

TOWNSHIP OF LOWER MAKEFIELD
PLANNING COMMISSION
MINUTES – APRIL 9, 2018

The regular meeting of the Planning Commission of the Township of Lower Makefield was held in the Municipal Building on April 9, 2018. Ms. Burke called the meeting to order at 7:40 p.m.

Those present:

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

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

Absent: John Tracey, Planning Commission Chair

TABLING APPROVAL OF MINUTES

Minutes from the meetings held March 12, 2018 and March 26, 2018 were Tabled.

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

Mr. Edward Murphy, attorney, was present. Ms. Burke asked if the Township received the Traffic Studies which were requested. Mr. Murphy stated when they were last before the Planning Commission on March 26 there was a discussion about the review letters and traffic, and the March 2, 2018 review letter from TPD was the one which was discussed the most. He stated this had to do with the issue of a Traffic Study and what had been done through the course of the project to address traffic concerns. He stated there was reference in the TPD review letter as to additional information required in support of the project. Mr. Murphy stated at the end of the discussion, he had concluded that it would be appropriate for Phil Wursta, the Township traffic consultant, to be present to describe what analysis his office and the Police Department undertook as they evaluated the project and why that resulted in the present design of the project as well as what additional information Mr. Wursta would be seeking as part of the detailed design of the traffic

signal. Mr. Murphy stated the day following that meeting held on March 26 he reached out to Mr. Majewski and Mr. Wursta to see if Mr. Wursta could be present this evening, and he is present to provide a brief overview and/or answer questions.

Ms. Burke stated she feels it would be advantageous to have the Traffic Study in advance of the meeting so that the Planning Commission members could review it. Mr. Murphy stated that would be true had a Traffic Study been warranted. He stated as he advised the Planning Commission at the last meeting, they have effectively provided information that eliminated the need for a Traffic Study because they have agreed to provide a traffic signal at the developer's cost which would have been the end result of any Traffic Study that Mr. Wursta would have sought. He stated the additional information that Mr. Wursta is now requesting is not related to a Traffic Study but rather related to the specific design of the traffic signal which the developer has agreed to fund.

Ms. Burke asked Mr. Wursta why no updated Traffic Study is warranted. Mr. Wursta stated he would like to advise the Planning Commission what he has done as part of the project; however, Ms. Burke stated she does not want to waste time, and wants to know why Mr. Wursta feels it is not warranted. She stated she likes to do a review in advance of attending the meeting and then ask questions. She stated the Traffic Study was from 2000 so it is twenty years old. Mr. Wursta stated he did not specifically state it was not warranted; and, in their review letter they requested a Traffic Study which would accommodate what they felt would be the scope of a Traffic Study which is the intersection of Big Oak and Oxford Valley Road and the CVS driveway, the road that comes in behind the CVS that comes out across from one of the proposed driveways. He stated they would also study their other proposed driveways. Mr. Wursta stated at that point he would look at the traffic volumes and how that would interact with the intersection at Big Oak Road and Oxford Valley Road, which he feels is the key factor from a traffic perspective. He stated that is the Study that he recommended based on his judgment, and it remains a Condition. He stated a Traffic Study will be submitted as part of the Land Development.

Ms. Burke asked if he will a Traffic Study will be submitted so that the Planning Commission can review it; and if necessary they could bring Mr. Wursta back in. Mr. Wursta stated he does not feel he is wasting anyone's time when he speaks with regard to traffic. Ms. Burke stated if they have a Traffic Study to review, the Planning Commission would be more informed and could ask educated questions. Mr. Wursta stated since he is present he would at least like to explain the process of what happened, and the Planning Commission could still make that decision after they hear him. He stated at this point he feels he would not be doing his job if the Planning Commission does not hear what he has to say with regard to the process. He stated he would like to explain the process so that the Planning Commission can understand where they are and how they came to the conclusions they came to.

Mr. Bryson stated he feels the configuration currently at Big Oak and Oxford Valley took into consideration the whole Matrix development, and he assumes that the improvements that went in there were for full build out assuming future development. Mr. Wursta stated while that predates his association with the project, that is his understanding. Mr. Wursta stated it is a huge intersection built to handle an enormous amount of traffic. Mr. Bryson stated he does not feel that they could put in anything more at that intersection. Mr. Wursta stated his firm is not quick to determine that you need a certain type of Traffic Study, and they let the situation and conditions dictate what they feel should be submitted. He stated in this case there is really nothing that the developer can do to Big Oak and Oxford Valley Road no matter what development happens along Big Oak Road because it is maxed out. Mr. Bryson stated he is satisfied that there is nothing more they can do there.

Mr. Bryson stated it was noted that this was supposed to be all Office and he asked if it is known had all Office gone in would that be more, less, or equivalent to what is proposed in terms of trip generation in and out of the site. Mr. Wursta stated it would depend on the square footage of the Office compared to what is proposed for the Use. He stated there are three land uses proposed with different trip generations for the Dunkin' Donuts, the day care, and the existing pediatric office. He stated offices generally generate traffic throughout the day with nothing on weekends. He stated they also have a heavy A.M. peak hour and a heavy P.M. peak hour. He stated he did not calculate anything associated with offices there, and he was not aware of any Stipulation that the property had to be all Office. Mr. Wursta stated he feels the traffic associated with these proposed uses will be fairly comparable to offices; and although there would be more A.M. flow based on a Dunkin' Donuts, there would be little P.M. flow at a Dunkin' Donuts.

Mr. Bryson stated they are proposing a signal be installed. He stated there is a median for dedicated dual lefts, one going to the Dunkin' Donuts and one going left at the CVS. He asked if there is a signal plan on how the lanes would be reconfigured. Mr. Wursta stated they have not done a signal design yet, but he feels there will be a left turn lane on Big Oak Road; and at the main entrance there will be a right turn lane in at each of the proposed driveways, and a left turn lane in from Big Oak Road into each of the proposed driveways. He stated the real issue is how they are going to handle the specific traffic whether the traffic signal is at the eastern driveway or the western driveway. Mr. Wursta stated another issue is which one they feel would be best for pedestrian flow, and they think that it is probably the western one toward the CVS.

Mr. Bryson stated they do not yet know at which intersection the traffic signal will be installed; and Mr. Wursta agreed, and that is why they asked for the study so they can determine where it will go. Mr. Wursta stated they felt there was a need

for a commitment for the signal to be borne by the Applicant recognizing that they did not know specifically where it would go because the amount of traffic that they are going to generate in the morning warrants a traffic signal.

Mr. Wallace stated Mr. Murphy has indicated that there is not a need for a Traffic Study because of his interactions with Mr. Wursta during the process, and Mr. Murphy agreed. Mr. Wallace asked Mr. Wursta if that is accurate. Mr. Wursta stated there are numerous types of Traffic Studies; and they do Traffic Studies for speeding, for signals, and a Traffic Impact Study for a development which would talk about the impact associated with a development on the local roadway network, for which there are requirements associated with that type of Traffic Study. He stated many times in this and other Municipalities the scope of that Study varies based upon the specifics of the Land Use so they can determine what the scope of work is. He stated when Matrix went in years ago, they had a huge Traffic Study as did Aria when they were looking to come into the Township to show the impact on all the surrounding roadway network.

Mr. Wallace asked Mr. Wursta to discuss the interaction he has had with Mr. Murphy on this project. Mr. Wallace stated the Applicant wanted to discuss what they were proposing for the parcel, and he met with Mr. Murphy and the property owner, Dr. Weinberg, and they asked Mr. Wursta his opinion as to what the ramifications would be for what they were proposing. Mr. Wursta stated as they would do with any development, he told them what they should be looking for; and as part of the process they brought the Police Department in as well as Traffic Safety. He stated they all met with the Applicant approximately one year ago, and they discussed the traffic associated with Big Oak Road and what they felt they should do. He stated this is a normal process that they follow with a developer as they try to develop a plan that would be suitable from a traffic perspective. He stated there is a Professional Services Agreement that the Applicant signs to pay the Township professionals who bill the project and then are reimbursed by the developer for that work. Mr. Wursta stated when he looks at a project it is not whether or not he wants the project as that is “not his business,” and all they look at is what traffic will be generated and what can be done to handle the traffic that the development is proposing. He stated if there is already a poor condition, they will try to address that as part of the Application; and at the very least, they try to make sure that the traffic associated with the Land Use is not a burden on the existing roads and that the developer puts in appropriate improvements to make it work. Mr. Wursta stated that was the process they have gone through with this developer since approximately 2016.

Mr. Wallace asked Mr. Wursta his current opinion of the Plan; and Mr. Wursta stated there were some other iterations of the Plan, and the Applicant listened to him and made changes. He noted particularly that they first came in with one driveway which was across from the CVS, and he told them they could not have one driveway since there would now be a day care and the Dunkin' Donuts in addition to the existing pediatric use. He stated he wanted to disperse the traffic since there was going to be more traffic, and he wanted at least two ways in and two ways out of that location; and the Applicant has done that. Mr. Wursta stated they have also proved to him that there will be enough parking per Use. Mr. Wursta stated they also needed a traffic signal which Lower Makefield should not have to pay for since it was based upon the traffic that these uses were going to put on the road. He stated the CVS and the use across the street will also be able to access that light. Mr. Wursta stated had there been a 60,000 square foot Office, they would probably have made them put in the traffic light as well. He stated the developer has agreed to put in the traffic light, and that will be under PennDOT's purview. He stated they may also need a PennDOT Highway Permit for this as well since part of the right-of-way PennDOT has may touch the right turn lane that goes into the Dunkin' Donuts, and PennDOT will have a say in the project as well. Mr. Wursta stated he felt that if they did a Traffic Study associated with their site and Big Oak, they would be covered. Mr. Wallace stated Mr. Wursta still wants this done, and Mr. Wursta agreed to be able to get the traffic signal.

Mr. Murphy stated this would not be the traditional Traffic Study that might be done at the outset of a new project, and it would be very targeted related to the design of the traffic signal which the developer has already agreed to; and Mr. Wursta agreed. Mr. Wursta stated the Traffic Study that the developer would provide would be used as guidance for the design of the light with regard to traffic signal timing and how they interconnect that signal to the signal at Oxford Valley and Big Oak Roads. Mr. Wursta stated PennDOT will make sure that the traffic associated with the site and the traffic on the roadway network is operating at an acceptable Level of Service which is A through F. He stated they will see what it is now as part of the Study, and see what it is after the traffic signal goes in.

Mr. Wallace stated to do that they would have to make a determination as to which direction the flow of traffic will be coming out of the site, and Mr. Wursta agreed. Mr. Wursta stated they will have to do traffic counts. Mr. Wallace asked how they can do this if they do not know which direction the traffic will go. Mr. Wursta stated there are specific ways of doing that as far as where people are going to and coming from that are going to the Dunkin' Donuts or the day care. He stated most of them in that area are focused on the Route 1 corridor. He stated most traffic patterns in that area are very predictable. Mr. Wursta stated they would then take the projected traffic volume associated with the Applicant's site and the trips will be divided

based on the traffic pattern. He stated they use all of the information to develop timing plans, etc. and how that would interact with the traffic coming from Oxford Valley Road and how traffic would leave the site going toward Oxford Valley Road.

Ms. Burke stated this Traffic Study would just be focused on the light, and it would not be an impact study pertaining to how it is impacting the rest of the area; and Mr. Wursta stated it would not just be the light but would also see how it is impacting Big Oak and Oxford Valley Road as well. He stated the timing at the intersection of Oxford Valley and Big Oak Road may have to change based upon the traffic volume they would be adding. He stated he does not feel there will be many changes at that intersection other than hardware and software changes.

Mr. Grenier stated at the last meeting there was discussion about how they look at traffic for the site; and that while there had been several conversations, the information had not been shared with the Township staff, and he asked if any of that information made its way to Mr. Majewski. Mr. Wursta stated it has not yet as all they had were e-mails back and forth, and there was no formal report that had been done. He stated he now feels that someone from the Township should have been involved; and while they had a meeting at the Township last year, there was no one preset to take Minutes. Mr. Grenier stated the problem they have right now is that they do not have the full set of data to discuss, and they are taking steps to remedy that moving forward with regard to Applications.

Mr. Grenier asked Mr. Wursta if his office looked at any of the internal traffic patterns; and Mr. Wursta stated they did, and they wanted to make sure that the traffic patterns associated with the Dunkin' Donuts were going to stay in the Dunkin' Donuts area which is one of the reasons why they want a traffic signal at that location so they can move traffic through in an expedient manner. He stated they have received information about Dunkin' Donuts with regard to how much they try to move through the driveway at a busy Dunkin' Donuts, and there might be one hundred cars an hour that they try to get through; and that guides them as to how to design the traffic signal because they do not want people cutting in front of the day care/doctor's office in order to get out, so they made them put in two lanes – a right lane and a left lane so you can get out and make a right without having to wait at the lights.

Mr. Bryson stated this was all vetted during the Sketch Plan stage, and they had come in with a single-lane; and what they are now showing is what the Planning Commission asked them to do.

Mr. Grenier stated at the last Planning Commission meeting there were a number of people present commenting on whether or not the traffic would get backed up with the dumpster locations, etc. and one of the lanes was getting blocked by deliveries. Mr. Grenier stated there were several comments about that in Mr. Pockl's letter as well. Mr. Wallace stated that was addressed. Mr. Wursta stated they addressed the stacking and queuing early in the process and advised the developer that they could not stack through the parking lot. He stated they ran the models, and there are also Township Ordinances that talk about stacking. Mr. Bryson stated he does not feel they would be able to do much better than what they have.

Ms. Kirk stated she provided a copy of Mr. Wursta's review letter of March 2, 2018 to some of the Planning Commission members since apparently there was a disconnect as to whether the Planning Commission received that letter so they are making copies right now to provide to all the Planning Commission members this evening. She stated once they are made, Mr. Wursta could review that letter to assure the Planning Commission the information he has requested in that letter is an accurate review of his final review and analysis which might solve some of the questions as to what type of Traffic Study was being requested. The letter date March 2, 2018 was provided to all Planning Commission members this evening.

Mr. Wursta stated generally the Township engineer does all the Ordinance sections, and his office uses the traffic engineering guidelines that are used in their industry; and that is how their review letters are structured. Mr. Wursta noted Item 1 of his review letter with regard to the Traffic Study for the traffic signal.

Ms. Burke stated Mr. Murphy is claiming that because he is agreeing to put in the traffic light, no Study is needed; and Mr. Murphy agreed other than to providing the additional information that Mr. Wursta's office has requested as part of the design of the traffic signal. Ms. Kirk stated the Applicant has agreed to do the Traffic Study for the limited scope of addressing the proposed traffic signal issues raised by Mr. Wursta; however, they do not agree to do a full-blown Traffic Impact Study. Mr. Murphy stated that is correct, and he believes that Mr. Wursta would agree with that. Ms. Kirk stated it appears that part of the problem is the term "Traffic Study" is so generic that people are not understanding. Mr. Murphy stated in terms of what Mr. Wursta has asked them to do, it may or may not be a limited study; and they have agreed to do the scope of what his office has directed them to do. Mr. Wallace stated part of the reason why they do not feel that they need to do a full impact study is because Big Oak and Oxford Valley has already been built to the max; and even if they did do the study, the only conclusion that could come out of that study would be a result of what is already built there; and Mr. Wursta agreed. Mr. Murphy stated but for the fact that they are changing the Use, what

was approved for a 60,000 square foot Office had no Conditions attached to it for another signal. He stated only because they have amended the Plan and sought to introduce these issue, is the only way the Township is getting another opportunity to review this and thus are getting a traffic signal that the developer has agreed to provide.

Mr. Wursta stated the Traffic Study the developer will provide will give them an operational analysis as to how flows will be, and it will also help optimize the traffic signals. He stated the Study will show the number of trips coming out of their site; and while he has an idea what that will be, the developer has to formalize it. He stated they will have to do new traffic counts. Mr. Wallace stated Mr. Murphy has agreed to do everything requested in TPD's March 2 letter and do the Traffic Study Mr. Wursta has requested, and Mr. Murphy agreed. Mr. Wursta stated his letter includes not only the Study but also other improvements they need to do which are normal geometric recommendations associated with the Land Development. Mr. Wallace stated the Planning Commission is being asked to recommend Preliminary Approval, and Mr. Murphy stated they are subject to compliance with the March 2 letter. Mr. Wallace stated that would include doing the limited scope Traffic Study, and Mr. Murphy agreed as well as the developer agreeing to fund the traffic signal.

Mr. Wursta stated the other comments in the March 2 letter are some items associated with the driveways, signs, slopes and drainage issues, etc.

Mr. Bryson asked Mr. Wursta if he feels the traffic signal will be Warranted, and Mr. Wursta stated he feels it will. Mr. Wursta added they do not want the signal put in until it is needed although he feels it will be Warranted because the day care and the Dunkin' Donuts have a lot of traffic in the morning although there is not a lot of P.M. traffic. He stated in the oft chance that it is not Warranted for a traffic signal or they find the volumes projected are lower, they would not want a traffic signal; however, if it is Warranted in the future, they still want the developer to be responsible to pay for it. Ms. Burke asked if they would have to escrow money, and Mr. Wursta stated they would work that out with the Township solicitor. Ms. Kirk stated that is not unusual and it would be negotiated as part of the Land Development Approval. Mr. Murphy stated they have agreed to that Condition as well.

Ms. Burke stated the Planning Commission had not previously been provided the March 2 TPD letter.

Mr. Bryson stated his experience with PennDOT is that they are not big proponents of traffic signals to accommodate a private driveway; and even if the traffic signal is Warranted, which is very questionable, he feels PennDOT will only indicate they

want right in/right out at both driveways. Mr. Bryson asked if it would be an issue with the Township restricting left turns out if PennDOT requires that when they go for the Signal Warrant. Mr. Wursta stated if PennDOT indicates they do not want the signal, they would have to have a good reason. Mr. Wursta stated he would be against restricting turning movements prematurely since people will ignore them and make left turns anyway. He stated they also have the authority to modify the driveways if there are safety issues. He stated their driveways are not subject to a PennDOT Highway Occupancy Permit. He stated part of the improvements for the right-turn lane may go into PennDOT right-of-way, and that would be the only thing PennDOT would have a say in other than the traffic signal itself.

Mr. Bryson asked if the driveways and the signal have to be worked out before the Dunkin' Donuts can open or will they open with one driveway as the second one is being worked on. Mr. Wursta stated the two driveways have to go in, but the traffic signal will not go in until the actual volume is there. Mr. Bryson stated the signal may not go in until the third Use is put in. Mr. Wursta stated the signal will not go in until they need it. Mr. Bryson stated that would be up to PennDOT; however, Mr. Wursta stated if he or the Police see that it is needed, they would request it be put in.

Mr. Halboth stated if there was a more traditional Traffic Impact Study prepared he feels it would be presented in a draft form, the public would have an opportunity to review and comment on it, and then it would be republished in final form incorporating public comment; however, Mr. Wursta stated that is incorrect. Mr. Wursta stated when a private developer does a Traffic Study, they prepare it for themselves, and it is Final by the time he would see it. Mr. Halboth asked what they do with all of the public comments that were received at the last meeting, and he asked how they are given consideration or responded to in this untraditional approach that they have chosen to follow. Mr. Wursta again stated that even a traditional approach would have been the submission of a Final Traffic Study.

Mr. Halboth stated they therefore “do not have to spend any time here listening to the public;” however, Mr. Wursta stated what he is saying is they would have submitted the Traffic Study, and objections and criticisms could be given; but they would not necessarily take the public comments and change the Study. Mr. Halboth stated they would not change the Study, but they would change the recommendations. Mr. Wursta stated the developer does the Study and there is a science associated with it. He stated there are three land uses, traffic studies, and computer programs run to see how it works. Mr. Halboth stated he wants to know how the public comment factors into this as he was impressed with some of the public comments that were made which effected his opinion a little on this project.

Ms. Kirk stated a lot of the comments at the last meeting dealt with the volume of traffic that will be generated with the three uses. She stated part of the confusion is that even though there are two new uses proposed to go in, there is no need for a full blown Traffic Impact Study because there is nothing further that could be recommended that could be done to re-create the intersection at Big Oak and Oxford Valley Road because that was designed assuming a full build out of the site.

Mr. Wursta stated it was designed for a full build out of what could physically be built in that geography. Ms. Kirk stated the Traffic Study that the developer has to provide still includes the additional number of trips being generated from the Dunkin' Donuts and the proposed day care with the doctor's office, and Mr. Wursta will review that to ascertain if a signal is Warranted and what other traffic devices or measures should be taken if those uses were in that property; and Mr. Wursta agreed.

Mr. Wursta stated examples of what could be done would be adding some green time to the right turn arrow from Big Oak onto Oxford Valley Road or the left turn arrows could be longer. Mr. Wursta stated for this particular location, they are focused on a specific section of Big Oak Road and the impact with Oxford Valley Road.

Mr. Wallace asked if they addressed the question definitively as to the rights of the property related to the Matrix Agreement. Ms. Kirk stated she went back again and reviewed the Matrix Settlement Agreement, and there is nothing in that Settlement Agreement that says the use of that section of the property is limited to professional or offices. She stated she has reviewed multiple copies of the Exhibit A Concept Plan, and there is nothing noted on that. She stated she also had a colleague ask Mr. Majewski to pull up the original Preliminary Plan to see if there was any limitation, and to the best of her knowledge, there was nothing on that Plan that made a limitation as professional and offices only; and Mr. Majewski agreed there is not. Ms. Kirk stated as long as the proposed uses comply with the current Zoning requirements, there is nothing in the Matrix Settlement Agreement that limits them from having the Dunkin' Donuts or the day care.

Mr. Majewski stated as part of the Settlement Agreement there was a Condition that an Ordinance be drafted to outline everything that was allowed and how it was going to be laid out, setting forth all the Conditions of land development throughout the entire Octagon Center project which incorporates the Regency at Yardley, the CVS, the PNC Bank, the Matrix 62-Lot Subdivision further west on Big Oak Road, and this Lower Bucks Pediatrics/Dunkin' Donuts property. He stated in that Ordinance one of the permitted Uses is a Restaurant, and the Settlement Agreement speaks to non-Residential components. He stated they show graphically what is Residential and non-Residential by the lay out of the roads and parking.

Ms. Kirk reviewed the Ordinance, and she stated there is a Section that says for this property “Office/Retail building which is a structure within the age-qualified community that contains Office or Retail Uses or a combination thereof, and Office and Retail Uses including day care centers, professional offices, retail store, medical offices, restaurants, service retail, and a convenience store.” She stated there were a whole host of Uses that were contemplated when that Ordinance was prepared.

Ms. Virginia Torbert, stated she is the Chair of the Citizens Traffic Commission (CTC), and she sent a letter to the Planning Commission on March 22; and Ms. Burke indicated that they received it. Ms. Torbert stated the intersection of Big Oak and Oxford Valley is already a very problematic intersection. She stated the CTC receives numerous complaints about it, and they have been trying to get PennDOT to change confusing signals and put in a “No Turn on Red;” however, none of these things have come to fruition. She stated beyond the Newtown Interchange, this intersection is the highest-accident intersection in the Township with four or five taking place every month at this intersection. Ms. Torbert stated coming from the Mall and making a left turn onto Big Oak going west, the roadway goes from two lanes down to one lane not that far from where you need to get to the left if you want to go to CVS. She stated this has been a long-standing problem. She stated when Ms. Kaminski of Gilmore was the Township engineer in 2015, Ms. Torbert had sent her an e-mail about this problem, and Ms. Kaminski agreed that it was a problem and that they may be able to discuss some revisions to pavement markings and signage.

Ms. Torbert stated she has been following this since it was going to be “Big Box;” and when Regency at Yardley was approved, the CTC was frustrated because they were recommending that Big Oak Road be widened and that there be sidewalks; and they were told they could not do any improvements because they were not included in the Settlement Agreement. She stated even before the Dunkin’ Donuts and the day care come in, the road is not wide enough, there is a dangerous merge, and there are no pedestrian facilities. She stated behind the CVS, there are five acres which she feels belong to the Township and eventually there is supposed to be some kind of park or pavilion. Ms. Kirk stated that is still under discussion.

Ms. Torbert stated the CTC is now starting to hear from residents of Regency at Yardley that they want to walk to the ShopRite and CVS, and they are requesting a crosswalk, etc. in order to be able to do that. Ms. Torbert stated she feels they should think more about putting a Dunkin’ Donuts on the corner before they have road widening, sidewalks, etc. as there is a situation in the first block of Bid Oak that is already dangerous; and now there could be stacking in the morning

out onto the road. She stated she feels there should be a full Traffic Study because it is not just about the changes that would be made to Big Oak and Oxford Valley as she agrees they might be minimal such a signal timing; however, they also have to consider changes to Big Oak Road and whether that needs to be widened and to have right lanes and left lanes. She stated there is already a situation where the CVS entrance is too close.

Ms. Torbert stated the current Plan does not show Oxford Valley Road, and she asked how far it is from the first driveway to the intersection of Oxford Valley and Big Oak. She stated the Plan only shows Old Oxford Valley Road. Ms. Torbert urged the Planning Commission to request a full Traffic Study recognizing that there will be more building down Big Oak Road and the Caddis project on Dobry Road. She stated when Regency was built, they were not allowed to recommend anything so now, eighteen years later, they should have a full Traffic Study done.

Mr. Alex Geiger, 1735 Mulberry Way, stated he lives in Regency at Yardley across Big Oak Road from this proposed development. He stated he was present at the last meeting, and his impression was that they Continued the Hearing so that they could get a Traffic Study which they could look at and discuss. Mr. Geiger stated the public does not get a chance to talk to Mr. Wursta as opposed to Mr. Murphy who gets to talk to him “a whole bunch.” Mr. Geiger stated they need a Traffic Study before the Planning Commission votes so that the Planning Commission and public can look at it and comment on before they vote.

Mr. Geiger noted Mr. Wursta’s letter of March 2 and Item #1 discusses that a Traffic Study should be submitted. Ms. Burke stated reading further it states it is to determine if a traffic signal is Warranted, and the developer has already agreed to put in the traffic signal. Mr. Geiger stated he feels they need a Traffic Study. He noted Item #3 of Mr. Wursta’s letter also refers to the Traffic Study. Mr. Wallace stated they are requesting a certain type of Traffic Study not a comprehensive Traffic Study. Mr. Geiger stated a Traffic Study is also noted in Item #4. Mr. Geiger stated Item #7 lists what should be included in the PennDOT submission, and Mr. Geiger stated he feels whatever they are going to submit to PennDOT should be submitted to the Planning Commission and to the public.

Mr. Geiger stated he agrees with what is shown in Ms. Torbert’s letter of March 5 who also feels that a full Traffic Study should be performed.

Mr. Wallace stated at the prior meeting Mr. Geiger had presented a letter to the Township listing a number of items, and Mr. Murphy had indicated at the meeting that he felt all those items had been addressed based on the discussions he had with Mr. Wursta. Mr. Geiger questioned how they can have a Public Hearing

when there is nothing on paper, and they only have assurances. Mr. Wallace stated this is a Preliminary Plan. Mr. Geiger stated it is not Preliminary if they are going to vote on it.

Ms. Kirk advised Mr. Geiger that this is not a formal Hearing, rather it is the Planning Commission which is an advisory committee to the Board of Supervisors. She stated the Applicant still needs to go in front of the Board of Supervisors where a more formal Hearing will be held. Mr. Geiger asked if he “is wasting his breath here.”

Mr. Geiger stated in order for him to comment intelligently, he needs to know what he is talking about; and he does not know that if all the information is something that was informally said between one person and another and is not written down. Mr. Geiger stated he does not feel they can make decisions without knowing how many cars will go through the Dunkin’ Donuts and how many of them will want to turn left to get back on Oxford Valley and the Route 1 Corridor. Mr. Geiger noted the letter from the Township Environmental Advisory Council dated January 21 which indicated a Level of Service Traffic Analysis should be done.

Mr. Geiger noted on the Plan where he feels there should be a right in/right out only exit. He noted the number of other Uses in the area going at a high rate of speed. Mr. Geiger stated he feels it is “backwards” to build a Dunkin’ Donuts and a day care center and then apply to PennDOT. He stated he is concerned that the proposal will be approved and the day care center and the Dunkin’ Donuts will be built, and PennDOT will state that this is a signal for a private Use and not approve it.

Mr. Bryson stated the Township can make recommendations; but if PennDOT does not want it, it will not happen since it is a PennDOT road.

Mr. Geiger stated there is something that can be done which is not grant approval to this particular use. He stated the Planning Commission has to exercise its judgment. He stated Dunkin’ Donuts is the “single worst possible use” anyone could think of for the “little property.” He stated this will generate hundreds of car trips per day, most of them during the morning rush hour. He stated there are “a million other Commercial uses” that the property could be put to. He stated they should tell the property owner to use it for something else and another medical office would be a more reasonable use and would generate less traffic issues.

Mr. Bryson stated the Agreement allows certain uses; and if one of those uses come in, they cannot deny it legally if they meet the laws of the Zoning Code, which they do. Mr. Geiger stated if they make them comply with the Zoning Ordinance, including setbacks and parking, there is no way they can “shoehorn” this into the Lot.

Mr. Geiger stated he still has a problem with the fact that they are not going to do a Traffic Impact Assessment. He noted the letter from Gilmore & Associates which is the Applicant's engineering firm, dated March 22 which means they wrote this in response to "all the problems." He stated Pages 1 and 2 are all about traffic concerns, and their engineer indicates that "the Applicant is preparing a Transportation Impact Assessment to address these issues." Mr. Geiger stated he felt that tonight they would have a Traffic Impact Study that they could look at and discuss rather than just having assurances.

Mr. Geiger stated there is a problem with how the children will be dropped off at the day care. He stated this is an "unfortunate juxtaposition of uses" since the Dunkin' Donuts is "the worst use you could imagine" from a traffic standpoint which is worse during the morning rush hour, and they have a day care center which unfortunately is also worse during the morning rush hour. He stated there is also a doctor's office which has "emergencies all the time and emergency vehicles." Mr. Geiger asked where the parents will stop when they are dropping off the children in the morning for the day care center, and he showed the location on the Plan where he feels they will drop off their children and compete with everyone else who is there and trying to get out. He stated he feels what is proposed is not a realistic drop off zone, and they will stop to drop off their children and block the lane.

Mr. Bryson stated when they discussed this at the Sketch Plan stage, what Mr. Geiger is showing was not intended as a drop off area; and the parents would pull into a parking space and then take their children into the center. Mr. Geiger stated there is very little parking which he will discuss further. He stated another problem is that when they try to get out of the parking spot, they will not be able to because of the Dunkin' Donuts.

Mr. Geiger noted the Bucks County Planning Commission letter dated 12/13/17 Item #6 with regard to circulation which indicates they should show designated parking for the day care drop off and pick up, circulation flow, and signage. Mr. Geiger stated he does not see anything on the Plans showing this. He stated there is nothing in writing, and there are only assurances.

Mr. Geiger stated there is also an issue with the garbage trucks and emergency vehicles. He noted the Remington Vernick letter dated March 6 Item #39 requests updated circulation Exhibits for those vehicles to demonstrate that the revised lay out provides adequate circulation. Mr. Pockl noted Sheets 20 of 24 of the Revised Plan shows that information.

Mr. Geiger also noted Page 2 Item #1 of the Remington Vernick letter indicating they are concerned that there is nothing on how the restaurant will be supplied. Mr. Pockl stated approval would be contingent on the developer addressing all of the items in the letter. Mr. Geiger stated he feels they should have all the facts before they vote.

Mr. Geiger also noted Item #33 in the Remington Vernick letter indicating they want a parking study, and Mr. Geiger stated they are very tight on parking. He stated the doctor's office had 130 parking spaces when there was nothing else on the Lot, and they asked for permission to put in more spaces. Mr. Geiger stated now they are putting in two more uses, but they are cutting down on the number of parking spaces. Mr. Geiger stated while it indicates in the letter that the Applicant has performed a parking study showing there is adequate parking for the proposal.

Mr. Geiger stated he has not seen that parking study. He stated it should be submitted to the Planning Commission, made part of the public record, and the public should have the opportunity to look at it. He stated they are adding two more uses and reducing the number of parking spaces when it was already inadequate before they added the two uses.

Mr. Geiger stated with regard to the Settlement Agreement, there were comments made by those who were present eighteen years ago that what is being proposed violates what was agreed to in the Settlement. He stated the CTC referred to this in their letter under Item #4 stating clarification is needed whether the proposed uses are allowed by the Matrix Settlement Agreement. He stated it refers to Gary Cruzan, a Party to the Agreement, who has indicated that he does not believe that such a use was a part of the original Agreement.

Mr. Wallace stated the Township solicitor just read directly from the Settlement Agreement. Mr. Majewski stated they have never seen anything from Mr. Cruzan to that effect. Ms. Torbert stated she spoke to Gary Cruzan today, and he does not think that this complies. She stated he indicated that at the time of the Agreement it was just Office and "then not Office." She stated they did not specifically look at what "not Office" would be. Ms. Torbert asked if the draft Ordinance that was referred to earlier was ever enacted; and Mr. Majewski stated that is what is in the Ordinance, and that is what the Plans have been reviewed on. Ms. Torbert asked if this was an Ordinance that was done after the Settlement Agreement, and Mr. Majewski agreed. Mr. Majewski stated the Settlement Agreement had in it what was going to be in the ultimate Ordinance, and that Ordinance with some minor revisions was adopted by the Board of Supervisors and is codified. Ms. Torbert stated the Settlement Agreement does not specifically state that the Ordinance must allow for a restaurant use and day care; however, she was advised it was that it does state that. Ms. Torbert asked if that was agreed to by the Parties to the Settlement Agreement.

Ms. Kirk stated the proposed Ordinance that outlines all of the permitted Uses and all the dimensional requirements was attached to the Settlement Agreement as another Exhibit, and the Settlement Agreement referenced that the Board of Supervisors upon signing of the Agreement would review that Ordinance and adopt it. She stated it was all part and parcel of the Settlement Agreement that was fully signed. Ms. Torbert stated Mr. Cruzan was a part of the Agreement, but he did not think that these uses were permitted.

Ms. Torbert stated every person who bought in Regency at Yardley paid a certain amount of money for open space or “something” that was supposed to benefit them; and Ms. Torbert stated Mr. Cruzan believed it was between \$700,000 to \$800,000. Ms. Kirk stated she was not a party to what was done at the time the Agreement was drafted, and all she can do is tell the Planning Commission what is in the Final version that was signed and filed with the Court. Ms. Kirk stated she is not sure of what other terms had to do with Regency at Yardley since there are a variety of different provisions as to the developer paying so much money to the Township each time a Use and Occupancy Permit was issued, and she was looking only at the Agreements that were specifically for the purpose of this proposal in front of the Planning Commission.

Mr. Wallace asked Ms. Torbert if it is her opinion that there is a certain amount of money that the residents of Regency are giving toward open space, and Ms. Torbert stated she is not sure if it is open space, but it was something to benefit the residents.

Mr. Murphy stated there is a whole schedule of required payments which is spelled out in the Settlement Agreement which is still operative, and they are trying to accelerate it so they can finish up. Mr. Wallace asked Mr. Murphy if they are in compliance with whatever payments are required, and Mr. Murphy agreed.

Ms. Torbert stated she did not want anyone to forget that there is money that was meant to be used for the benefit of the residents of Regency at Yardley such as sidewalks or a park. Mr. Wallace stated that discussion would be for a different time, and Ms. Torbert agreed.

Ms. Torbert stated Mr. Bryson had indicated that if a proposal comes in which is one of the permitted uses, they would have to approve it. Ms. Torbert asked if this unique situation with the Settlement Agreement and the Ordinance carries the same weight as a normal provision of an Ordinance. Ms. Kirk stated if a property

owner comes into the Township indicating they want to use it for a specific use which is a Permitted Use under the Zoning Ordinance, there is no legal basis for them not to be approved. She stated the Ordinance that was referenced in the Settlement Agreement expanded the permitted uses that had previously existed for that property so there is the Ordinance as a controlling factor and also the terms and conditions of the Settlement Agreement. She stated under the Settlement Agreement, there was a provision that there were going to be three sets of Residential housing – Regency, carriages, and condos. She stated the developer came into the Township and indicated that they did not want to do any condos and were proposing townhouses and instead of 162 condos, it went down to 62 townhomes. She stated in order for that to proceed, the Township had to approve an Amendment to the Settlement Agreement substituting that new proposal. Mr. Majewski stated that Amendment to the Settlement Agreement was also signed by all the Parties including Mr. Cruzan.

Ms. Torbert stated she recalled that these were going to be three office buildings. Ms. Kirk stated while that might have been the discussion, whatever is in the Settlement Agreement is what was approved.

Mr. Grenier stated Ms. Torbert had indicated that in 2015 she had talked to a traffic engineer for the Township who had concerns about Big Oak and turning into the CVS, and he asked who that engineer worked for. Ms. Torbert stated it was Amy Kaminski who worked for Gilmore & Associates and still does.

Mr. Grenier asked Mr. Murphy the name of his traffic engineer; and Mr. Murphy stated it is Gilmore, however, he believes that the Study that Mr. Wursta has requested associated with the signal will be awarded to someone other than Gilmore.

Mr. Grenier asked where the cut off is between the State and Township ownership on Big Oak in this area, and Mr. Wursta showed the location on the Plan. Mr. Grenier asked if the traffic signal is proposed on a Township road, do they need to get approval from PennDOT; and Mr. Wursta stated they do as it is a State law.

Mr. Geiger stated the Regency at Yardley residents are concerned that they will never be able to get out of their homes because there will be such a back up created on Big Oak. He stated Regency is divided into two parts one to the south of Big Oak where he lives and another to the north off of Oxford Valley Road. He showed the location of their Club House on the Plan, and the people who live on the side where he lives have to get in their cars to get there since it is not safe to walk across Big Oak Road. He stated they would like to be able to walk to the Club House.

He showed on the Plan the location where he felt there was going to be a traffic signal; and if they had a traffic signal they could make provisions for a pedestrian crossing. He stated it was also his understanding that there was a proposal to require the developer to put in a sidewalk along the side that faces the abandoned Old Oxford Valley Road, and that would get the residents to the Club House and would cut down on traffic since they would not have to drive there and could just walk. Mr. Geiger stated if the Planning Commission is going to recommend approval of the project, he would urge them that one of the Conditions be a traffic signal and sidewalks as he has described so it will reduce the traffic impact that would otherwise occur.

Mr. Geiger stated he feels that they should get in writing whatever traffic studies they are going to have before there is a vote. He stated they should also get in writing whatever parking studies that were mentioned but have not been provided before there is a vote. He stated if there are updated Plans they should be submitted before there is a vote. He stated there should be Conditions imposed on the developer, and one Condition of approval should be receipt of a Permit from PennDOT. He stated they should apply for the signal and get a Permit otherwise they are approving something that they do not know will happen. Mr. Geiger stated if they open the Dunkin' Donuts and find out that they cannot get the traffic signal, they will be back asking for a Variance based on hardship.

Mr. Norm Kraft, Regency, stated he uses the road in question frequently; and when you are on the inside left turn from Big Oak going onto Oxford Valley, you cannot be close to the line since the lanes coming onto Big Oak are going quickly to get there first. He stated what he does is pull up behind the line which he does not really like to do because the driver to the right does not really know that someone is there and will cut too tight when they make the turn. He stated he is glad to hear Mr. Wursta talk about safety. He stated the drivers making the left from Oxford Valley onto Big Oak are going quickly. He stated if there is a day care and a Dunkin' Donuts he feels there will be a lot of opportunities for unfortunate incidents with traffic.

Mr. Alan Dresser, 105 E. Ferry Road, stated he is on the Environmental Advisory Council. He stated this project is going to require a Traffic Impact Fee. Ms. Kirk stated she does not know whether that is correct; however, Mr. Majewski stated he does not believe so as the Fees were all spelled out within the Settlement Agreement. Mr. Murphy stated they may also be offset by the cost of the signal. Mr. Dresser stated the traffic has changed since the original study in 2000 and that they made some assumptions in that. Mr. Majewski stated he believes there will be a downward trend in the traffic as it was assumed it would be a significant amount of Office, and now they have 200 homes. Mr. Dresser stated he is looking at just this phase of the project, and they had originally planned that there would be 40,000 square feet of Office. Mr. Bryson stated the Fees that were part of the Settlement Agreement were done globally.

Mr. Dresser stated he would like to understand when a Traffic Impact Study is required for his future reference. Mr. Wursta stated he does not know the specifics of the Ordinance requirements but it is generally for any Land Development that is over a certain number of Residential units or a certain square footage of non-Residential. Ms. Kirk stated she does not know the specific Ordinance; but Mr. Majewski is correct in that for this project, the terms of the Settlement Agreement will control as it is all part of one huge parcel that is subject to the Settlement Agreement.

Mr. Dresser stated he is for a full traffic impact analysis. He stated SALDO Exhibit 3 describes how a Traffic Impact Study should be done, and he would hope they would follow that. He stated they would take the existing volumes and project a year or two ahead to when the facility is built, and existing volumes one or two years ahead which is important in this case since there is a lot of development going in on Big Oak Road on both the north side and the south side which was approved for 62 townhomes, and they should account for that traffic. Ms. Burke stated while she agrees, they are being told that even if they have the Traffic Impact Study, there is nothing that could be done. Mr. Dresser stated it would help the Board of Supervisors whether to approve it or not. He stated if the Level of Service is going to go down to a Level F, which is the worst, at Oxford Valley Road and Big Oak, then that is a factor they have to consider. Ms. Burke stated while she agrees, she is not sure that there is anything anyone can do because it falls within the Agreement and it falls within the Zone. Mr. Dresser stated the Planning Commission can ask the developer to do it, and it should be put in their letter to the Supervisors. Ms. Burke stated she personally will ask for it.

Mr. Dresser stated with regard to the Settlement Agreement he does not feel Exhibit A is as important as the Preliminary/Final Plan. He stated the Preliminary Plan was submitted in July, 2006; and he feels Mr. Majewski should look at that. Mr. Dresser stated his Plan shows “Future Office of up to 40,000 square feet at this location and up to 15,000 square feet of Retail.” Mr. Dresser stated the Retail is where the PNC and CVS are.

Ms. Burke stated she feels a full-blown Traffic Impact Study should be done. She stated they do not know if nothing can be done unless the full-blown Traffic Study is done. She stated professionals need to look at it and let them know if something can be done other than the light. She stated the impact to the community is too great to not take that extra step.

Mr. Bryson stated he feels they will have to do some kind of Study at the intersection of Big Oak and Oxford Valley because the stacking could impact the next signal down. Mr. Bryson stated the proposed signal will have to be synchronized with the signals at Oxford Valley and Big Oak. Mr. Bryson stated a full-blown Traffic Study is going to be needed for them to Warrant the signal, so he has no problem with approving Preliminary with the Condition that the Final will have the signal location and lane configuration; and with that will come the full report.

Ms. Burke stated other things were also recommended; and if they have the full-blown Traffic Study, maybe there are other things that could be done other than the signal.

Mr. Halboth stated he feels a Traffic Impact Study should be done, but he keeps getting it “thrown back” that the Settlement Agreement governs; and it sounds to him that it would be an ineffective use of time and resources.

Ms. Kirk stated she did not say anything about the Settlement Agreement would not require a Traffic Impact Study. She stated what she asked Mr. Wursta was would a Traffic Impact Study have any bearing if the intersection at Big Oak and Oxford Valley had been reconstructed assuming full build out at the site. She stated she did not say that there was anything in the Settlement Agreement that precluded a Traffic Impact Study. She stated it was her understanding that a Traffic Impact Study may not be productive because the construction to the intersection was done assuming everything was built on the property.

Mr. Wallace stated the Applicant is requesting approval contingent upon the Study being conducted. Mr. Majewski stated that is in addition to putting in a light if Warranted. Mr. Wallace stated this is Preliminary, and he would like to see this moved forward to a point where this would be done recognizing that the developer has worked with the Township’s consultant to address these issues.

Mr. Grenier stated in addition to the Traffic Study he would like the Planning Commission to get the information that had not been provided to them relative to traffic analysis and discussions back and forth so that the Planning Commission has a full picture before they make a recommendation to the Board of Supervisors. Mr. Wallace stated that is what they thought they were going to have tonight. Mr. Wallace stated he feels this may have come back to the Planning Commission too soon.

Mr. Bryon moved to recommend to the Board of Supervisors approval of the Preliminary Plan and approval of all Waivers contingent upon:

1. Remington & Vernick Engineers review letter dated 3/6/18
2. Traffic Planning and Design Inc. review letter dated 3/2/18
3. Ebert Engineering Inc. review letter dated 2/19/18
4. James V. C. Yates review letter dated 2/13/18
5. Tom Roche, Traffic Safety Officer suggestions dated 2/8/18
6. Bucks County Planning Commission memorandum dated 12/13/17
7. The Planning Commission have everything needed for the Traffic Signal Warrant Application before Final Plan is considered

Ms. Kirk asked if Mr. Bryson is he looking for not only a Traffic Signal Study but a full Traffic Impact Study prior to Final, and Mr. Bryson stated it is his opinion that in order for them to do a Signal Warrant Application, they will have to study Oxford Valley and Big Oak. Mr. Wursta stated they always contemplated that they would have to do a study that would incorporate Oxford Valley and Big Oak Road as well as their site. He stated that would include trip generation and a parking analysis, and that would all be compiled and included in the Study.

Ms. Burke asked if that would be a Traffic Study consistent with the Ordinance; however, Mr. Wursta stated he could not answer that as he would have to have the Ordinance in front of him to review. He stated generally the Ordinances have that they need to seek guidance from the Township traffic engineer or the Board of Supervisors regarding the scope of work. Mr. Wursta stated if they were going to have to do a full Traffic Study it would be to industry standards.

Ms. Torbert asked if the Study that is related to the signal will look at potential needed improvements to Big Oak Road and not just the intersection such as potential widening, additional lanes, etc. She stated she does not want it to be so narrow that they are just looking at the signal. Ms. Burke stated she agrees that they should look to see if there is anything else that could be done.

Mr. Wursta stated they try to be practical with regard to what can and cannot be done. He stated when they do a scope for a Traffic Study, they would recommend that they do intersections within a half mile of the site. He stated they would count all the intersections and add their traffic to the traffic counts. He stated the percentage of the traffic that they add as you move away from the site is miniscule generally by the time it spreads out and it is compared to the existing traffic at the intersection. He stated even if you see something that impacts it greatly, you cannot make them do anything about it which is why they pay a Traffic Impact Fee. He stated if they did see that as part of the Study, they would recommend it.

He stated they could not have them widen Big Oak down to the Middletown Line for a Dunkin' Donuts and a day care, adding that is the type of thing that would not be borne out in a classic Traffic Study anyway because it is based upon intersection capacity analysis. He stated the amount of volume on Big Oak Road can be handled by one lane of traffic except at the intersections from the CVS driveway and Oxford Valley Road. He stated they would never take the Study out much further than that for this type of Land Development as he feels it would be onerous, would not show anything, and would be a waste of money since there would be no improvements that they could place onto a developer for that. He stated it would be in violation of what they try to avoid with regard to collecting Impact Fees and Act 209, etc. He stated they try to be very practical with regard to safety issues in proximity to the site so that if they can, they can "coerce" the developer to fix those problems. Mr. Wursta stated whatever is built at this location whether it is a Dunkin' Donuts or an office building, it is not changing the double left from Oxford Valley Road onto Big Oak Road. He stated if they put a traffic signal where he would like to see it placed, those two lanes of traffic would probably have to stop and then merge at a slow rate rather than having to speed up to see who can get there first to the merged lane. He stated they have a lot of opportunities putting a traffic signal and what the Applicant is providing. He stated while they could do a full-blown Study, he does not know what they could add.

Ms. Torbert stated she fails to see how you could not say that putting additional traffic on Big Oak Road is not going to require road widening. She stated you do not do a Traffic Study just for intersections. She stated she is not talking about going to the intersection with Route 1, rather it would be a block or two from Oxford Valley Road down although it would not be all the way to the Middletown Line. She stated when a Traffic Study was done for Aria, they included a number of intersections.

Mr. Wursta stated they are already asking the developer to widen for auxiliary lanes to get into their site, and there will be a right turn deceleration lanes at both of the driveways. He stated they will also have left turn lanes into both of their driveways. He stated the only possible thing they could do is have an extra through lane all the way down Big Oak Road. He stated each through lane on a highway carries about 12,000 cars before you get into capacity issues, and they do not have 12,000 cars on Big Oak Road. He stated the whole Road is probably 12,000 cars in both directions. He stated to think that this development is going to warrant widening Big Oak Road in order to add an extra through lane does not make sense. Mr. Wursta stated part of his job as an engineer is to be practical with regard to what they are studying.

Mr. Halboth seconded the Motion, and the Motion carried with Ms. Burke opposed.

DISCUSSION AND TABLING COMPREHENSIVE MASTER PLAN – UPDATED SEWER AND TRAFFIC RECOMMENDATIONS

Mr. Majewski stated the Citizens Traffic Commission asked the Board of Supervisors if they could look at the Comprehensive Master Plan since they last looked at it in 2013, and had not seen anything on it in the last several years. Mr. Majewski stated the Citizens Traffic Commission reviewed it and came up with recommendations that he provided to the Planning Commission; and their comments are highlighted in blue. Mr. Majewski stated the Citizens Traffic Commission would like to know how the Planning Commission feels if any or all of them should be incorporated into the Final Draft of the Comprehensive Master Plan Transportation Planning Section or whether they want to make any changes to their recommendations.

Ms. Burke stated she has reviewed their recommendations, and she is in favor of them. Mr. Bryson stated he was as well.

Mr. Majewski stated on the first page at the bottom, they talk about keeping heavy commercial traffic on the Interstate and major highways, and he feels Interstate should be changed to arterial and major highways since an earlier paragraph encompasses I-95 and Route 1 as major highways so it would be redundant to say Interstate and major. He stated arterials are some of the major roads within the Township that are needed for trucks to go through the Township to get where they need to go. This was acceptable to the Planning Commission.

Ms. Torbert stated arterial would open it up to quite a few roads and they should say “other than for local deliveries.” She stated they wanted to keep them on major highways. Mr. Grenier asked if they want to eliminate the word “Interstate” and just limit it to major highways, and Mr. Majewski agreed they could just eliminate the word “Interstate.”

Mr. Grenier asked if they would have to change the reference for Interstate 95 to 295 since they have changed the name, and Mr. Majewski agreed they should. Mr. Majewski stated they will be changing the reference from I-95 to 295 where applicable throughout the entire document.

Mr. Majewski noted Page 3 which discusses the importance of linking land use and transportation as illustrated by development proposals in the Big Oak/Oxford Valley area and the Stony Hill/Township Line/332 By-Pass area; however, he stated we currently have no proposals in the Stony Hill/Township Line/332 By-Pass area so he is not sure that they should list specific items, and they should just indicate that development proposals should give consideration to the need for road improvements and this should be an important role in any Township review of any new developments.

Ms. Torbert stated the reason they were this specific was because they thought what the Board of Supervisors wanted was some more specific guidance rather than just boiler plate; and that is why they specifically talked about those two areas, because those are areas where they know development could come in the future. Mr. Grenier stated they wanted some specific guidance, but they did not want to be locked too tightly into a specific type of development. Ms. Kirk suggested putting a period at the end of “Big Oak/Oxford Valley Road area.” Ms. Torbert stated they were trying to give the Board some more legal “power” if there was something they could point to in the Master Plan about certain areas.

Mr. Majewski suggested that instead of stating “is illustrated currently by development proposals” change that to “as illustrated by recent development proposals;” and this was acceptable.

Mr. Grenier noted there are some other areas where word tense should be reviewed.

Mr. Majewski stated the Board of Supervisors gave a deadline to the Planning Commission for this to be submitted by the next meeting; however, he feels that if it went one meeting beyond that, it would not be a problem.

Mr. Majewski stated with regard to the I-95/295 issue, they could have a footnote about that. Mr. Grenier stated with a Comprehensive Plan there could be a cover letter up front that would point out major changes such as this.

Mr. Wursta stated the only specific comment he has is with regard to the Act 209 on Page #4. He stated it costs a lot to change the roadway sufficiency analysis, the Capital Improvement Plan, and the Land Use Assumptions Report. He stated this is specifically geared toward areas of the State now rather than thirty years ago that have great opportunities for new development and do not have a significant amount of pass-through traffic. He stated you cannot count pass-through traffic as a credit for Impact Fee requirements. He stated if there is a development, you have to bring everything up to a certain operational standard without the developer’s money first, and then you add the development impact to it. He stated in this area everything they have are existing problems, and he feels while it should stay in there, for the Planning Department of the Township to rely on this would be difficult because it makes it cumbersome to get anything done through this process; and this Act prohibits the Township from doing some things. He stated they cannot ask for off-site improvements because they have this Act in place.

Ms. Kirk asked what he would recommend the language be, and Mr. Wursta stated he could not comment on that immediately as he just received this. Mr. Wursta stated part of the law requires the Township to make these changes and review it on an annual basis or after a certain number of the intersections that they have in the original Capital Improvement Plan are finished they have to revamp it. Ms. Kirk stated the Citizens Traffic Commission is recommending that language be included that the Roadway Sufficiency Analysis be updated; and if that is put into the Comprehensive Plan, that is a requirement that the Township has to do. Ms. Kirk asked if there is a way to structure a periodic review without making the absolute commitment for that type of study. Mr. Wursta stated while he feels it is a great tool, it is troubling because once they do something like this, whatever Impact Fee the Township is getting now will go down. He stated some of the Municipalities he works with get Waivers from the developers in the Land Development Agreement for a Fee-In-Lieu so that the Township can use it for transportation period, and not have it tied to a specific project in a specific Zone. He stated there is a lot that could be done in this Section that could save the Township a lot of money plus still get what they want to get done.

Ms. Burke asked Mr. Wursta if he would be willing to draft something before the Planning Commission votes on this, and Mr. Wursta stated he would like to look at it and go over it with Ms. Kirk to make sure they are covered. Ms. Kirk stated the Comprehensive Plan was recommended several years ago, but it was never adopted; and rather than using the old version and adopting it now knowing that it is already outdated, everyone was reviewing it to provide updated comments and information. She stated the Citizens Traffic Commission came back with these proposals; and if there is a way to structure the language to accomplish what is being recommended by the Citizens Traffic Commission but not locking the Township into a commitment under Act 209, that would be better.

Mr. Wursta stated he would agree with that. He stated the history associated with Lower Makefield as well as Newtown and some other areas is that this was triggered in a crisis mode because they were faced with returning all the Impact Fees that they ever collected back in the 1980s.

Ms. Torbert stated they would agree to whatever Mr. Wursta feels should be done, and the CTC's intent was simply that they should have an updated Capital Improvement Plan just as a planning tool. Mr. Wursta stated they need a Capital Improvement Plan that is not associated with Act 209 since that ties the Township into specific intersections based upon development trips and that will not pay much dividend right now if they revisit it.

Ms. Kirk stated it might just be moving that language to a different part that is not committed under Act 209, and Mr. Wursta stated he is not sure about that.

Mr. Grenier asked Mr. Wursta if he would be able to take this on by the next Planning Commission meeting because of the deadline that the Board of Supervisors imposed on the Planning Commission, and Mr. Wursta stated he feels this is something that should be vetted through the Board of Supervisors. Mr. Grenier stated it will be once it is recommended for approval by the Planning Commission. Mr. Wursta stated he would not want anything put in the draft without advising them about the ramifications of what is being recommended.

Ms. Kirk stated the Planning Commission has to review the proposed changes and make a recommendation to the Board of Supervisors to move forward and adopt the updates to the Comprehensive Plan in the form as presented. She stated the Supervisors would still need to go through it and Mr. Wursta would still have the opportunity to voice his concerns to them about the language. Ms. Kirk stated she understands that Mr. Wursta is saying that we should not include anything in this that locks the Township into any type of study under Act 209. Mr. Wursta asked Ms. Kirk's opinion if they have to refer to the Traffic Impact Fee Ordinance at all in the Comprehensive Plan since he does not feel it must be part of the Plan even though it is still effective and still the law in the Township. He stated he does feel they should have a comprehensive Transportation Master Plan in their Comprehensive Plan.

Mr. Majewski asked Mr. Wursta if he could come up with some language in the next two weeks; however, Mr. Wursta stated that would be difficult. Ms. Kirk asked if he could take some of the suggested language that the Citizens Traffic Commission recommended and move it from where it is dealing with the Transportation Impact Fee Ordinance to the next two pages which discuss Transportation Demand Management, and put something in there about doing updated traffic review studies.

Mr. Wursta stated they need to put projects such as Makefield Road on a comprehensive Transportation Master Plan or a Capital Improvement Plan, and they would list projects that they could prioritize. Ms. Kirk stated that may be something that could be referenced in this Section of the overall Comprehensive Master Plan that is part of the Transportation Management, and needs to be linked to projects with an emphasis to focus on a possible internal Traffic Comprehensive Plan.

Mr. Majewski stated he feels all they need are two sentences that indicate the Township should have a Capital Improvement Plan so that the Township can implement things as money becomes available. Mr. Majewski stated he would only need to come up with a couple of sentences, and Mr. Wursta stated he could do that. Mr. Grenier stated the language saying that the Township needs to do this would be in the Comprehensive Plan, but the actual Capital Improvement Plan would be done at a later date; and Mr. Majewski agreed. Mr. Majewski stated in a Comprehensive Plan you do not have to get real specific just like the Implementation portion where they talked about the O/R District and added a few things.

Ms. Kirk stated they could keep the first two paragraphs referencing the Transportation Impact Fee Ordinance on the basis that the Township has adopted it and has used it; and the part that was recommended for changes, could be eliminated and they could put in the two sentences elsewhere.

Mr. Grenier stated he is still confused about when the Township's traffic calming guidelines should be applied versus when the Township just makes a call on something. He stated with regard to the Makefield Road Traffic Study, they are looking at putting in some traffic-calming measures as there is concern about speed limits on Makefield Road in front of the elementary school. He stated that did not have to go through the formal traffic-calming process where they do a survey of the neighbors to see how many want it. He stated he believes only one neighborhood has gone through this in full and had something implemented. Ms. Torbert stated W. Ferry went through it but only 68% were in favor. Mr. Majewski stated they did make some minor improvements. Mr. Grenier asked if they could somehow clarify when a neighborhood has to go through the traffic-calming guidelines, because currently he does not feel it is clear.

Ms. Kirk stated if Mr. Wursta is making a recommendation that at some point there should be a Township Comprehensive Traffic Management Plan, she would leave the language of the traffic-calming and include it in that subsequent study. Ms. Kirk stated she feels they should leave it open and state that in the future the Township is looking to traffic-calming as an additional mechanism, and she does not feel they have to iron down the specifics at this moment.

Mr. Majewski stated the last sentence on the traffic-calming paragraph says, "When warranted the Township "should" install traffic-calming measures," and he feels that should be changed to "should consider;" and this was agreed to by Ms. Kirk and some members of the Planning Commission.

Ms. Torbert stated currently the way it works is there are traffic-calming guidelines, but it is clear that you can also file a report that is not exactly traffic-calming; and it could be that a light needs to be fixed, etc.

Mr. Grenier stated he feels the traffic-calming issue is confusing, and Mr. Wursta stated possibly they should re-visit it to determine when it applies.

Mr. Wallace asked what agreement has been made with regard to Mr. Wursta's concern about the Act 209; and Mr. Wursta stated traffic-calming will be under the Traffic Management Plan, and he will include some sentences under the Act 209 Impact Fee Ordinance provisions and say that there will be a Township Comprehensive Traffic Master Plan. Ms. Kirk stated changes will be made so that there is no absolute commitment by the Township to comply fully with what Act 209 requires.

Mr. Majewski stated they will bring this back before the Planning Commission at the next meeting.

Mr. Majewski stated the other component was the sewage; however, Ms. Burke stated at this point she is making a Motion to Table the sewer and the Ordinance Amendments to the SALDO Requirements. Mr. Halboth seconded and the Motion carried unanimously.

OTHER BUSINESS

Ms. Sue Herman stated she is President of Residents for Regional Traffic Solutions Inc. (RRTS) and she read a letter to the Planning Commission about the mission of the organization and their concerns about the PennDOT study with regard to weight restricting SR-2071 and SR-31 in Lower Makefield Township and Yardley Borough and their request that the scope of the study be broadened to conduct a cumulative impact analysis related with truck traffic.

Ms. Herman stated RRTS also supports the Citizens Traffic Commission's requested revisions to the Township Master Plan Update 2013.

Mr. Grenier advised Ms. Herman that District 6 responded to the Township's February, 2018 letter; and they thanked the Township for their letter and they indicated that what the Township requested was how they do their studies. Ms. Herman asked that Mr. Grenier provide her with a copy of that letter.

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There being no further business, Mr. Halboth moved, Mr. Bryson seconded and it was unanimously carried to adjourn the meeting at 10:20 p.m.

Respectfully Submitted,

Chad Wallace, Secretary