

TOWNSHIP OF LOWER MAKEFIELD
PLANNING COMMISSION
MINUTES – OCTOBER 7, 2019

A meeting of the Planning Commission of the Township of Lower Makefield was held at the Lower Makefield Township Community Center on October 7, 2019. Mr. Wallace called the meeting to order at 7:45 p.m.

Those present:

Planning Commission: Chad Wallace, Chair
 Anthony Bush, Member
 Adrian Costello, Member

Others: James Majewski, Director Planning and Zoning
 Barbara Kirk, Township Solicitor
 Andrew Pockl, Township Engineer
 John B. Lewis, Supervisor Liaison

Absent: Craig Bryson, Planning Commission Vice Chair
 Ross Bruch, Planning Commission Secretary

APPROVAL OF MINUTES

Mr. Bush moved, Mr. Costello seconded and it was unanimously carried to approve the Minutes of September 23, 2019 as amended.

#668 – LOWER MAKEFIELD CORPORATE CENTER NORTH CAMPUS
AMENDED PRELIMINARY/FINAL LAND DEVELOPMENT PLAN
Tax Parcel #20-016-041
O-R Office Research Zoning District
1030 – 1050 Stony Hill Road

#669 – LOWER MAKEFIELD CORPORATE CENTER SOUTH CAMPUS
AMENDED PRELIMINARY/FINAL LAND DEVELOPMENT PLAN
Tax Parcel #20-012-006-003
O-R Office Research Zoning District
770, 790, & 800 Township Line Road

Mr. Edward Murphy, attorney, was present with Mr. Lou Merlini, representing Rubinstein Partners, and Mr. Jake Medendorp, engineer. Mr. Murphy stated Lower Makefield Corporate Center North and South Campuses were developed approximately twenty to twenty-five years ago as an Office/Research Park along Stony Hill Road. He stated at the time it was developed, it was very successful with multiple tenants until 2008/2009 when the market changed. He stated the properties became less than fully-occupied, and there was a downward spiral. He stated there was a lack of tenants in the buildings as well as a series of tax assessments which were filed by the owners which had a negative impact on the revenue stream generated by the project to the Township. He stated ultimately the project ended up in the hands of AIG, and then a year ago AIG "lost it," and Rubinstein Partners acquired it. He stated Mr. Merlini will describe what Rubinstein Partners plans to do at the site in an effort to turn the economic picture around, and Mr. Merlini will be showing a lot of the materials that they have been using to attract new tenants.

Mr. Murphy stated over the last ten years, the quality of the tenants that exist there has declined. He stated over time the tenants have gone from A-list tenants to B and C tenants. Mr. Murphy stated that trend is now reversing, and they are starting to get better-quality tenants and the buildings are becoming more occupied. He stated there was a point in time when the buildings were more than half empty. Mr. Murphy stated Rubinstein has a niche in the market turning around properties like this.

Mr. Murphy stated there will be less leasable square footage in the buildings than there is today, and there is going to be more of a focus on providing amenities and places where people can work together and common spaces that will attract tenants that work in a modern fashion.

Mr. Merlini stated at the North Campus there are five buildings plus a hotel, and they acquired everything but the hotel. He stated the first thing they do whenever they acquire a property is to try to improve as many of the common areas as possible including restrooms, corridors, lobbies, and elevators. He noted the interior of the buildings have not been touched since they were built. Mr. Merlini stated they then bring amenities to the property. He noted on the graphic a piece of a building they are using to provide a café, conference facility, and fitness center. He stated they are taking away rentable square footage but creating gathering spaces.

Mr. Merlini stated they will also address the exterior. He showed an aerial of the existing property which is a "sea of asphalt." He stated they feel in order to attract the best tenants they need to create exciting common spaces/gathering areas. He stated they will have a reconfiguration of the center area to create a park

with the goal of creating a much more connected feel. A rendering of what they are proposing was shown, and he described what they are proposing in the common area. He stated they have received good reactions from the market so far, and they need to execute it to make this a reality.

Mr. Merlini stated with regard to the South Campus, it will be a similar situation. A graphic was shown of the South Campus where there are four building, three of which they own. He noted the building which Crown, Cork and Seal recently moved into.

Mr. Merlini stated at this Campus, they are doing a little bit more on the interiors and the amenity area will go in on the corner of the building at 790. A graphic was shown of what they are proposing outside where there will be a central area with paths coming down to an area overlooking the water. He noted an area where people could have lunch and an area where people could congregate. He stated they are doing a lot of updates to the interiors. He stated the leasable space will be reduced by 5,000 square feet.

Mr. Merlini stated they do not own Building 780, and he showed that Building on the Plan. Ms. Kirk asked how that would affect the project, and would there have to be cross Easements. Mr. Merlini stated there will not. He stated there is a Condo Association, and Rubinstein controls the Condo Association. He stated the owner of 780 has a seat on the Board, and they are fully in support of the project. Mr. Merlini stated Rubinstein has the right to do what they are proposing. Mr. Merlini stated they control the Condo Association for the North Campus as well.

Mr. Murphy stated because they are making modifications to the previously-approved Site Plan what is before the Planning Commission is an Amended Preliminary/Final Land Development Plan. Mr. Murphy stated Mr. Pockl's office and others have issued review letters commenting on both the North and South Campuses.

Mr. Murphy stated there is really only one item to be discussed which involved the North Campus which is more a matter of aesthetics. Mr. Medendorp showed a graphic of the North Campus, and he showed an area where they will have pedestrian warning signs. He stated there will also be paving which is different to provide a visual cue. Mr. Majewski asked what the material would be, and Mr. Medendorp stated it will not look like typical black top.

Mr. Pockl stated there is a reduction in impervious area by approximately 25,000 square feet at the North Campus. He stated there is no net reduction in parking spaces; however, there are thirty spaces that will be held in reserve. He stated they will not be built unless it is found that they are needed, and there will be room within the Plan throughout the development to build those additional thirty parking spaces which would result in the same amount of parking spaces that are there now.

Ms. Kirk asked the reduction in impervious at the South Campus, and Mr. Pockl stated it is a reduction of 6,400 square feet. Mr. Pockl stated at the South Campus there are 1,539 parking spaces existing, and they are proposing 1,515, with an additional one hundred thirty spaces to be held in reserve. Mr. Pockl stated they provide more parking spaces than what is there now if needed, but they are choosing to hold that in reserve.

Mr. Bush asked where those reserved spaces are located on both the North and South Campuses. Mr. Pockl stated they are scattered throughout. Mr. Medendorp showed the existing condition on the Plan for the North Campus, and he showed where they are proposing the spaces to be held unless necessary. He showed the Plan for the South Campus where the majority of the spaces will be held at the corner as well as other spaces scattered about elsewhere.

Mr. Murphy stated other than they, they will comply with the review letters.

Mr. Costello stated the Township is encouraging more walking areas; and he noted at the South Campus, they rejected the idea of tying into the sidewalk out to Township Line Road. Mr. Merlini stated there was not a cost effective way to do that because of the paths around the water.

Mr. Wallace moved, Mr. Costello seconded and it was unanimously carried to recommend to the Board of Supervisors approval of the Amended Preliminary/ Final Land Development Plan for Lower Makefield Corporate Center North Campus.

Mr. Wallace moved, Mr. Bush seconded and it was unanimously carried to recommend to the Board of Supervisors approval of the Amended Preliminary/ Final Land Development Plan for Lower Makefield Corporate Center South Campus.

#543 – ERIN DEVELOPMENT DOBRY ROAD
PRELIMINARY SUBDIVISION & LAND DEVELOPMENT PLAN
Tax Parcel #20-013-028
C-3 General Business/Industrial
1685 Dobry Road

Mr. Edward Murphy, attorney, and Mr. Mark Havers, engineer, were present.

Ms. Kirk stated her partner, Tim Duffy, has done work for the owner of this development. Ms. Kirk stated she herself has no dealings with that. She stated Mr. Murphy is representing the developer for tonight's presentation. She stated she did want it known that there had been work done by her partner for Erin Development's owner in the past; and she understands that if there was any conflict, which there is not, it was being waived.

Mr. Murphy stated he has been involved in this Development for at least five to seven years, and it was previously the subject of other Applications by other developers for different uses. Mr. Murphy stated since he has been involved with this project, they spent a significant amount of time regarding the Unit mix. He stated the property is Zoned Commercial, and as a result has other design criteria you might not normally expect. He stated the Ordinance contemplates a different Unit mix depending on the number of Units. He stated over the years, they have presented a number of different Sketches of potential mixes – singles, apartments, townhomes, quads, etc. He stated ultimately it was agreed that given the relatively small size of the project and the desire for some type of uniformity, that only one unit type would be required.

Mr. Murphy stated they went before the Zoning Hearing Board to get relief which they obtained to permit a single unit type, and the type proposed is the quad unit which has become popular in the area.

Mr. Murphy stated they spent a significant amount of time with the prior engineer determining what areas of the site were woodlands and what were not, and that issue was eventually resolved.

Mr. Murphy stated there was another matter that also took a significant amount of time to resolve. He stated at the top of the site are the Railroad tracks, and he showed that area on the color rendering. He showed a triangular area which for some reason Lower Makefield had been mowing for thirty years. He stated this area was not owned by the Township, and the Township does not want it. Mr. Murphy stated there was a jurisdictional determination, and the area was declared to be wetlands.

He stated there is an Ordinance that requires certain buffers be set back from a defined wetlands area, but the problem is that the Ordinance states that depending on the type of vegetation in the area, it impacts the extent of the buffer. Mr. Murphy stated the penalty was that because it was mowed, they needed a much wider buffer; and while the property owner would not have mowed it, the Township had mowed it for some reason which even the Township does not know. He stated there was therefore an issue about the extent of the buffer. He stated originally they had proposed a Unit in the area that was in the wetland buffer from the edge of the mowed area. He stated that required a change in the lay out of the project to shift that Unit away and move certain recreational facilities that were originally in the center of the project to an area where they are now. Mr. Murphy stated that issue has now been worked out as well.

Mr. Murphy stated Dobry Road itself is basically no longer a road, and the road needs to be completely reconstructed. He stated the Caddis Development across the street has undertaken that work, and Erin Development is working with them cooperatively and will contribute to that work which is not an insignificant amount. He stated Dobry Road will therefore be reconstructed from where the Railroad terminates all the way out to Oxford Valley Road.

Mr. Bush stated he recalls that there was an unguarded Railroad crossing at the end of the street, and he asked what measures will be taken so people do not come out of the development and cross there. Mr. Havers stated CSX has worked on that. Mr. Majewski stated CSX now owns the property across the Railroad and has demolished the house. He stated they have now put a concrete barrier at the end, and some additional signage will be done by the Township. Mr. Majewski stated under a previous Application, that was a major issue.

Ms. Kirk asked Mr. Murphy with regard to Dobry Road, because this is across from the Caddis project on the north side, is there an issue with a Township right-of-way along Oxford Valley Road that was similar to what affected the Caddis project. Mr. Murphy stated they do not have that issue; however, there is an issue that the Township is aware of that the sidewalk on the Erin side of Dobry which is to be extended all the way to Oxford Valley will require a piece of the right-of-way from the family that owns the wooded area at the corner of Dobry and Oxford Valley. He stated that needs to be acquired if the sidewalk is going to be extended all the way down to Oxford Valley. Mr. Majewski stated there are actually two properties – one owned by Mr. Quinn which is the narrow piece of property, and the other by the Madaks.

Mr. Murphy stated the Madaks have been in to the Township with various Sketches to develop that property. He stated he does not know if the Township has reached out to the property owners about getting enough right-of-way to put the sidewalk in. Ms. Kirk asked if that will be a Note on the Plan, and Mr. Murphy stated he believes it is on the Dobry Road Reconstruction Plans. Ms. Kirk stated she recalls the prior issue with the right-of-way along Oxford Valley Road. Mr. Murphy stated that was a concern by Ms. Grace Godshalk. Mr. Murphy stated once the Township gets the right-of-way, the developer will put the sidewalk in.

Mr. Wallace stated this Plan has resolved the question of the Unit mix, and Mr. Murphy agreed.

Mr. Majewski stated this Plan substantially was submitted in 2015, and the Board of Supervisors at that time did not like the location of the recreation amenities; and wanted them moved more to a different location. He stated the Applicant revised the Plan to move at a location Mr. Majewski showed on the Plan; however, when there was a new Board of Supervisors reviewing it, they wanted to move the recreation area so that there would not be a need to get a Variance for one of the Units against the wetlands, and the developer revised the Plan again.

Mr. Wallace stated these are age-restricted units, and Mr. Murphy agreed. Mr. Murphy added that there are no apartments.

Mr. Murphy stated Mr. Quinn, while not present this evening, has come to most of the meetings when this Plan was discussed, and he was in support of the project; but his concern has been that he wanted to make sure his frontage would be improved and that the stormwater was properly managed.

Mr. Majewski stated the only issue with neighbors was with the neighbors across the street on Dobry Road who were concerned they would be left out of having a sanitary sewer. Mr. Majewski stated as part of this Application, this Applicant will bring in the sewers, and the sewer will be extended so that the eight units on Dobry Road will be able to hook in.

Mr. Murphy stated there is a trash facility in the area, and the hope is that they will move since the trash trucks are causing issues to the road. Mr. Majewski stated the upgrade of the road involves storm drainage as currently the road is poorly drained on poor soils; and with storm drainage being installed, it should dry out the road bed, and hopefully even with the trash trucks, the road will last longer.

Ms. Kirk asked if there will be an issue with a private sewer pump on this property as there is on Caddis. Mr. Murphy stated there is no problem with that; however, a question has been raised by the Township's sewer consultant. Mr. Murphy stated their system is designed to connect to the Makefield Quarter's system, both of which are private; and Mr. Ebert has raised the question as to whether or not that is an issue. Mr. Murphy stated DEP has advised the Applicant that is not an issue, and they are working through this with Mr. Ebert. Mr. Murphy stated this system flows by gravity to Makefield Quarters which is not a dedicated system. Ms. Kirk asked what they will have in place to maintain the sewers, and Mr. Murphy stated there will be a governing Association.

Mr. Costello asked what will be done with regard to traffic circulation with this additional traffic coming in. Mr. Murphy stated PennDOT has not authorized a traffic signal to be constructed at the intersection of Oxford Valley and Dobry Roads because the Warrants are not met. Mr. Majewski stated the only way to reach the Warrants for a traffic signal would be if the property at the corner were to be developed with some kind of Commercial use. Mr. Murphy stated they are proposing a full-movement intersection.

Mr. Lewis stated when Caddis came before the Board of Supervisors, the intent at that time was that there would be a traffic light; however, Mr. Murphy stated while they did try to get that, PennDOT would not permit it. Mr. Lewis asked if they will do lane widening on Dobry into Oxford Valley, and Mr. Murphy stated as you exit Dobry, there is a lane to turn right going south on Oxford Valley Road. He stated at Caddis they have the right-in, right-out separately further up.

Mr. Lewis asked about façade variations adding he assumes they will see that at the Final Plan submission. Mr. Murphy stated there was a concern expressed previously that there should be some kind of architectural differentiation between the facades of the quads, and they agreed there would be different colors and other types of materials used to differentiate.

Mr. Lewis asked how they resolved the issue of the setback of the building in the top left corner. Mr. Murphy stated they received a 9' Variance from the Zoning Hearing Board. Mr. Majewski stated they do meet the perimeter setback. He stated there is a setback required from the resource protected land, and since there are trees for the first 15' to 20' the setback would be from that; and they are encroaching into that, but there is sufficient distance to maintain the trees, and it does meet all other requirements. Mr. Lewis asked when this went before the Zoning Hearing Board, and Ms. Kirk stated it was in December, 2018. Mr. Majewski stated one of the Conditions of granting that Approval was that they would vary the facades and colors.

Mr. Costello noted the “orange boxes,” and he asked if they are balconies; and Mr. Havers agreed. Mr. Costello noted they are inside the “shaded area.”

Ms. Kirk stated the Minutes from the Zoning Hearing Board when this matter was considered specifically state that the approval is subject to the Condition of the developer working with the Township to have a variation of facades, colors, and elevations.

Mr. Costello noted there are four Units sharing a 12’ wide driveway, and he asked how this works. Mr. Murphy stated this can be seen at the Villas of Newtown development on Upper Silver Lake Road. He described how this works, and stated it functions smoothly. Mr. Havers showed on the Plan how this works noting the location of the driveways and the garages. He stated there is a turn-around area. Mr. Pockl stated they provided a turning movement that shows that even with a vehicle parked in the other space, you can use the turn-around area; and you never have a situation where there is a vehicle backing down the driveway.

Mr. Costello stated they are showing sidewalks on one side of the road only. Mr. Havers stated it is proposed on one side in the interior. He stated people usually walk in the road and not on the sidewalk. He stated the sidewalk does go to the recreation area and then along Dobry Road. Mr. Pockl stated on the eastern leg of Road A, the proposed loop road, where it connects to Dobry Road, the traffic engineer made a comment that a crosswalk will be required, and Mr. Havers stated they will provide that and handicap ramps.

Mr. Havers provided an undated letter this evening with regard to the Waivers. Mr. Murphy stated Items #1 through #5 are Waivers which are typically requested, and alternate provisions have been made for each of them. Mr. Pockl stated with regard to Item #4, they would support a partial Waiver for improvements along Dobry Road being shown. Mr. Havers stated they are in the process of getting that incorporated.

Mr. Murphy noted Page 2, Item #6 and the Township engineer is in support of their request not to be required to have core samples of the existing paving of Dobry Road since they are re-doing the road anyway.

Mr. Murphy stated with regard to Item #8, the engineers will work on this. Mr. Pockl stated because Dobry Road is being reconstructed, and there is an active construction site across the street, that would impact the sample so he does not have an issue with this Waiver.

Mr. Murphy stated with regard to Item #9, they are fully cooperating with Caddis on the reconstruction of Dobry Road, and are making a contribution to Caddis; and technically this would be a Waiver from Erin's obligation to construct the road. Ms. Kirk asked if Caddis' Approval is subject to full reconstruction of Dobry Road, and Mr. Murphy stated Erin will pay a proportionate share of the cost, but the primary obligation is related to Caddis' approval.

There was discussion about Item #10, and Mr. Pockl stated he would support that Waiver contingent on the Applicants working with them on the location of storm inlets along the road. Mr. Havers stated there is a transitioning issue, and Mr. Pockl stated the road is very flat so this Waiver is not an issue.

Mr. Murphy stated he does not believe there are any issues with the balance of Waivers requested.

Mr. Wallace asked about Item #18, and Mr. Havers stated they did discuss this with Mr. Pockl, and they will work closely with him on this. Mr. Pockl stated they are requesting not to be required to the eleven additional infiltration test pits. He stated there were six infiltration tests done, three in the area of the stormwater management system on the western edge by the Railroad, and another one was taken at the stormwater management system in the northeast, and one on the side. He stated they are proposing some rain gardens in between the Units in the middle, and they are asking that the Applicant provide additional infiltration testing in the area where they are proposing rain gardens to determine the feasibility of infiltration. Mr. Pockl stated DEP has an approved Best Management Practice that can be implemented in the event that there is no infiltration, and that is a slow-release concept where you build the rain garden, and plant it which provides a filtration system for the water and improves water quality. He stated if it does not infiltrate into the ground then it goes into a perforated pipe underneath the rain garden and then slowly gets released into the stormwater management system.

Ms. Kirk asked if they will comply with the Township engineer's review letter subject to Waiver approvals, and Mr. Murphy agreed.

Mr. Majewski stated the EAC did express a concern about having additional test pits. Mr. Pockl noted Comment #21 in his review letter. Mr. Havers stated they will work out a method to address this. Mr. Pockl stated with regard to the stormwater management systems after the Development is completed, they are required to provide an Operations and Maintenance Manual for the stormwater management systems. He stated this would be a Maintenance Plan to control algae. It was noted that there will be an HOA.

Mr. Pockl stated he has a comment in his review letter about the stormwater management. He stated one of the requirements is volume control and water quality, and that is to control the increase for the two-year storm on the site. He stated there was some question as to whether or not that could feasibly be accomplished, and he has not seen calculations to show that. He stated the Developer will have to provide calculations on the volume of the rain gardens proposed and show that they meet the requirements.

Mr. Bush stated he feels people do want sidewalks on both sides of the street. Mr. Havers stated that would involve additional impervious surface, and generally they are not used. Mr. Bush asked if they could make it work on this site, and Mr. Havers stated he does not know since he has not looked at it. Mr. Pockl stated they are 75,000 square feet under the impervious maximum, but he is not sure that included the patios and decks. Mr. Murphy stated they could look at it again adding an earlier Board had directed them to look into sidewalks, and he felt it was agreed that they should be on one side only. Mr. Bush stated if they can fit it within the impervious surface, he feels it would be good for the Development.

Mr. Wallace moved to recommend to the Board of Supervisors approval of the Preliminary Subdivision and Land Development Plan for Erin Development along Dobry Road subject to compliance with the Township engineer's review letter comments dated 8/7/19, subject to the Board of Supervisors' discretion in the granting of the requested Waiver, with a recommendation that sidewalks be considered for all Interior portions along the buildings, consideration of the justification letter provided at the meeting for the requested Waivers within the discretion of the Board of Supervisors, and with a Condition that the proposal is subject to the reconstruction of Dobry Road by the adjacent Caddis Development project.

Mr. Costello asked if it is outside of the Planning Commission's purview to tell them to look at the traffic at Oxford Valley, and Ms. Kirk stated that is subject to PennDOT Warrants.

Mr. Costello seconded the Motion, and the Motion carried unanimously.

October 7, 2019

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OTHER BUSINESS

Mr. Costello moved, Mr. Wallace seconded and it was unanimously carried to cancel the meeting of October 14, 2019.

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

Respectfully Submitted,

Chad Wallace, Chair