

TOWNSHIP OF LOWER MAKEFIELD
PLANNING COMMISSION
MINUTES – MARCH 25, 2019

The regular meeting of the Planning Commission of the Township of Lower Makefield was held in the Municipal Building on March 25, 2019. Mr. Wallace called the meeting to order at 7:30 p.m.

Those present:

Planning Commission: Chad Wallace, Chair
 Craig Bryson, Vice Chair
 Charles Halboth, Secretary
 Ross Bruch, Member

Others: Jim Majewski, Director Planning & Zoning
 David Truelove, Township Solicitor
 Andrew Pockl, Township Engineer
 John B. Lewis, Supervisor Liaison

Absent: Dawn DiDonato-Burke, Planning Commission
 Member

APPROVAL OF MINUTES

Mr. Halboth moved, Mr. Bruch seconded and it was unanimously carried to approve the Minutes of March 11, 2019 as written.

#666 – ERIC RENFORS & GEORGE SCHOTT TLY 670 LLC SPECIAL EXCEPTION
TRADE OR COMMERCIAL SCHOOL DISCUSSION AND ENDORSEMENT

Mr. Eric Renfors was present and stated they are proposing to use Unit 9 in the Makefield Shopping Center for the purpose of a learning center for children ages seven to fourteen to learn how to write computer code. He stated they will have a drop-in learning program where families who pay for a monthly subscription can have their child come twice a week for an hour. He stated they are hopeful that they will have a large number of people signed up for the drop-in program. He added in discussions with the franchisor, they indicated that they would rarely have more than 20% of their enrollees at the center at any one time. He stated even if they have 150 children signed up, he does not feel there would be more than 30 at one time in the center.

Mr. Renfors stated the center is 2,000 square feet, and they have been working with an architect on having the correct number of restrooms. He stated he understands that sewage is an item he should discuss, and they will not negatively impact that.

Mr. Wallace asked if it is a franchise, and Mr. Renfors agreed. Mr. Wallace asked if he is currently involved in the franchise, and Mr. Renfors stated this is his first franchise. He stated he will be running the center. He stated he recently retired and had worked as a Public School Principal for the last seven years, and he has been in education for twenty-seven years. He stated he hopes that the families in the community will see the benefits of having a learning center like this in the area.

Mr. Bryson asked if this is the unit next to the yogurt store; and Mr. Renfors stated there are two empty units between the yogurt store and the Indian restaurant, and they will be in the one that is adjacent to the Indian restaurant.

Mr. Renfors stated they anticipate that this will mostly be a drop-off program for most of the families so the traffic will be in and out, and he does not feel that they will take up too much parking. He stated he anticipates a lot of parents who do park will probably shop in the other stores.

Mr. Bryson asked about the hours of operation, and Mr. Renfors stated during school days it will be open from 3:30 p.m. to around 8:00 p.m. He stated on the weekends it will be open for one day for four hours, and they will work with the customers to find out what times work best for them. Mr. Renfors stated outside of the weekend hours, they may run birthday parties with ten to twenty children at a party. He stated on days that school is closed, they will offer day camp for working parents, and that time would typically be 8:00 a.m. to 4:00 p.m. He stated during the summer, they have week-long summer camp programs, and the parents can sign the children up for a half day from 8:00 a.m. to 12:00 p.m. or a full day from 8:00 a.m. to 4:00 p.m. Mr. Renfors stated there is a robotics camp, a drone camp, a road blocks camp and a Minecraft camp. He stated they will have a variety of activities for them to do. Mr. Bryson stated he assumes that they will be inside doing activities. Mr. Renfors stated he does have some ideas that they may go on field trips such as a High School to visit the robotics lab, and he wants to build partnerships with the Schools.

Mr. Halboth stated the plan sounds vague, and he would assume that as a franchise there would be more of a program set up. Mr. Renfors stated he just signed his Franchise Agreement last week, and he will be going to Houston for three days of training.

Mr. Wallace asked the history of the franchise. Mr. Renfors stated the franchise is called Code Ninjas, and it is set up like a martial arts studio; and the children start out as a white belt. He stated as they go through the lessons and complete different tasks, they proceed up to a black belt. He stated for the average student, the curriculum is supposed to take approximately four years. He stated the franchise has only existed for two years, and he does not believe anyone has made it to a black belt yet. He stated by the time they are done and have the black belt, they know enough to create a game and sell it in the App Store. Mr. Renfors stated the first franchise was opened outside of Houston two years ago; and in the two years since that initial store opened, there are a little over 100 more that have opened, and approximately 250 in the pipeline. He stated the closest ones to Lower Makefield are in Downingtown, Cherry Hill, and South Brunswick, and one will open in Princeton on April 6. He stated there are quite a few open in North Jersey.

Mr. Bruch stated in the Application it was indicated that Mr. Renfors had not spoken to the surrounding tenants about the proposal; and Mr. Renfors stated he did speak to the gentleman who owns the pizza restaurant. Mr. Renfors stated prior to the opening, he will run Game Builders sessions where the children can come and spend a half hour with the "Senseis," who are the high school and college students who will teach coding to the children, as a way to introduce them to the program; and he wanted to see if they could go to the pizza place prior to the opening and meet with the families there and have the children sit at a computer and work with the Senseis for a little while. Mr. Renfors stated other than that individual, he has not talked to any of the other tenants.

Mr. Truelove asked Mr. Renfors if he is planning on hiring mostly local talent as the instructors, and Mr. Renfors agreed. Mr. Renfors stated he grew up in the area and graduated from Pennsbury in 1985 and also coached at Pennsbury for a number of years. He stated he still has friends who work in the system. Mr. Renfors stated he is looking for a teacher who is looking for work outside of the School day to supplement their income to be an Assistant Center Director. He stated he has already reached out to the Guidance Offices at Pennsbury and Council Rock, and he would like to work with the Computer Science teachers at the local Districts and the robotics advisors to recruit High School students to work in the store as well.

Mr. Truelove stated a Special Exception is a permitted use under the MPC and our Ordinance; but the Zoning Hearing Board, which will hear the Application, has the right to attach certain types of Conditions depending on the standards set forth in the Zoning Ordinance. Mr. Truelove stated the Planning Commission

needs to make a recommendation to the Zoning Hearing Board, and they could recommend certain Conditions which they feel would be reasonable in this circumstance.

Mr. Wallace stated he understands that this falls under a Special Exception because it is a trade or educational purpose in the Retail area, and Mr. Majewski agreed. Mr. Majewski stated our Ordinance has certain uses that are permitted by right and others that are permitted by Special Exception, which means that they need to demonstrate that they do not have an adverse impact on sewage, traffic, lights, etc. which for an in-fill use like this, are really not necessarily applicable. He stated the other type of use is by Conditional Use, which goes before the Board of Supervisors as opposed to the Zoning Hearing Board.

Mr. Halboth stated Mr. Renfors indicated that the hours of operation were going to be approximately 3:30 p.m. to 8:00 p.m., and he asked if that would be one class of students or multiple classes. Mr. Renfors stated it is a drop-in program so parents can bring their children in whenever it is convenient for them. He stated if they get there at 5:45 p.m. they would log onto their computer, be on for one hour, and be done at 6:45 p.m. He stated it is flexible with whatever works for the families. Mr. Halboth asked if a normal module would be one hour, and Mr. Renfors agreed. Mr. Halboth stated there would therefore be turnover within the envelope of time, and Mr. Renfors agreed. Mr. Renfors stated if a family signs up for a monthly membership at the learning center, it entitles the student to come in twice a week for an hour at their convenience.

Mr. Bryson stated he feels this use will support the Shopping Center itself, and he feels people will drop off their children and then shop at the other stores. He stated he feels it works for this Center, and he is in favor of this use. Mr. Wallace stated he feels it is a great asset to the community to have a use like this, and he wished Mr. Renfors luck.

Mr. Halboth asked what possible adverse traffic/parking situations might be foreseen with this use. He particularly noted the 6:00 p.m./7:00 p.m. time period since there are three restaurants in that immediate area. He stated the Center could add thirty more cars per hour. Mr. Renfors stated he does not feel it would be thirty an hour, and while the heaviest time may have thirty cars coming there, of those thirty cars, fifteen parents might just drop off the student and leave. He stated others may be parking and going to the other stores. He stated he feels most people will not sit in his center, and many will go to the other stores and give them additional business.

Mr. Bryson noted he feels there is sufficient parking, and Mr. Renfors agreed.

Mr. Wallace moved, Mr. Bryson seconded and it was unanimously carried that the Planning Commission fully endorses the Special Exception as requested.

#667 – SHADY BOOK INVESTORS, L.P. SPECIAL EXCEPTION – WAREHOUSING AND DISTRIBUTION – DISCUSSION AND MOTION

Mr. Edward Murphy, attorney, was present with Mr. Bob Dwyer. Mr. Murphy stated Mr. Dwyer has been here previously to discuss this particular property. He stated this site is slightly less than fifteen acres in size and was the subject of a prior Land Development approval in 2007/2008 when they received approval for 180,000 square feet of General Office. Mr. Murphy stated in the intervening eleven years, the site has been marketed and nothing has moved forward since there has been no real interest in a project of that size.

Mr. Murphy stated more recently Mr. Dwyer attended numerous meetings of the Planning Commission when they were entertaining updates and modifications to the Township's Comprehensive Plan. Mr. Murphy stated at that time, Mr. Dwyer routinely lobbied for an expansion to the existing range of uses currently permitted in the O/R District where this property is located. Mr. Murphy stated there has been no positive recommendations forthcoming yet, but he believes the current Administration is reconsidering whether to move forward with some proposal to expand the range of uses in the O/R corridor along Stony Hill Road in order to identify potential other uses other than Office.

Mr. Murphy stated because Mr. Dwyer's client is not interested in doing nothing for another fifteen years, Mr. Dwyer has proposed what is before the Planning Commission tonight which is a Special Exception for a warehousing and distribution use which is one of the uses permitted by Special Exception in the Office/Research Zoning District. Mr. Murphy stated this property is close to the Inter-State and the By-Pass, and for that reason, this use makes sense.

Mr. Murphy stated this facility is one that is very prevalent in the developer's portfolio, so it is not a use that is unfamiliar to the owner of the property; and it is one which they have successfully built and operated for many years. Mr. Murphy stated in the absence of some other opportunity to do something different with the site, this use would be the one that Mr. Dwyer feels most confident could be marketed and leased with a return generated.

Mr. Murphy stated he believes that they meet all the criteria of the Ordinance to obtain a Special Exception, and they are scheduled to meet with the Zoning Hearing Board on April 16. Mr. Murphy stated as noted by Mr. Truelove, the Ordinance requires that the Planning Commission make a recommendation to the Zoning Hearing Board for every Special Exception Application, and that is why they are present this evening.

Mr. Dwyer showed the Plan which had been approved for 180,000 square feet of Office which was approved in 2008. He stated after their efforts to lobby the Planning Commission and the Board of Supervisors years ago to re-zone the O/R District for some more compatible uses, the warehouse market has intensified especially with Amazon; and it is now feasible for them to do a warehouse on this property as opposed to several years ago there was no use other than what was approved, and no one wanted Office. Mr. Dwyer stated they had marketed this property for Office use for over ten years. He stated they also used to own Lower Makefield Corporate Center, and they lost it after building it and owning it for many years. He stated the vacancy rates there were 50%, and as a result they lost the property. He stated they had filed Appeals on the taxes, but they ended up giving it back to the bank. Mr. Dwyer noted that some of those offices have been filled, but they had to lower the rates significantly; and it is below a Class A facility.

Mr. Dwyer stated they had tried to convince the Township to do something else at this location other than a warehouse which would have been helpful to the Corporate Center and Edgewood Village. He stated he came back recently with this Warehouse Plan, and the Board of Supervisors asked if there was something else they could do; however, Mr. Dwyer stated he is not in a position to move forward with anything other than what they are proposing this evening although that may change. He stated they have users for the warehouse use, and they have 17 million square feet of warehouse in their portfolio so there is a need and desire to do warehouse facilities. Mr. Dwyer stated while he does not believe this is the ideal location for this use from the standpoint of what it could be relative to Edgewood Village and the Corporate Center, it complies with the Ordinance and is a use permitted by Special Exception. He stated they also have sewer capacity for it as well.

Mr. Dwyer showed a copy of the proposed Plan, and stated it is a forty-five bay, facility which will have automated storage and retrieval; and the employee count will be less than forty people. He stated there are forty-five bays and more than enough parking. He stated they are not looking for a Variance; and hopefully as they go through the process, they can get some of the parking put in reserve. Mr. Dwyer stated it will be a metal and concrete building 42' in height.

Mr. Dwyer stated they are following the same access points that were approved on the original Plan with a right-in, right-out on the southern side of the site, and a main entrance on the northern side right against the Prickett parcel. He stated that full access intersection will be opposite the Shady Brook Farm entrance. Mr. Dwyer stated there will be over 200 parking space, 45 bays, and it will be a single-story 42' in height. It will be metal and concrete with a flat roof. He stated they are compliant with the Ordinance. He stated they look forward to moving forward with the Special Exception, and they will then create some designs and come in with a Land Development Application.

Mr. Pockl asked about the traffic and what they would expect would be the flow within the site, and what would be the flow to the site. Mr. Truelove stated part of that would probably depend on how many units they have for rent which would indicate the kind of frequency they would have. Mr. Dwyer stated they did a Trip Distribution Analysis. He stated the original Office approval had 1,878 trips per day, and this warehouse proposal will have 976 so it is roughly half the trips recognizing that some of this warehouse use will be truck traffic. He stated he can provide the details as to peak day morning, etc. if the Planning Commission would like to see it. He stated overall it is a reduction in the traffic from the approved Office project. Mr. Wallace stated the biggest difference is that it will be truck traffic and not car traffic. Mr. Dwyer agreed adding that a majority of the truck traffic will go to the Interchange, although that does not mean that they could not go in another direction. Mr. Wallace stated the full intersection is proposed to be directly across from Shady Brook Farm, and Mr. Dwyer agreed. Mr. Dwyer stated it will probably meet the Warrants because it is truck traffic. He stated they are doing a Traffic Study right now. Mr. Wallace asked the scope of the Traffic Study; and Mr. Dwyer stated they have not gone to PennDOT for a pre-Application meeting, but they will analyze intersections in the area to see how this project will impact them. He stated ten years ago the 180,000 square feet of Office did not impact any intersection other than the Stony Hill and Township Line Road intersection, and that only required some signal-timing improvements. Mr. Dwyer stated they are anticipating that will be the same case with this proposal, and they expect they will have to do some signal timing at Stony Hill and Township Line Road. He stated they are analyzing the intersections in the area to see whether or not this traffic will adversely impact any of those intersections.

Mr. Wallace stated he feels that trucks will be looking to get onto I-95, and he feels there is already trouble with traffic in that area as it exists today with just passenger cars. He stated he is concerned about truck traffic being added to an area that already has problems. Mr. Dwyer stated they are obligated to do a study and to satisfy any degradation of any intersections that they may contribute to. He stated the Township consultant's will review the Traffic Study and make comments. He stated the Traffic Study

will show how the traffic will be distributed and how the intersections that will be impacted will either be corrected or they will demonstrate that the intersections will not be impacted if they can prove that through the analysis. He stated this is also what they did with the 180,000 square feet of Office.

Mr. Bruch stated if a truck were going to I-95, they would come out onto Stony Hill Road and make a right; and he asked if they would then make a right or left onto the By-Pass to I-95, and it was noted it would be a right.

Mr. Pockl asked if the northern driveway is the same location if was in the previous iteration, and Mr. Dwyer agreed. Mr. Pockl asked if PennDOT commented on any conflicting left turns coming out of that driveway. Mr. Dwyer stated they had a full Traffic Study and a full Application to PennDOT for that access point but they stopped pursuing it when the market fell apart; and they never got the PennDOT Permit approved in 2008, although they do have a full set of engineered drawings that were done which were reviewed by the Township's traffic consultant. Mr. Dwyer stated PennDOT did initiate the review when the developer applied for it, but when the review comments came back they never re-submitted the Plans because the developer had no interest in the 180,000 square feet of Office.

Mr. Halboth asked if the Traffic Study will evaluate the potential for any traffic coming off of I-95 or Route 1 up by Big Oak Road and then the trucks traversing down Township Line Road; and Mr. Dwyer stated they are required to do a trip distribution analysis. Mr. Bryson stated they will study multiple intersections.

Mr. Wallace stated they are talking about a point across from Shady Brook where there are a lot of activities that go on throughout the year, and he is concerned about this use and the whole area.

Mr. Halboth asked if this Use will be seven days a week, twenty-four hours a day; and Mr. Dwyer stated it will be twenty-four hours, three shifts, seven days a week. Mr. Halboth stated those trips would be distributed over a twenty-four hour period rather than a "normal business day." Mr. Bryson stated there would be more impact with traffic if this were an Office Use because there would be more square footage and it would be during peak hours. He stated they are now indicating that there will be 975 trips a day, but that is spread over twenty-four hours. Mr. Bryson stated he feels the intersection gets 10,000 cars a day; and even if they are talking about 974, trips that is under a 10% impact. Mr. Wallace stated his concern is the size of the vehicles and the turning radius when they get onto I-95. Mr. Bruch stated during the month of December at that location there are probably

more than 10,000 vehicles. Mr. Bryson stated his concern is that the truck drivers eventually get used to the congestion in the area at certain times, and they will start cutting around onto different roads. Mr. Dwyer stated he agrees that trucks will follow “the path of least resistance,” although the Interchange is where they will want to go initially. Mr. Bryson stated he is concerned specifically about trucks wanting to get to Route 1.

Mr. Wallace asked what options the Planning Commission has with regard to the Special Exception. Mr. Truelove stated the Planning Commission could vote to recommend the Special Exception, recommend with Conditions, or vote not to recommend. Mr. Wallace stated his concern is that the Planning Commission is being asked to give a recommendation when they are in the middle of doing a Traffic Study so the request for a recommendation seems premature. Mr. Dwyer stated the Zoning Hearing Board will hear Testimony, and the Planning Commission will hear Testimony when it comes back to the Planning Commission for the Land Development Application. Mr. Dwyer stated at that time the Township engineer’s will be analyzing all the information that the developer is providing. He stated with regard to the Special Exception, the developer has certain burdens of proof that they have to meet; and they intend to meet them in front of the Zoning Hearing Board in a few weeks.

Mr. Truelove stated at the Land Development stage, there may be re-configurations of the entrances, etc. He stated it is just a conceptual Plan at this point as the developer does not want to invest in a lot of Plans until they know if they will receive the Special Exception. Mr. Truelove agreed that it is challenging at this point for the Planning Commission to get involved, but the developer is not obligated to provide that much.

Mr. Dwyer stated while they would appreciate the support of the Planning Commission, they will still go to the Zoning Hearing Board as is their right even if the Planning Commission is not in support.

Mr. Majewski stated with regard to the input that the Planning Commission could give to the Zoning Hearing Board, one of the things that the Planning Commission seems concerned about is that they do not have the Traffic Study yet, and they could make a recommendation that the Traffic Study be submitted to the Zoning Hearing Board for their consideration. Mr. Majewski stated the Ordinance does talk about having a representative of the Planning Commission at the Zoning Hearing Board to express their concerns.

Mr. Bryson stated the Application indicates that the building will be one story; however, it is equivalent to a three and a half story building. Mr. Dwyer stated it is one story, 42' high. He stated while they can go to 50', they feel it will stay at 42'. Mr. Bryson stated it will be a "big mass" and will be taller than the office buildings adjacent to it, and Mr. Dwyer agreed. Mr. Bryson stated there will also be rooftop equipment. He stated the "massing of the building" is what he is concerned about. Mr. Bryson stated he would put in a Stipulation that they do something architecturally since it will be a big block of steel and concrete, and he would push to give it some horizontal depth to give it a different appearance. Mr. Dwyer stated they are working on some elevations now, but those interested in the business of warehousing are more attracted to the location, ease of access, and the square footage and not necessarily "the look of the place." Mr. Dwyer stated this property has been sitting empty for a lot of years, and they finally have a use that the Ordinance allows them to do; and the owner wants to "get it off their portfolio since it is doing nothing for them."

Mr. Halboth stated Mr. Dwyer had mentioned there would be forty-five truck bays, and he asked if this is the kind of facility where there would be overnight or longer trailer drops or would they be limited. Mr. Dwyer stated while it is difficult to state anything right now, they would not preclude trailers lining up or being in the parking lot overnight with someone sleeping there waiting for the bays to open up. Mr. Halboth noted all the parking places shown in the front; and Mr. Dwyer stated they cannot imagine ever filling all those spaces up, and they would probably try to put them in reserve.

Mr. Pockl stated he does not feel the loading area shows space for forty-five truck bays; however, Mr. Dwyer stated that is what they are proposing. Mr. Dwyer provided Mr. Pockl a different Plan than what he was looking at noting the Plan Mr. Pockl has is an earlier electronic version. Mr. Bryson asked if this will be built on spec, and Mr. Dwyer stated they will build it on spec although they do have interested users. He added the market is good enough now to build it on spec. Mr. Bryson asked if they could "multi-tenant it," and Mr. Dwyer stated it could be. Mr. Dwyer stated while they have had people express interest in it, until the Special Exception is granted they did not want to entertain any negotiations. He stated the company knows about the warehouse business since they have 17 million square feet of it, with a lot of it in this region.

Mr. Pockl stated he feels the south entrance driveway is too close to Stony Hill Road, and he feels there needs to be a minimum of 450' separation distance. Mr. Dwyer stated he believes this is the same location that was approved on the previous Plan; however, they will move it if required to do so.

Mr. Pockl stated they are disturbing manmade steep slopes, but the driveway could be moved. Mr. Dwyer stated the input they got ten years ago was that the right-in, right-out should be at the location they are showing on the Plan. He stated this location was found to be acceptable to PennDOT and the Township, and they already got the Variance for the manmade steep slope disturbance at that time so they left it there for simplicity sake since they have all the engineering done for it. Mr. Majewski stated that was for cars coming in and out with the right-in, right-out, but he feels it would be more problematic being that close to the intersection with tractor trailers. Mr. Dwyer stated they could restrict it for cars only. Mr. Majewski stated they could also eliminate it. Mr. Dwyer stated they could do that, but they felt it would be helpful to distribute the traffic especially for anyone who works at the facility.

Mr. Majewski advised that the Variance has expired, and they will need a new Variance; and Mr. Murphy stated they did apply for it.

Mr. Zachary Rubin, 1661 Covington Road, stated he is present with Ms. Irene Kohler and they were very active in Residents Against Frankford Hospital Relocation which was the parcel across the street from this location. He stated Aria Hospital wanted to seek the Special Exception to O/R so he is very familiar with Special Exceptions in the Office Research Zoning District. Mr. Rubin stated for eight years they opposed that Application, and they were involved in a lot of discussion about the traffic at the intersection of Stony Hill and the By-Pass and the exit to I-95. He noted problems at 5:00 p.m. which is impassable now at the intersection with just cars. He stated this is a failing intersection to begin with, and when they include eighteen wheelers, it will make the situation worse. Mr. Rubin noted the number of Traffic Studies which were done by the Township to demonstrate that even without the hospital or a warehouse there, the intersection was a failing intersection.

Mr. Rubin stated one of the reasons you can oppose a Special Exception is surrounding traffic, and he feels that will be an issue. He stated there should not only be a Traffic Study done by the Applicant, but there should also be a Traffic Study done by the Township especially at the Exit on Interstate 95 exiting at the By-Pass.

Mr. Majewski stated coming out of the site going on Stony Hill Road up to I-95 is not necessarily much of a problem, and it is more of a problem getting off of I-95 and trying to make the left-hand turn from westbound 332 onto Stony Hill Road. Mr. Rubin stated exiting I-95 coming from New Jersey making the right is impassable, but making the left over to Mirror Lake Road is not a problem. He stated he feels all the trucks will be making a right onto the By-Pass and then making the left over at Stony Hill Road.

Ms. Irene Kohler, 25 Spring Lane, stated she agrees with Mr. Rubin. She stated what stopped the hospital was the traffic. She stated there were concerns about ambulances coming off I-95 and going over three lanes to make a left onto Stony Hill Road, and now they are considering eighteen wheelers. Ms. Kohler asked what type of warehouse this will be, and she asked if it will involve anything hazardous. Mr. Dwyer stated he does not believe that the O/R allows hazardous waste in a warehouse. He stated he does not know what would be in the warehouse, but he would understand that the Township would not want hazardous waste nor would the developers. Ms. Kohler asked who they were marketing too; and Mr. Dwyer stated there is a broad spectrum of people, but he could not tell who the end user would be. Ms. Kohler asked about Amazon, and Mr. Dwyer stated they are one of the companies that would be interested.

Ms. Kohler stated that would involve a lot of trucks. Mr. Dwyer stated it is a little small for Amazon, but it is something Amazon might consider.

Ms. Kohler stated her main concern is the traffic as she cannot get out now, and when Shady Brook has the Light Show, they cannot make a left off of Lindenhurst onto 332 because the cars are backed up. She stated she is concerned about tractor-trailers all day and all night twenty-four/seven.

Mr. Murphy stated the Planning Commission can oppose this; however, the property cannot be kept “sterilized.” He stated if the Planning Commission opposes it, they will still proceed to the Zoning Hearing Board.

Mr. Bryson stated one of their recommendations could be that they do not have an opinion because at this time there is data missing in order for them to make a rational decision. Mr. Majewski stated the Planning Commission does not have to make a recommendation tonight as they have another meeting prior to the Zoning Hearing meeting so that they could think about it further unless they are prepared this evening to make a Motion and move forward. Mr. Truelove stated the Planning Commission just got some of the Plans this evening.

Mr. Halboth stated he agrees that they do not have enough information to make a decision either way, and he feels some of the studies that they have discussed need to be performed and made available in order to make an informed decision. He stated if an option is to proceed with the Condition that they have the studies, he would be leaning in that direction. Mr. Wallace stated he feels that is “punting it,” and the Planning Commission does have another meeting before this goes to the Zoning Hearing Board. He stated he understands that they are going to go to the Zoning Hearing Board with or without a recommendation from the Planning Commission. He stated if the

Planning Commission wants to make a recommendation, he feels they should do so. He stated he is very concerned about the truck traffic and the intersection which has existing problems without adding this element to it. Mr. Wallace stated there is no information that has been presented that alleviates his concern unless they perform the Traffic Study. He stated he is reluctant to recommend moving forward with the Special Exception based on his knowledge of the area and the traffic that exists there now. He stated he would be willing to continue the discussion or listen to a different recommendation if the Planning Commission would like to do that.

Mr. Halboth asked Mr. Truelove the options the Planning Commission has with regard to a recommendation. Mr. Truelove stated they could recommend approving the Special Exception without Conditions. Another option would be to recommend to approve it with certain Conditions, one which was offered tonight about possibly requiring a Traffic Impact Study being submitted to the Zoning Hearing Board which is different from the normal process since usually that does not come into play until the Land Development process. Mr. Truelove stated another option would be to not recommend it, and another would be not to make any recommendation.

Mr. Pockl stated a Traffic Impact Study would be for traffic coming in and out of the site, but the specific question raised was an intersection analysis of I-95; and that should be defined in the scope of the traffic analysis that an intersection analysis should be completed of the off ramp of I-95. Mr. Dwyer stated they would be obligated to go to PennDOT for a pre-scoping meeting where PennDOT would advise the Applicant what they want them to study based on what they are proposing with this development. Mr. Dwyer stated they would then do what PennDOT requires and submit it to PennDOT and the Township for review. Mr. Dwyer stated they would then address any comments made by PennDOT and the Township. He stated they would have to satisfy any degradation of any intersections. Mr. Murphy stated Mr. Pockl would have a say in identifying the scope of the study with PennDOT. He stated he feels that the Study that was referred to by Mr. Rubin and Ms. Koehler for the property across the street would be used as a baseline to move off of. Mr. Truelove stated he believes that McMahon was the engineer that did the study years ago. Mr. Rubin stated when that study was done I-95 was a four-lane highway, and now it is being expanded to a six-lane highway, and the bridge will be going from four lanes to six lanes so he believes that Traffic Study is moot at this point. Mr. Dwyer agreed that it would have to be updated.

Mr. Wallace stated one of the reasons the Planning Commission could decline the Special Exception is because they feel it is “outside the public interest,” which he feels is a broad term.

Mr. Wallace moved that the Planning Commission declines the Special Exception as a recommendation to the Zoning Hearing Board. Mr. Truelove stated this is a recommendation against the Special Exception. Motion died for lack of a Second.

Mr. Bryson stated he does not feel they should take any action, and just send them to the Zoning Hearing Board. He stated he cannot make an educated decision based on what has been provided. Mr. Wallace asked how they would put that in a Motion, and Mr. Bryson stated he feels they should just not make a Motion. Mr. Truelove stated without making a Motion they could report that because of the lack of sufficient information to make a decision, they are not making a recommendation. He stated this would be in the Minutes of the meeting so that it is reflected for the Zoning Hearing Board and the Board of Supervisors.

Mr. Halboth stated the Zoning Hearing Board's meeting is in a month, and he does not feel there is going to be any more information than the Planning Commission has at this time so they are just putting this onto the Zoning Hearing Board. He asked if there could be a Motion to recommend the grant of the Special Exception subject to a complete Traffic Study with agreement with respect to mitigation measures. Mr. Truelove stated that would be consistent with the concerns that have been expressed tonight, although he is not sure it is practical with the timeframe they have. Mr. Bryson stated he feels that it indicates that we cannot make an educated recommendation, and Mr. Halboth stated that is what they would be telling the Zoning Hearing Board. Mr. Wallace stated they would be making a recommendation that the Planning Commission does not have enough information to make a recommendation. Mr. Bryson stated it would be no action based on lack of information. Mr. Majewski stated he feels the Planning Commission should note what their concerns are.

Mr. Truelove stated the sense would be that the Minutes should reflect that the members of the Planning Commission feel that they have insufficient information with which to make any recommendation to the Zoning Hearing Board, but their concerns are primarily traffic, and primarily traffic-trailer related traffic, and that without more information that could demonstrate what the impact of that would be not only at this particular intersection but on the surrounding intersections including the Interstate exchange, they feel they are unable to make an intelligent recommendation to the Zoning Hearing Board or the Board of Supervisors.

Mr. Rubin stated last week at the Board of Supervisors meeting, the Capstone Application was extended to December 31. Mr. Truelove stated it was extended to June or July 1. Mr. Rubin stated he does not therefore feel they are "under the gun." Mr. Majewski stated a Special Exception is different, and the extension of time referenced by Mr. Rubin was for the prior Office Approval. He stated they

have an Office Approval from 2008 for the 180,000 square feet of Office. He stated they submitted a Final Plan for that after they received their Preliminary Plan Approval, and that has been continued for the last decade just in case someone would come in who wanted Office they have left their options open that they could proceed in a fairly quick manner through Final Approval if that were to happen. Mr. Majewski stated in this instance, the Ordinance requires that the Planning Commission forward a report on their recommendation to the Zoning Hearing Board within thirty days. Mr. Majewski stated that is why he mentioned that the Planning Commission does have another meeting during which they could further discuss this matter if they felt it was appropriate.

Mr. Halboth stated the Special Exception is for permitting a warehouse function within this area, and that is a question unto itself irrespective of the surrounding traffic issue because those are really engineering details that have to be worked out. Mr. Truelove stated adverse impact is one of the standards that is used to look at and that could include traffic.

Mr. Wallace moved and Mr. Bryson seconded not to make a recommendation to the Zoning Hearing Board due to lack of information and concerns specific to truck traffic. Motion carried with Mr. Halboth opposed.

There being no further business, Mr. Halboth moved, Mr. Bryson seconded and it was unanimously carried to adjourn the meeting at 8:30 p.m.

Respectfully Submitted,

Charles Halboth, Secretary