road and fire access would be required, and Mr. Goldberg stated he would be fine with that. Mr. Goldberg stated they would not be having trucks coming in on a regular basis, and he does not believe it will be just two per week. He stated if it was originally flipped, he would like it to be put back that way.

Mr. Wallace stated that was addressed with the lighting engineers and the traffic engineers and was all discussed. Mr. Wallace stated all the comments that were provided to the Applicant are all “will comply.”

Ms. Burke asked what happened with the Plan that Mr. Goldberg is referring to; and Mr. Murphy stated there was parking in the setback, and they were seeking relief, and they were able to eliminate all the Zoning relief items with this new Plan. He stated as they worked through the Plan, they had feedback suggesting that they should put the parking in the location where it is shown. He stated as was noted previously there would be more activity in the back if the parking lot were there as opposed to a periodic once or twice a week loading berth situation; and they all agreed that would be far less obtrusive which is why they made the permanent flip, and that is where it is staying. Mr. Murphy stated they will not go back to some other arrangement. He stated this is the arrangement that was approved in July, and it is staying that way.

Mr. Goldberg stated it is not true that they said as a group that they would like it flipped that way. Mr. Murphy stated they have an approved Plan that they are staying with. Mr. Goldberg stated he heard that they still have to go through a number of iterations and steps, and he feels it should stop now. He stated it would probably take six months to change the Plans. Mr. Murphy stated they are not changing the Plan. Mr. Goldberg stated he feels it would be a “welcome addition” to change it back to the original plan. He stated they are indicating that the residents wanted it this way, but they did not; and he does not know where that came from.

Mr. Wallace asked Mr. Goldberg if he wants to put the traffic next to his house; and Mr. Goldberg stated he does not mind having the parking lot next to his house, and he feels it will be a lot less intrusive than having trucks coming in there on a regular basis.

Mr. Bryson stated the Planning Commission just heard comments made about one vehicle pointing its headlights at the neighborhood and that was a concern, and now Mr. Goldberg is talking about putting sixty vehicles pointing their headlights into the neighborhood. Mr. Bryson stated there was a concern about one vehicle sitting at the front entrance and the glare, and now Mr. Goldberg is suggesting that they need to go back and put all the vehicles from the parking lot and point them at the neighborhood, which does not make sense. Mr. Goldberg stated that was one person that said that; however, Mr. Bryson stated Mr. Goldberg just stated that all the neighbors agreed. Mr. Goldberg stated as a group they did not say “flip is for us because we do not want the parking lot lights there.”

Mr. Bryson stated another issue is that when they put the parking in the back, it violated Zoning and some other rules; and what they are proposing is a by-right Plan, and they have every right to build it according to the Zoning. He stated if they tried to put the parking on the other side, it would not conform to the Township’s standards or Zoning regulations. Mr. Goldberg stated they would have to get a Variance. Mr. Bryson stated legally they do not have to do that and they can go with this Plan.

Mr. Goldberg stated the residents were not happy about this, and now they will have trucks in the back yard. He stated the trucks will sit there and idle. Mr. Bryson stated he is a planner, and he feels what is proposed is a better plan. Mr. Goldberg stated it is not a better plan for the residents. Mr. Goldberg stated he would like them to consider flipping it again and Regency should discuss it amongst themselves and come back to the Planning Commission and tell them that they would like to have it flipped.

Ms. Burke stated some of the residents are saying they do not even want one car pointing that way, and Mr. Goldberg is saying the residents want it that way. She stated Mr. Goldberg could get a petition signed by the people and bring it to Mr. Lewis. She stated if most people want it the way Mr. Goldberg is indicating, perhaps Mr. Lewis will talk to Mr. Murphy and they will change the Plans. Mr. Murphy stated they will not be changing their Plans.

Mr. Wallace stated Mr. Goldberg is saying that he wants to force the Applicant into having to get a Variance, and the Applicant does not have to do that. Mr. Wallace stated the Applicant can build the Plan as presented as it meets the Township requirements. He stated changing the Plan would go against the Township requirements, and he questioned why they would do that.

Mr. Goldberg asked why the Plan was originally the other way. He stated he feels they flipped it themselves because they would have had to get Variances, and they then said it was the residents who wanted it this way.

Ms. Burke stated they cannot deny the Plan if they fall within the Ordinance and do not need any Variances.

Mr. Goldberg asked if they will need any Variances for the road coming through, and it was noted they will not. Mr. Wallace stated they have met all the Township requirements.

Mr. Goldberg stated they indicated there would be one or two trucks a week coming through for deliveries. Mr. Wallace stated he assumes this was talked about when they discussed the traffic. Ms. Kirk stated they did a traffic study as originally requested, and that study was provided to the Township and reviewed by the Township's traffic engineer. Ms. Kirk stated she does not see anything in the Township's traffic engineer's report specifically as to the number of trucks.

Mr. Murphy stated Mr. Reiter did indicate at multiple prior appearances that there would be several delivery trucks making visits to the premises. He stated there could be two to three delivery trucks during the week that will be pulling around to the back to the loading area. Mr. Bryson asked if they have laundry on site, and Mr. Reiter stated they have a commercial laundry facility on site. Mr. Bryson stated there will therefore not be having laundry trucks. Mr. Bryson stated they could have four to five food delivery trucks per week, and a couple of garbage trucks so that could be seven trucks a week. Mr. Reiter stated he does not feel they would have four food trucks per week. Mr. Bryson stated there will not be twenty-five to fifty trucks coming here, and at the most it would probably be ten to fifteen. Mr. Goldberg stated Mr. Murphy had indicated it would be two to three per week which is a lot different than ten to fifteen. Mr. Murphy stated he had indicated that there would be two to three trucks per week.

Mr. Bryson stated he understands that the trash was the neighbors' concern, and he feels they have worked that out because it was moved away from the neighborhood, and they are agreeing to a certain period of time for trash collection so that it would not be 4:00 a.m. or 6:00 a.m.

One gentleman from the audience stated there would be medical waste trucks, and Mr. Wallace stated there are requirements that would be met for the handling of medical waste. Mr. Halboth stated there would not be a semi truck, and it would only be a van.

Mr. Michael Quinn, 1654 Dobry Road, stated he lives across from the new development; and he has no problem with what is proposed. He stated what has been determined with regard to sewer and water. Ms. Kirk stated there is an extensive review letter from the Township Sewer engineer reviewing their Plans, and they have specific requirements to meet all of which are outlined in the Sewer engineer's review letter. Ms. Kirk stated they will not get approval from the Township's Sewer Authority unless those requirements are met. Mr. Quinn asked if the old residents "are in the pipeline."

Mr. Grenier asked Mr. Murphy to briefly describe the improvements to Dobry Road.

Ms. Kirk asked that they answer Mr. Quinn's question first with regard to the sewer. Ms. Kirk stated there will be three gravity laterals to a sanitary sewer main with a proposed grinder pump station, and it is all through an existing manhole located in the Morrisville Municipal Services area. Ms. Kirk stated this has gone through extensive review by the Township Sewer engineer, and there is a multi-page letter of what they need to do in order to get approvals.

Mr. Quinn asked if the sewer will go down Dobry Road, and Mr. Geonnotti stated the Caddis facility will be served by a private force main. Ms. Kirk stated it will tie into an existing sewer transmission line by lateral connections.

Ms. Kirk stated she does not believe that there are any plans as part of this project to have a public sewer line run through Dobry Road.

Mr. Geonnotti stated with regard to the reconstruction of Dobry Road, it will be a full-depth reconstruction, and it is not just a mill and overlay. He stated it will be a complete rebuild 26' wide, with curbs, sidewalk on one side, and stormwater improvements. He stated it is 1,800 linear feet from Oxford Valley Road to a stopping point before the Railroad, and they will not extend over the Railroad tracks. Mr. Grenier stated he understands that they are doing the entirety of Dobry Road for the length of their property line "plus or minus." Mr. Murphy stated Dobry Road will be re-done from Oxford Valley all the way to the west to where the

Railroad intersects it. He stated they are working out with Erin Development the apportionment as to who is doing what, and between the two developers they will cover everything.

Mr. Murphy stated with regard to Mr. Quinn's question about the sewer, he believes that on the Erin Development side, which is Mr. Quinn's side, there will be the opportunity to enable Mr. Quinn to connect to the sewer from that side. Mr. Murphy stated Mr. Quinn has been a regular meeting attendee and has been in touch with the developer on a regular basis.

Mr. Quinn asked about maintenance of the sidewalk, and he asked if that would be under the management company that is taking care of the shrubbery and parking lot clearing during snowstorms, since he does not want to have to shovel the snow. Ms. Kirk stated the five-year Maintenance Agreement is for all public improvements within the site. Mr. Quinn stated the sidewalk will extend all the way to the end, and he asked if the same people who clear that would clear all the way to Oxford Valley Road; and Ms. Kirk stated it would be however it is apportioned between the two developers.

Mr. Quinn stated with regard to the sidewalk he stated he has a large tree on his property which he feels will have to come down since when they put in the sidewalk, they will rip the roots up and it will die, or it will continue to grow, and it will rip the sidewalk out. He stated they have his permission to take the tree down to avoid future problems.

Mr. Lawrence Madak, 1648 Dobry Road, stated he is on the corner of Oxford Valley and Dobry Road. Mr. Madak stated he has no problem with the project, but asked about the sidewalk some of which is outside of the required right-of-way and is more on his property; and he asked who is responsible for talking to him about putting that sidewalk on his property. Mr. Geonnotti stated once they reach a final decision, they will contact Mr. Madak for potential easements for that construction. He stated Mr. Madak would own that portion of the sidewalk. He stated they also have the opportunity to switch sides, and he could talk to Mr. Pockl about this so that they would cross the street before Mr. Madak's property. Mr. Madak stated looking at the improvements from Oxford Valley onto Dobry Road, at the end of his property there is a little cut off which he had specifically requested so that they could put in a secondary driveway at the end of the property. Mr. Madak showed on the Plan the house and the property he owns. He showed at the end where there is a cut off for an access point at that corner of his property. Mr. Geonnotti stated they could meet with Mr. Madak on this issue.

Mr. Madak asked about the sewer line, and Mr. Geonnotti stated the sewer is on the other side of Oxford Valley Road. Mr. Geonnotti stated for the Caddis development their easiest connection point is to go to the Morrisville sewer through a force main.

Ms. Rita Wilson and Mr. Isaac Wilson, 1725 Dobry Road, were present. Ms. Wilson stated their property is adjacent to the proposed facility, and they are concerned about the location of the dumpster and the generator. She stated they have been told that both of them have been moved up closer to their property, and that the dumpster will be by their swimming pool, and the generator will be by their dining room and TV room area. She stated she spoke to Mr. Lewis, the Chairman of the Board of Supervisors, the end of July; and he told her at that time that Mr. Majewski either was going to or had already been in touch with the Township engineer about moving the generator away from their property. She stated she would like to know if anything has been done concerning either the dumpster or the generator.

Ms. Burke stated at the last meeting there was discussion about flipping it to the other side, and she asked what happened with that. Mr. Murphy noted where they had been previously and where they have been moved to. Ms. Burke stated the suggestion had been to move it up and to the right. Mr. Geonnotti stated that location is their stormwater basin. He stated the issue was also the setback requirements to the yards. He stated where they have them proposed to be now, everything conforms; and anywhere they would move it to, they would encroach into the landscape buffer.

Mr. Pockl stated when he was on site looking at the Dobry Road improvements, they had walked along the shared property line; and they made an evaluation that the generator was going to be approximately 80' south of the corner of their house; and Mr. Geonnotti agreed. Mr. Geonnotti stated that is where they discussed having a fence past that point as an additional buffer.

Mr. Wallace stated they had already discussed this matter at the beginning of the meeting. Mr. Wallace stated they have to meet the requirements regarding the level of noise. Mr. Pockl showed on the Plan the location of the Wilsons' home. Mr. Geonnotti advised the Wilsons what had been discussed earlier this evening with regard to what they are doing with regard to the generator which will include a noise cabinet. He stated after construction they will also do an as-built condition testing of the generator; and if the noise at the Wilsons' property line is more than what the Township permits, they will discuss additional measures to reduce it down to the Township limit at the property line. Mr. Geonnotti stated they are also proposing a vinyl fence and a 25' to 30' landscape buffer between the property lines which will absorb some of the sound and block the sight.

Ms. Wilson asked why the generator and the trash dumpster were not put on the opposite side. She stated she has no financial gain from this project, but has to deal with the negative impact. Ms. Wilson asked why it was not put on the “Shennard side,” where they are still going to be living, instead of her side. Mr. Geonnotti stated they did look at options, but there was no place to put it that was not already within the landscape buffer, where they are legally not permitted to put a structure, or the property line; so they were limited as to where the structure could go.

Mr. Michael Quinn had further questions about the sewer lines. Mr. Murphy noted that Erin will not be going to Morrisville. Mr. Quinn showed his property on the Plan as it relates to the sewer access. Ms. Kirk stated at the time they do the construction for the sewer extension if it impacts Mr. Quinn’s property, they will have to get easements from Mr. Quinn before they can do any work or they would have to construct and lay the line within the existing easements that are already of Record.

Mr. Bryson moved, Mr. Wallace seconded and it was unanimously carried to recommend approval subject to compliance with the consultants’ letters as discussed this evening.

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

Respectfully Submitted,

Chad Wallace, Secretary