

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

The regular meeting of the Planning Commission of the Township of Lower Makefield was held in the Municipal Building on November 26, 2018. Ms. Burke called the meeting to order at 7:30 p.m. and called the Roll.

Those present:

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

Others: Jim Majewski, Director Planning & Zoning  
Barbara Kirk, Township Solicitor  
Andrew Pockl, Township Engineer  
Dan Grenier, Supervisor Liaison (joined meeting in progress)

APPROVAL OF MINUTES – OCTOBER 8, 2018 AND OCTOBER 22, 2018

Mr. Halboth moved, Mr. Bryson seconded and it was unanimously carried to approve the Minutes of October 8, 2018 and October 22, 2018 as written.

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

Mr. Edward Murphy, attorney, and Mr. Doug Waite, engineer, were present. Mr. Murphy stated the Planning Commission has seen this project numerous times although tonight it is in a slightly different configuration. He stated the Plans that the Planning Commission had seen since 2016 have contemplated the addition of a day care center and an approximately 2,200 square foot Dunkin' Donuts to take the place of two original pad sites that were part of the original three pad site approval from many years ago.

Mr. Murphy stated most of the prior discussions have focused on the impact of the Dunkin' Donuts on traffic both internally on the site itself as well as externally along Big Oak Road. Mr. Murphy stated there were numerous discussions with the Township's Police Department and the Township's traffic consultant, TPD, about how to manage traffic on the site itself and the most efficient location for a future traffic signal that has been recommended be installed as part of the evaluation of the impact of the Dunkin' Donuts. Mr. Murphy stated it reached the point a few months

ago that the discussion about the impact of the Dunkin' Donuts was "seemingly endless;" and ultimately what has happened is that the Dunkin' Donuts part of the Application has been withdrawn.

Mr. Murphy stated what is in front of the Planning Commission tonight is a Plan that still shows the proposed day care center in the same location that the Plan always did; but in lieu of the Dunkin' Donuts pad site, what they show is the original office pad site that was part of the original three-pad site approval. He stated the only new element that is before the Planning Commission this evening is the day care use, and Dunkin' Donuts is off the table.

Mr. Murphy stated review letters have been issued by the Township consultants, and Mr. Waite and his staff at Gilmore have had the opportunity to interact with the different Plan reviewers. Mr. Murphy stated they all acknowledge that the Dunkin' Donuts is not part of the equation any more. Mr. Murphy stated in many respects that makes it more straight forward and simple since the biggest roadblock to come up with was a solution that satisfied all the different stakeholders so that has now been removed. Mr. Murphy stated they do not have any issues with the Remington Vernick November 13 review letter, and Mr. Pockl has had ongoing conversations with Gilmore about the different comments in his letter. Mr. Murphy stated they have also seen the other review comments from Mr. Yates, the Fire Protection consultant, and comments from Tom Roche, the Township Police Department Traffic Safety Officer who acknowledged that the traffic issues raised by the drive-in Dunkin' Donuts have now been removed, and that they have already addressed all of the other issues that his office had previously recommended. Mr. Murphy stated they are having continuing conversations with Mr. Wursta and TPD about how best to manage the traffic. Mr. Murphy stated he believes they have managed it internally, but there is still a question externally as how to best manage it; however, he feels they are in good shape with TPD for the day care use.

Mr. Murphy stated the issue of Dunkin' Donuts "looms out there, but for our purposes tonight, they are not there."

Mr. Wallace asked about the traffic issues. Mr. Murphy stated the biggest problem they had with internal traffic when the Dunkin' Donuts was part of the proposal was how to manage internal conflicts and the concern being parents dropping off children at the day care and making sure there were appropriate areas where there would not be potential internal site conflicts. Mr. Murphy stated with regard to the ultimate location of the traffic signal on Big Oak Road, depending on when that happens, there were different points along the frontage selected and evaluated. Mr. Wallace stated he understands the history, and he asked what is the remaining discussion about the connection to Big Oak Road. Mr. Murphy stated there was a concern about the limitation of certain movements onto Big Oak Road from the

internal driveways. Mr. Wallace asked if the traffic light is completely gone now that the Dunkin' Donuts is not part of it. Mr. Murphy stated for the time being that is correct until another use triggers it. Mr. Wallace stated it does not warrant it based on the traffic, and Mr. Murphy agreed.

Ms. Kirk noted the review letter from TPD dated November 9, 2018 where they are still saying based on the Level of Service and the excessive delay, a traffic signal should be installed. Mr. Murphy stated those conditions already exist and it has nothing to do with the introduction of the day care use. Mr. Murphy stated given the fact that the prior Plan approval already paid the Traffic Impact Fee when it was a three-Lot approval, the question about whether or not there would be anything else due now or deferred until an ultimate user would come in like Dunkin' Donuts, is the question they are still talking to Mr. Wursta about.

Mr. Wallace stated they are waiting to come to an agreement about what, if anything, would trigger that; and Mr. Murphy agreed. Mr. Murphy stated Mr. Wursta did not have "any institutional history" about the past of the project, and confirmation of the prior payment of the Traffic Impact Fee will go a long way toward resolving that issue. Mr. Murphy stated they do not have any issues with TPD, and they have been actively involved ever since the new Plan with the Dunkin' Donuts came in, and TPD has had a dominant voice in the discussions, and they continue to have that.

Ms. Burke asked Mr. Murphy if he is saying that Items #1 through #5 in the November 9 letter from TPD are not necessary and are only triggered if another use goes in; and Mr. Murphy stated he is saying that Items #1 through #5 continue to be discussed with TPD, and additional information is being provided so that they can finalize a recommendation that recognizes the prior payment of Traffic Impact Fees for this project, of which Mr. Wursta was previously unaware. Ms. Burke asked how long ago was the prior Approval, and Ms. Kirk stated she believes it goes back to 2006 with the Settlement Agreement. Mr. Murphy stated it was at least twelve years ago.

Ms. Kirk stated the 2006 Settlement Agreement with Matrix had certain triggering events as to when Traffic Impact Fees and other payments would occur, and Mr. Murphy agreed. Mr. Murphy added that there are conversations that he is part of now between Matrix and the Township where they are accelerating the payment in full of all remaining Traffic Fees to bring that element of the Settlement Agreement to a conclusion. He stated incorporated in all of that are the Fees that were generated from this particular approval as well.

Mr. Bryson asked if the Traffic Impact Fees that were part of the overall Agreement will pay for the signal. Mr. Murphy stated that when another impactful user occupies that pad site, if it ever does, there would be additional fees generated not contemplated by the original Settlement Agreement. Mr. Bryson asked which will be built first – the pad site or the day care center; and Murphy stated if this Plan is approved, the day care center would be approved and be built. He stated there is no other Plan in front of the Township for any other use for the third pad site, and he feels it is highly unlikely that the third pad site would ever be developed.

Mr. Bryson stated it is not marketable because it is too small. He stated he feels it will sit there until a Dunkin' Donuts or some other user determines how to manage the larger corridor issue. Mr. Bryson stated the day care itself would not warrant the signal; and Mr. Murphy stated it would not by itself, and the handful of trips that it will generate over the Office Use that was already approved for that site, will not trigger anything.

Mr. Wallace stated all that is being built is the day care center, and Mr. Murphy stated the Pediatric Practice has been built and been there for years. Mr. Wallace stated there were three pad sites – the Pediatric Practice, now the day care, and an Office, but the Office is not being developed at this point. Mr. Murphy stated the only thing before the Planning Commission at this point is the construction of the two-story day care center on the center pad site. Mr. Wallace asked how they can approve this if there is a discussion about the traffic issues. Mr. Murphy stated it would be subject to reaching a final agreement with the Township and the Township traffic consultant as to what other contributions or improvements may be required. He stated that is not any different than any other Plan. Mr. Murphy stated the Planning Commission could make a recommendation subject to compliance with all the review comments including Mr. Wursta's letter.

Mr. Murphy stated the three pad sites have already been approved, and the only thing they are doing is swapping out the middle pad site that was previously approved for an office to a day care.

Mr. Bryson stated whether there would be a traffic signal would be triggered on the warrants and who would be paying for what. Mr. Bryson stated we have to be confident that our traffic engineer would determine that. Mr. Wallace stated it would be the State that ultimately decides that. Mr. Majewski stated it is a Township road in that area so it would be under Township control; however, the Warrants for a signal would not matter whether it is a State road or a Township road as the "Warrants are the Warrants."

Mr. Pockl stated his letter included a comment about the loading zones being exclusive of the driveways, and he asked if there is a way to address that. Mr. Waite stated they do not have a specific loading dock for the building on the right although there is enough space for a UPS style drop off and delivery. He stated there is additional space within the site to provide a loading zone in the center driveway. He feels the space is available on site for all three buildings.

Mr. Alex Geiger, 1735 Mulberry Way, stated he lives in the Regency Development across the street from the proposed Octagon Development. He stated he was present previously when they discussed the development that included Dunkin' Donuts. He stated he sent a letter dated November 12 of this year to Mr. Majewski, which he understands has been distributed to the Planning Commission; however, it was noted they did not receive that letter. A copy of this was provided to the Planning Commission and Mr. Murphy this evening. Mr. Geiger stated he was not aware of the TPD letter of November 9 or the Remington Vernick letter of November 13, and he does not believe that they are on the Website; however, Ms. Kirk stated they are on the Website. Mr. Geiger stated since he has not seen them, he cannot comment on what is in those letters.

Mr. Geiger stated they still do not have a Traffic Impact Study on the impact of this proposed development, and the last Traffic Impact Study done on this stretch of Big Oak Road was done in 2000. He stated when he was here a year ago about this development, his recollection is that the Planning Commission wanted the developer to obtain a Traffic Impact Study, and that never happened. Mr. Geiger stated he does not see how the Planning Commission or the Board of Supervisors can act on this Application until they have the facts with respect to the traffic; and they do not know what the traffic is, what the impact of the day care center is, the impact of and whatever else is going in there would be. He stated he does not know how they can approve this project in this area without a Traffic Impact Study.

Mr. Geiger stated when he looks at the Application he sees three buildings – the existing doctor's office, and proposed day care center, a proposed 4,500 square foot office building; and they are asking for approval of three buildings not two and not just the day care center. Mr. Wallace stated it is already approved for three buildings. Mr. Bryson stated tonight they are only asking for a change of the use of the one building in the middle going from office to day care. Mr. Geiger stated if that is the case that means that if they manage to find a prospective tenant or purchaser who is interested in an office building, they can build it without any further approval, and Mr. Murphy and Mr. Bryson noted that is correct. Mr. Wallace stated they have been able to do that for the last twelve years, although no one has done that. Mr. Wallace stated anyone could develop it right now for that use. Mr. Majewski stated the

approval is good for an office building, and if it is another type of use, it would have to come back for approval. Mr. Wallace stated that is why they came back when it was proposed for a Dunkin' Donuts.

Mr. Geiger stated if they are going to evaluate the traffic impact of this entire parcel, they have to take into account the 4,500 square foot office building and the potential traffic that building would generate.

Mr. Bryson stated when the Plan was approved originally for the three buildings, that had an approved Traffic Impact Study. He stated they need to determine if a new use is within the parameters of the original approved use of the office building. Mr. Murphy agreed. Mr. Bryson advised Mr. Geiger that a Traffic Impact Study is not warranted based on the fact that the building is just changing use, and he assumes a day care center probably has less of an impact on a peak distribution.

Mr. Murphy stated TPD did request that the developer through Gilmore prepare a Traffic Impact Assessment, and that Assessment was prepared in May of this year and updated in October of this year at the request of TPD. He stated this is referenced in the heading of the November 9 TPD letter. Ms. Burke asked if that Assessment is available for the public. Mr. Majewski stated while the November 9 letter and the Plans are on the Website, the traffic information is not on the Website, and they could provide that to Mr. Geiger. Mr. Wallace stated the traffic information should be on the Website as well. Mr. Majewski stated they are still working on how to get all the information to for the public, and it has not been worked out yet on the Website.

Mr. Geiger stated he would like to have the opportunity to look at that information. Mr. Geiger stated Mr. Bryson indicated he does not know for sure the impact the day care center would have. Mr. Bryson stated he indicated he did not know if an office were a bigger traffic generator than a day care. Mr. Geiger stated he feels he has to find that out before he can make an informed vote. Mr. Murphy stated that is why the Township has its own traffic consultant, and TPD has the people qualified to make that judgment.

Mr. Geiger stated he feels there should be a Traffic Impact Study, and he feels there needs to be a traffic signal. He stated he understands that TPD says we need a traffic signal, and the people who live on the street believe there has to be a traffic signal. He stated Mr. Murphy has indicated that nothing has changed except they removed the Dunkin' Donuts, but since they removed the Dunkin' Donuts, they also removed the traffic signal. Mr. Geiger stated the traffic signal was explicitly made a Condition of Approval by the Planning Commission the last time this came up. Mr. Murphy stated that was when there was a Dunkin' Donuts.

Mr. Wallace stated the Planning Commission does not have the authority to require a traffic signal, and there are State and local engineers that determine that; and there are certain triggers that go into effect that would qualify for a traffic signal to be put on a particular highway. Mr. Geiger stated in his letter he indicated that approval of this Preliminary Plan should be denied unless certain things are done that he has listed in his letter. Mr. Geiger stated the Planning Commission has the power to either approve or deny the Application, and he is saying they should not approve this Application until they take care of this issue. He stated one of the things they need to do is to make arrangements for a traffic signal as they agreed to do the last time they were here on this specific parcel.

Mr. Bryson stated in the TPD letter it states, “Based on the level of service drop on the side street approaches, the excessive delay at the site driveway ... a traffic signal should be installed at Big Oak Road and Old Oxford Valley Road.” Mr. Bryson stated that signal is based on meeting certain Warrants, which are the twelve rules for putting in a traffic signal. He stated if they meet the criteria of the twelve, the signal goes in; however, that signal may not be warranted until the third parcel is put in although he does not know. He stated TPD has already indicated that if it is Warranted based on certain criteria, when they meet the criteria, the signal will go in.

Mr. Wallace stated that determination has been made, and there is nothing more to discuss about it. Mr. Murphy stated Mr. Geiger is correct that when the Applicant was last here when Dunkin’ Donuts was part of the Application, they agreed that the signal would be installed and that they would pay for the signal.

Mr. Geiger showed the intersection of Old Oxford Valley Road and Big Oak Road on the Plan, and he stated it is too close to the intersection of Oxford Valley Road and Big Oak Road; and they could not put a traffic signal there, and he does not feel they could get a Permit for it from PennDOT. He stated the last time this proposal came up, they were talking about a signal at the new entrance they are proposing to put in which he showed on the Plan, which he feels is doable. Ms. Kirk stated that was to be done only if it was going to be a Dunkin’ Donuts. She stated at the meeting when Mr. Wursta was present, he indicated that if it was to be a Dunkin’ Donuts, he would recommend, after review of a Traffic Impact Assessment, that a signal be installed at that driveway. Ms. Kirk stated now the Dunkin’ Donuts is not involved. Mr. Geiger stated they do not know what Mr. Wursta would recommend if we asked him assuming a 4,500 square foot office building were there. Mr. Wallace stated we do know because he has issued a letter stating that a traffic signal would be warranted if the twelve triggers are met. Mr. Wallace stated while he understands Mr. Geiger’s concern, Mr. Geiger continues to go over the same point on something that has already been decided. Mr. Wallace stated there is nothing more that can be done about it.

Mr. Geiger asked that he be “able to finish a sentence;” and Mr. Wallace stated they have allowed Mr. Geiger to speak at a number of meetings to share his thoughts. Mr. Geiger stated it was only two meetings.

Ms. Burke asked Mr. Geiger to move onto his next point. Mr. Geiger stated to say that everything has been decided would mean that there is no Application pending, and there is an Application awaiting a decision. Mr. Geiger stated his next point is that the Applicant has requested a Variance from the maximum grade permissible for an exit/entrance, and he showed this location on the Plan. Ms. Burke stated the Planning Commission does not grant Variances, and it is the Zoning Hearing Board that does that. Mr. Murphy stated it is not a Variance, it is a Waiver. Mr. Geiger stated he understands they cannot have this development unless they have two entrances and exits for purposes of emergency vehicle access. He stated unless this is solved, he feels the Application should be denied. Mr. Grenier noted an area on the Plan where they could put an entrance that is within the 5% grade that is mandated in the Zoning Ordinance, but they are asking for a Variance to up to 10%. He stated the Planning Commission should drive to the area to see what is happening as there is a huge drop off as you drive on Big Oak Road, and you cannot see anything that is sitting beyond the drop off.

Ms. Burke stated the Township engineers have addressed this, and they are indicating that the Applicant is requesting a partial Waiver to provide a slope of 5% for the first 25 past the edge of the existing Big Oak Road cartway into the site and then a 10% slope from there. She stated the letter indicates that this request is for the westernmost access driveway only, and the engineers are supporting a partial Waiver in this case as the slope of the driveway would have no impact on the sight distance triangle and meeting the Code would create additional disturbance to natural features on the property. Mr. Pockl stated when they measure sight distance it is taken from 10' back from where the driveway meets the curb line of the road that it intersects, and then it is measured at 3 ½' above the grade of the driveway, which is typically an average eye level height of a driver sitting in a vehicle. Mr. Pockl stated the difference in elevation from Big Oak Road to where a driver would be sitting is approximately half a foot. He stated it is 182 along Big Oak Road. He stated where a vehicle would be sitting before it turns into Big Oak Road is approximately 181.5, and that is why he made the comment that there is no impact on the sight triangle because it is a half a foot difference in elevation at that point. He stated extending further down, even if you look at where the cross bar is which is behind the crosswalk, looking at that location and a vehicle sitting at that spot, the elevation difference would be 1.5 feet. He stated given the fact that eye level is at 3 and a half feet, in order to look at the other driver, all you are doing is looking down one and a half feet, and he feels that has no impact on the sight distance.



Mr. Geiger stated he understands the driveway, but he is more concerned about the driver looking up and trying to exit at a location he showed on the Plan. He showed the location of Oxford Valley Road on the Plan, and he stated there are two lanes for people wishing to make a left turn onto Big Oak Road, and there can be a long wait. He stated when they finally get a green arrow, there are usually eight cars waiting in each of the two lanes; and they go very fast around the corner because they do not want to have to wait another cycle. He stated they are coming at a high rate of speed, and he sees Lower Makefield Township Police Officers sitting there every day because it is a problematic area. Mr. Geiger stated he feels there is an accident on average every one or two weeks although he does not know that for a fact. He stated then there is an area where two lanes go into one lane. He stated there is a 8' to 10' drop off below between the level of Big Oak and the level of the Lot, and he is concerned that people sitting there 8' to 10' below grade level will not be able to see drivers speeding along in both directions on Big Oak Road.

Mr. Pockl stated the difference in elevation between the driveway and Big Oak Road as shown on the Plan is 5' not 10'. Mr. Geiger stated that is on the Plans, but that is not in reality. Mr. Geiger stated the Plan shows it after re-grading, and it does not show the situation now.

Mr. Geiger stated the problem is that if they do not have a traffic light, people trying to get up the hill at a 10% grade will have to "build up a head of steam" in the winter if it is slippery.

Mr. Geiger stated the way it is shown on the Plan both of the exits allow left turns. He stated he understood from the last meeting that there would be a traffic signal so that they could make left turns, and there is no traffic signal and there is a service road that services a number of businesses. Ms. Burke stated TPD has addressed that in their letter. Mr. Geiger stated it should be only right in, right out.

Ms. Randi Brenner, 1756 Locust Drive, stated turning out of their neighborhood, particularly if you want to make a left turn between 7 a.m. and 9 a.m. or 4 p.m. and 6:30 p.m. it is a problem already before the day care comes in. She stated her children were in day care centers and she is aware of the safety issues of traffic at the same time when parents are dropping off or picking up their children. She stated with the train schedule, it gets backed up; and it is very hard to turn left. She stated the traffic goes all the way up to Oxford Valley Road, and she does not feel that is being considered. She stated she understands a Traffic Study was done when this was being proposed, but there were a lot fewer houses in the area at that point in time, and traffic patterns have changed. She stated those who live in the carriage houses and are on the street are concerned about the reality of this.

She stated she understands the need for a day care center, but they need the traffic light. She stated the Planning Commission should go to the pediatrician's lot or in her neighborhood between 7 a.m. and 9 a.m. or 4:00 p.m. to 6:30 p.m. and "it will become a reality to them." She stated they need a traffic light because of the train and the traffic flow but also because the residents cannot get to their club house and walk across the street.

Ms. Burke asked Mr. Murphy to address this since the Traffic Study was done twelve years to eighteen years ago and things have changed. Mr. Murphy stated when the Matrix Settlement Agreement was put in place, there was a comprehensive arrangement to deal with the RAM litigation; and there was a comprehensive proposal for traffic improvements and contributions for those traffic improvements that were designed at that time to address what was perceived and understood to be the traffic impacts associated with the Matrix development. Ms. Burke stated it is now years later and things have changed. Mr. Murphy stated part of that approval was the three lots that we are discussing tonight, and the only thing that has changed in that period of time is right now one office pad is being proposed to be replaced by a day care. Mr. Murphy stated the only impact, if there is any at all, is the difference in traffic impact associated with a day care versus an office.

Ms. Brenner stated that is not true because traffic has changed. Mr. Murphy stated from a traffic standpoint the only difference is the use; and if there is any obligation at all, that would be it. He stated it is not to re-study the whole area again even though TPD asked the developer to do it, and the developer followed TPD's direction and provided an update two different times this year. Mr. Murphy stated in terms of managing the traffic on a regional basis, this Applicant, or any Applicant, is not going to do that.

Mr. Halboth asked, absent the point Mr. Murphy just made about the difference between an office building and a day care center, is the updated traffic impact assessment referenced in the TPD letter a reasonable representation of what we have today. Mr. Murphy stated while he is not a traffic person, he believes so according to what he has been told. Mr. Halboth asked if it reasonably models the number of homes, traffic patterns, etc. and Mr. Waite agreed.

Ms. Kirk stated when the Settlement Agreement was contemplated, it was done with a Concept Plan, and it contemplated building all of the homes. Mr. Murphy stated it was 200 singles, 200 condos, and 200 carriage homes. Mr. Kirk stated the number of condos has been reduced, and they did not build 200 of those. Mr. Murphy stated they built 62 condos. Ms. Kirk stated at that time knowing that it was going to be the office buildings and 600 residences in one form or another, a full-blown traffic study was done in anticipation of the entire land being built out per the Agreement. Ms. Kirk stated when Mr. Wursta was last before the Planning

Commission earlier in the year, it was indicated that improvements to Oxford Valley and Big Oak Road were done assuming a full build out of the Matrix land. Ms. Kirk stated those three professional office buildings were already contemplated.

Ms. Brenner stated while she understands, things change; and she encouraged the Planning Commission members to park in the area to see the traffic and how the residents cannot get out of their neighborhood before this is built and with the train. She stated the train impacts the traffic. She stated a traffic light would solve a lot of the issues for all of the residents and make it much simpler.

Mr. Wallace stated he agrees, and the entire time this project was before the Planning Commission the major topic they have had has been traffic; however, there is a limitation about what the Planning Commission can do to force something to happen. He stated the traffic with the Dunkin' Donuts was significantly more and different from what is now proposed. He stated the Planning Commission can only manage this within their parameters. He stated a lot of this project has already been approved, and this development is different in that it is not a piece of vacant land that has been purchased and will be developed; and there have been legal agreements set aside for this which are unique to this property. Mr. Wallace stated he feels the Planning Commission is doing everything they can to address the traffic; and if there was the ability for them to make sure that there was a traffic light, they would do it, but the Planning Commission cannot force that to happen.

Ms. Brenner stated the developer can approve a traffic light across the street and that would stop all of the residents from complaining.

Ms. Burke stated all the Planning Commission could do would be to make a recommendation, and then it is up to the Board of Supervisors to approve it or not approve it.

Ms. Brenner stated the developer could do it. Mr. Wallace stated there is more to it than that; and even if the developer wanted to install the traffic light himself, he would still need to go through the proper channels to be able to get it approved. He stated a decision was made about what it would take to have a traffic light here; and once it is developed and once the triggers are met, then a traffic light would be warranted. He stated if the residents want to change that, they would have to go to the organizations that control those decisions and not the Planning Commission.

Mr. Jim Reich, 177 Haines, stated he is the elected Board member of the HOA for all of Regency. He stated he moved here five and a half years ago and used to be able to walk on Old Oxford Valley Road, but the traffic “took a very steep increase” not only with the addition of the townhouses but when they built the Shop Rite two years ago, and it increased the traffic a lot in the whole corridor. He stated he feels an updated Traffic Study would indicate that point, and he feels a traffic light at the entrance of the carriage homes would help since it is very dangerous to make left turns.

Mr. Grenier stated the Settlement Agreement does “put them in a little bit of a box” with things that are already approved, and he asked Ms. Kirk what items are negotiable relative to site lay out, etc. since it seems that the Township’s hands are tied on a lot of things. He asked if there are any key items that are open for consideration. Ms. Kirk asked if he is asking it relative to the three office pads, and Mr. Grenier stated it could be something like that. He added that he sees that there is an old wetland delineation with a 25’ buffer, and the Code now says 50’. He stated he understands that they “are still stuck with” the 25’ buffer versus the 50’. Ms. Kirk stated part of the Settlement had the proposed Age-Qualified Community Ordinance that outlined specific uses that were permitted and gave certain dimensional requirements. Ms. Kirk stated she understands that this Plan meets that. Mr. Grenier stated that would relate to land that is being built versus natural resources protection and the traffic study, and he asked if the Agreement makes any comments about when that might have to be re-studied. Ms. Kirk stated for natural resources, in light of the fact that there is a Settlement Agreement that already contemplated three proposed office buildings; and without having done any extensive research into it, she feels that is already approved in its current form and would have been taken into consideration at the time of the Settlement as to natural resource protection, buffers, etc.

Ms. Kirk stated people keep stating that the Traffic Study was done in 2006; however, Mr. Wursta was present earlier this year; and he specifically stated that he wanted a Traffic Impact Assessment, which according to his letter indicated it was prepared by the Applicant dated May of 2018 and then revised October 2018. Ms. Kirk stated while she has not read that Traffic Assessment, based on the dates, it appears that the Traffic Assessment in May, 2018 was done contemplating the Dunkin’ Donuts with the drive through; and the revision in October of 2018 is now contemplating the elimination of that Dunkin’ Donuts. Ms. Kirk stated based on everything that she has been provided, the Applicant has supplied the updated Traffic Assessment has had been requested by the Township’s traffic engineer.

Ms. Burke asked if the Planning Commission has the authority to recommend approval of this with the Condition that a traffic light be installed because it is a Township road, regardless of whether the Warrants are met. Ms. Kirk stated the Township cannot impose installation of a traffic signal if it does not comply with all the necessary conditions imposed by the State in order to allow a traffic signal. She stated the State has indicated that traffic signals are allowed if certain conditions are met, and therefore the Township cannot state that does not matter, and the developer has to put in a traffic signal. Ms. Burke stated the understanding is that a traffic signal is only going to meet the Warrants if the third pad is used. Ms. Kirk stated she cannot answer that, and Mr. Wallace stated it could conceivably do that if the traffic is there.

Ms. Burke asked Mr. Murphy if it is his understanding that the Warrants are not met with just the day care, and that it would take the use of the third pad to trigger a traffic signal; and Mr. Murphy stated he believes so. Ms. Burke stated she would not make a recommendation without knowing what the Traffic Assessment says; however, it was noted Mr. Wursta reviewed the Traffic Assessment.

Mr. Murphy stated he feels the safest recommendation for the Planning Commission to make would be in support of the TPD comments for now, and they will then “see where it goes.” Mr. Bryson stated he would be comfortable with that because the TPD letter states that once the signal meets Warrants it would be installed on Big Oak and Old Oxford Valley Road. Mr. Bryson stated he is therefore contemplating recommending the Plan based on the fact that TPD has that statement in the letter.

Mr. Mark Paroly, 221 Grant Way, stated he understands that the Planning Commission does not have the authority to require them to install the traffic light; and he asked who would. Mr. Bryson stated it is based on whether it meets the parameters of certain Warrants required. He stated you cannot just put up traffic signals anywhere. He stated putting a traffic light at that intersection might not be the best thing for the area in general since the traffic could start backing up on Oxford Valley Road, which would be very dangerous. He stated signals are a global issue, and they all have to work together. Mr. Bryson stated he feels the roads have reached capacity.

Ms. Kirk stated in answer to Mr. Paroly’s question, the information provided is submitted to PennDOT to make sure that it meets the Warrants, terms, and conditions necessary as imposed by the State to have a traffic signal installed. Mr. Paroly stated they are not fixed in terms of where the signal would go, and he agrees with Mr. Bryson that if it were by where the Dunkin’ Donuts was proposed that would back up the traffic onto Oxford Valley Road and probably cause

even worse problems than exist. Ms. Kirk stated the Township does not have the final say on this. Mr. Paroly asked who does, and Ms. Kirk stated it is PennDOT. Mr. Paroly asked if it would not be the Board of Supervisors, and he was advised again that it is PennDOT. Ms. Kirk stated they have to meet State requirements.

Mr. Halboth stated according to the TPD letter of November 9 Items #3, #4, and #5 under the Traffic Impact Assessment suggested to him that “this is far from a done deal or a closed issue.” He stated those Items suggest to him that there is still a significant amount of evaluations and decisions to be made with respect to this situation, and he is not sure how that becomes accommodated. He stated if the Planning Commission were to recommend approval of these Plans subject to the terms and conditions of the TPD, he is not sure what the final product would be as it could be significantly different than that which is being shown on the Plans.

Mr. Paroly asked if the public will have access to the November 9 letter, and it was noted again that it is on the Website.

Ms. Kirk stated this is still Preliminary Land Development, and it is not Preliminary/Final; however, Mr. Murphy stated it is an Amended Final Plan because the Plan was previously approved. Ms. Kirk stated if the Planning Commission were inclined to recommend approval of the proposed Application subject to compliance with the terms and conditions of the Township’s professional consultants being the engineers, the traffic engineer, the fire protection consultant, and the Traffic Safety Officer in going through the final arrangement if something needs to be changed based on information supplied by the consultants such as the consultant saying the driveway needs to be changed, the Applicant would have to make the change.

Mr. Waite stated Mr. Wursta was involved in the lay out of the Revised Plan from the beginning and has had continual review so that they do not expect considerable changes. He stated the on-site improvements are not expected to change. Mr. Murphy stated he had indicted previously that they are still in discussion with Mr. Wursta about all of the issues.

Mr. Bryson read Item #5 of Mr. Wursta’s letter as follows: “The conclusion that additional traffic can be accommodated at the driveways without further proposed improvements is unacceptable due to the Level of Service shown on the approaches.” Mr. Bryson stated the Planning Commission has to rely on the fact that the professionals will work these issues out based on the professionals’ comments.

Ms. Burke stated she would like to see all of this addressed before she would vote on it. Mr. Wallace stated he agrees with Ms. Burke, and he feels there are too many things that are discretionary that need to be worked out; and he would like to see further detail before he would feel comfortable moving forward.

Ms. Kirk stated the Planning Commission has three ways of proceeding – they could recommend Approval of the proposed Amended Application subject to compliance with all terms and requirements set forth in the Township engineer's, Township traffic engineer's, Township Fire Protection Consultant's, and Township Traffic Safety Officer's reviews. Ms. Burke stated or they could Deny it. Ms. Kirk stated they could recommend no Approval of the proposed Plan, or they could take no action.

Ms. Burke asked if they could ask for these things to be addressed and have the developer come back to them before they approve them. Mr. Wallace stated they would like see the Applicant come back to the Planning Commission with answers to Items #1 through #5 of the Traffic Impact Assessment. Mr. Halboth stated the end result in either case is that these items are going to be addressed. Ms. Burke stated they are then putting everything "in the hands of one person instead of them doing what they need to do," and the Planning Commission making sure that they do what they need to do. Ms. Kirk stated it goes to the Board of Supervisors to make sure what needs to be done. Ms. Burke stated that would be after the Planning Commission. Ms. Kirk stated if the Planning Commission makes a recommendation subject to compliance with the consultants' recommendations, the developer will need to make sure certain things are addressed before they go to the Board of Supervisors. Ms. Kirk stated if these items still remain open, there will be a recommendation by the Township traffic engineer; and the Board of Supervisors will advise the developer that they will not act on it until they get the answers to the questions. Mr. Wallace stated his concern is that some of the questions are very broad, and he may not agree with all the answers to those questions. He stated he would like to have input on something that is more narrow rather than what has been presented which is more broad in scope. He stated he would like to see answers to Items #1 through #5. Ms. Burke stated she and Mr. Wallace would like the developer to come back to the Planning Commission after these items have been addressed. Ms. Kirk stated the recommendation would then be to Continue this and have the developer supply the information the Planning Commission has requested.

Mr. Bryson moved and Mr. Halboth seconded moved to recommend to the Board of Supervisors approval of the Preliminary Land Development Plan subject to satisfying the consultants' comments in the letters as follows:

Remington & Vernick letter dated November 13, 2018  
Traffic Planning & Design letter dated November 9, 2018  
Fred Ebert letter dated November 23, 2018  
Yates letter dated October 28, 2018  
Traffic Safety Officer Tom Roche letter dated October 17, 2018

Motion did not carry as Mr. Bryson and Mr. Halboth were in favor and Ms. Burke and Mr. Wallace were opposed.

Ms. Burke moved and Mr. Wallace seconded to Continue this Application to come back to the Planning Commission and comply with the Traffic Planning & Design Items #1 through #5 of the letter dated November 9, 2018.

Motion did not carry as Ms. Burke and Mr. Wallace were in favor and Mr. Bryson and Mr. Halboth were against.

Ms. Kirk stated therefore no action was taken.

#### #665 – WELDON HOMES LLC – INFORMAL SKETCH PLAN

Mr. Robert Leapson, land surveyor, was present. He noted that the attorney, Mr. Emmons, was supposed to be on his way, but he has not shown up yet. Ms. Kirk asked Mr. Leapson if he would like to proceed, and Mr. Leapson stated there were some comments from Mr. Majewski that he could discuss. Mr. Bryson asked Mr. Leapson to review what they are doing. Mr. Majewski stated this is an informal submission, and they did not request review by any of the Township professionals. Mr. Majewski stated he did a quick review, and provided the e-mail that is before the Planning Commission that outlines some of the items he noted.

Mr. Leapson stated this property is located at 1273 Lindenhurst Road. He stated it is 3.03 acres, and he intended to divide it into three equal lots; however, according to one of Mr. Majewski's comments he was a little short on some of the acreage, and he will have to fix that. Mr. Bryson asked how many Lots will be created, and Mr. Leapson stated it will be three one-acre parcels.



Mr. Majewski stated the property is located on Lindenhurst Road on the west side opposite where Quarry Road comes into Lindenhurst Road, and there is a traffic signal there. He stated if you go straight ahead there is a driveway to an old stone house that sits up on a small hill, and there is a retaining wall right in the front. He stated if you go south on Lindenhurst Road, there are some extra acres which are open field in that area. Mr. Bryson asked if they are saving the existing house, and Mr. Leapson stated they are keeping the house and the stone wall drive.

Mr. Leapson stated the reason why the one Lot was smaller was because there is a stone wall along where he put the property line, and that shortens the second Lot by approximately 200 square feet. Ms. Burke asked if they would keep the stone wall, and Mr. Leapson stated they would like to. He stated what he has shown would keep their whole property intact.

Ms. Kirk stated it appears from Mr. Majewski's e-mail that they would have to get four Variances from the Zoning Hearing Board; however, Mr. Majewski stated he does not believe it would be four Variances, and it is a combination. He stated currently Lot #1 which is at the top of the photo on the north side has a proposed side yard setback to the existing house of 22.3', and 25' is required so they would need a Variance for that. He stated instead of that they could move that property line, and that would allow the entire stone wall to be with the stone house which would remove that Variance; however, one of the Lots would be slightly under the Ordinance requirement so they would need a Variance for that unless they adjust the lines somehow since they do have slightly above three acres.

Mr. Majewski stated with regard to the impervious surface, they need to clearly note how much they are allotted for each one. He stated they would either require one Variance or two or possibly none if they were able to work it out correctly. He stated the Variance would need to make sense to the configuration of the existing lot.

Mr. Bryson recommended that Mr. Leapson work with his client to see if they could try to avoid the Variances if possible by moving the lines. He stated if they did come in for a Variance to save the wall, he feels the Township would be in favor of that. Mr. Leapson stated that would be the only one, and they would try to make everything else comply.

Mr. Bryson asked if there would be individual driveways for each Lot, and Mr. Leapson stated there would be the existing driveway, and two additional driveways. Mr. Bryson asked about the possibility of a shared driveway to service both Lots to minimize cuts on Lindenhurst Road. Mr. Pockl stated he would at least recommend flipping the driveway on Lot #3. Mr. Leapson stated there is an existing curb cut which was why he put it there; and

Mr. Pockl stated while he recognizes that, it is close to the intersection there. Mr. Pockl also stated there are very nice mature trees located along Lindenhurst Road, and he would recommend strategically locating the driveways to minimize the disturbance to those existing trees. Mr. Leapson noted one particular tree on the Plan, which he feels could be a problem, although he feels the rest of the trees could remain with some thought. Mr. Bryson stated if they did a shared driveway on the property line, there is no tree there, and it would minimize curb cuts on Lindenhurst and they could save the existing trees. Mr. Leapson stated comments like that is why he suggested to the Applicants that the Plan be brought in so that the Township could look at it before they proceed. Mr. Leapson stated his stormwater engineer will address all the stormwater issues.

Mr. Majewski stated he believes there is public water along Lindenhurst Road, and Mr. Leapson agreed. Mr. Leapson stated the existing house is already connected. Ms. Kirk stated she believes there is also public sewer as well. Mr. Majewski stated he believes there is sewer in both Hillside and Spring.

Mr. Majewski asked what is shown on Lot #2, and Mr. Leapson stated there is a little stone bridge although he is not sure what it was for. Mr. Bryson stated it looks like an old well house. It was noted it is not a spring.

Ms. Burke stated she would be in favor of the shared driveway to minimize the curb cuts and try to save the trees. Mr. Wallace stated it seems that they are trying to do everything they can to preserve as much as they can.

Mr. Pockl asked if there are woodlands on site, and Mr. Leapson stated there are individual trees. Mr. Majewski stated for the Subdivision Plan, they will have to do Site Capacity calculations to verify whether any of it qualifies as woodlands, although he does not believe it does. He stated if there were any, they would be on Lot #1 where they are not really doing any work. He stated they would have to check to verify whether or not there are any areas that qualify as steep slopes; and if there are, it may be a small enough area that it may not qualify.

Mr. Bryson stated there may be a number of trees that qualify for the Heritage Tree program; and Mr. Majewski stated there are a lot of beautiful trees there, and it would be nice to preserve whatever makes sense to preserve.

Mr. Pockl stated he feels they should look at the front yard setback and if the house will have to move further back from the roadway, and Mr. Leapson stated he feels they have enough room. Mr. Pockl stated that would then extend extend the driveway, which would make the impervious area larger. He stated if they are at 18% now with a requirement for 15%, there might be an issue. Mr. Majewski stated he does not believe the way they have it depicted right

now is anywhere close to 15% or 18% with the house and the driveway, but they need to make sure they know what they are proposing and where they stand so that any prospective homeowner will know how much more they have left that they could develop. Mr. Majewski stated it is 15% for the developer with an additional 3% reserved for the homeowner. Mr. Majewski stated if the developer were to max it out, the homeowner would not be able to put up even a shed later. Mr. Leapson stated he will provide the accurate numbers.

Mr. Leapson thanked everyone for their comments.

#### OTHER BUSINESS

Mr. Majewski stated the Heritage Tree Ordinance revisions were provided by Mr. Bray, and he forwarded them to the Planning Commission. Mr. Majewski stated that will be considered at the Planning Commission meeting in December. Ms. Kirk stated she had sent Mr. Bray an outline after the last Planning Commission as to what had been discussed to be changed.

There being no further business, Mr. Wallace moved, Mr. Bryson seconded and it was unanimously carried to adjourn the meeting at 9:00 p.m.

Respectfully Submitted,

Chad Wallace, Secretary