

TOWNSHIP OF LOWER MAKEFIELD  
PLANNING COMMISSION  
MINUTES – NOVEMBER 13, 2023

The regular meeting of the Planning Commission of the Township of Lower Makefield was held in the Municipal Building on November 13, 2023. Mr. Costello called the meeting to order at 7:33 p.m. and called the Roll.

Those present:

Planning Commission:       Adrian Costello, Chair  
                                      Tony Bush, Member  
                                      John DeLorenzo, Member

Others:                         James Majewski, Community Development Director  
                                      Dan McLoone, Planner  
                                      Barbara Kirk, Township Solicitor  
                                      Paul DeFiore, Township Engineer

Absent:                         Tejinder Gill, Planning Commission Vice Chair  
                                      Colin Coyle, Planning Commission Secretary/Supervisor Liaison

APPROVAL OF MINUTES

Mr. DeLorenzo moved, Mr. Bush seconded and it was unanimously carried to approve the Minutes from the October 30, 2023 meeting as written.

SKETCH PLAN REVIEW – 748 STONY HILL ROAD

Tax Parcel #20-016-036-001

H-C Historic Commercial Zoning

Proposed Plan to subdivide a 7.05 acre lot into 2 Commercial lots. One lot to contain the existing daycare and one lot to create an 8,245 square foot canine resort, outdoor fenced-in exercise/daycare area with 24 parking spots

Mr. Rob LaKind, attorney representing MRG Stony Hill LLP, was present with Mr. Ryan Whitmore, Mr. Ron Rusk, developer, Ms. Christine Miller, operator of the K9 Resorts, and Mr. Jim McCaffrey.

Mr. LaKind stated they are seeking to subdivide the seven-acre parcel which will result in 2.9 acres for the Kinder Care Center and 4.1 acres for the doggy daycare side. He showed a slide of the Sketch Plan. He stated the Kinder Care is shown on the right on the 2.9 acre lot, and to the left would be the doggy daycare which would be on approximately 4.1 acres. He stated the building is proposed to be 8,245 square feet, and there is a small fenced-in area of 2,250 square feet. He stated there are no ERSAM issues with respect to the development.

A rendering of the proposed building was shown, and Mr. LaKind stated it would fit in with the culture of the H-C Zone.

Mr. LaKind stated they need five Variances, and the Plan is that after presenting it to the Planning Commission for their preliminary comments, they would go to the Zoning Hearing Board to seek the Variances. He stated the first Variance is for the Use. He stated in the H-C a veterinarian is something that is allowed, and the Overlay also encouraged mixed uses. He stated they also need a Variance because some of the building is slightly outdoors because there is a fenced-in enclosed area for the dogs which is 2,250 square feet. He stated it is not a big kennel run, rather it is a small area in the back of the building which faces toward I-95, and there are also a lot of trees. He stated it should not create a lot of noise, and they will have a sound person speak to that.

Mr. LaKind stated they are also seeking a Variance for parking. He stated the nature of the business is to drop the dog off and leave, and it does not require a substantial amount of parking as they know from their other operation.

He stated they are proposing about 20 parking spots - 18 regular and 2 handicap parking spots. He stated they may also look to shrink the parking sizes closer to 9 by 17, and they will be able to do that because they do not need a lot of parking for this use, and it will not have a large parking footprint.

Mr. LaKind stated they are also seeking a Variance not to have a loading stall.

He stated once it opens and everything is there, there are not many large deliveries that come through; and it would just be a FedEx truck so they do not need a loading stall for this operation.

Mr. LaKind stated the final Variance, for which they would also need to go to HARB, is for a small monument sign.

Mr. Rusk stated he is one of the partners in MRG Stony Hill, and they are joined on the Zoom call by Mr. McCaffrey. He stated Steven Goldstein is the third part of the group which has owned the property for about ten years. He stated their plans were always to find a use for the remaining property that would blend in with the Kinder Care, and they have entertained a lot

of options. He stated they feel this very high-end doggy daycare is the perfect use.

An aerial was shown, and Mr. Rusk stated that they are across the street from the continuing care facility that backs up to I-95. He stated they plan on putting the building on the part of the property that backs up to the farm. He stated next to the Kinder Care is the Penn Community Bank and the Edgewood Café. He stated it is a mixed area, and they are far from the homes that are backing up to I-95. He stated they feel they will disturb very little of the area, and they have planned the building to look like a barn so it blends in with the heavily-treed area. He stated everything that they have done with the Plan has been with an eye toward saving trees.

Mr. Rusk stated the Plan shows 24 parking spaces which is required by the Zoning, but they would like to have a few less so that they can save more trees. He stated Ms. Miller, the owner/operator will be able to explain how the operation works and why extra parking is not required on a regular basis. He stated they will also present traffic information which they believe is minimal and will support the request for reduced parking.

Mr. Rusk stated Ms. Miller lives in Washingtons Crossing, and she has owned an operation like this in Horsham for some time. He stated a question was asked about the difference between a kennel and what is proposed, and Ms. Miller will be able to discuss that. An aerial of a local kennel was shown, and he particularly noted the long white strip in the middle which are the outdoor dog runs. He stated kennels are generally operated with outdoor dog runs so that the dogs can go in and out, and they are totally unsupervised which is totally different from how it is handled at this canine operation.

Ms. Miller stated she has owned the Horsham location of K9 Resorts for the past two years. She stated it is an older location and a little smaller than what is being proposed for this location.

Ms. Miller showed a video of her existing operation. She stated as was seen K9 Resorts is not a typical kennel. She stated they focus on the happiness and the health of the dogs. She stated their staff goes through intensive training both on-line and on-the-job training to make sure that they are up to date on all of the latest dog care techniques.

Ms. Miller stated they offer both boarding and daycare. She stated the Horsham location can accommodate about 54 boarders, and this location will have about 72. She stated the average stay for boarding is four to five

nights; and while some dogs stay just one night, every year at Horsham they have one or two dogs that are there for a month to six weeks, and there was a stay where two dogs were there for an entire summer. She stated customers come from inside and outside of the immediate area. She stated the boarding is about 70% of the business; however, the average number of dogs is about 50% boarding, 50% day care. She stated daycare during the week is about 70% during off season. Ms. Miller stated the boarding is all-inclusive including Blue Buffalo Prescription food as well as daycare during the day. She stated for dogs who do not do well with other dogs or their owners do not want them with the other dogs, they offer the option of private play time. She stated that is when one of their staff members will take the dog outside five to six times a day to play with them one-on-one without other dogs. Ms. Miller stated the dogs go back to their rooms for meals and rest time.

Ms. Miller stated the day care is broken into small dogs versus large dogs, and the cut off is about 30 pounds to 35 pounds. She stated there are always trained attendants. She stated as shown in the video, there is an indoor portion, outdoor portion, fresh water in both, and there are always attendants so that they can pull all of the dogs inside if needed during inclement weather or if it gets too warm or too cold when they just open the doors for a few minutes every hour.

Ms. Miller stated every dog in the day care has to go through an evaluation process to make sure that they are not reactive to other dogs. She stated they also look to make sure that the dogs actually enjoy day care and are happy and not stressed out.

Ms. Miller stated with regard to staffing, there is always an attendant in each day care; and in the large dog day care, there are two to three attendants, and in the small dog day care, there are one to two attendants depending on the number of dogs. She stated they also have attendants working in the kennel area cleaning and disinfecting rooms, giving baths, doing dishes, etc. She stated there is typically a minimum of seven staff members on site, and when they are at maximum capacity in the summer it would be between nine to thirteen on site.

Ms. Miller stated with regard to drop-off and pick-up, they pre-register all of the customers. She stated for drop-off for day care it is about thirty seconds and the owner leaves. She stated for boarding it is about three minutes as they go over any feeding or medication instructions. She stated staff members come out and take the boarding dogs back while someone else speaks to the customers. She stated pick-up is about three minutes for day care and boarders.

Ms. Miller stated they never have dogs outside without an attendant which is key in keeping the noise level down and making sure the dogs are behaving. She stated if dogs are misbehaving, they will take them out and give them a rest.

Ms. Miller stated as was seen in the video, they clean and disinfect everything more than once a day. She stated they also have hospital-grade HVAC with four different HVAC zones and UV air purifiers that circulate the air several times an hour. She stated while it does not completely eliminate the risk of viruses passing, it does a very good job of keeping it to a minimum.

Ms. Miller stated the private-play dogs have their own separate, smaller yard that they play in.

Ms. Miller stated she feels that the video showed the difference between K9 Resorts and a kennel. She stated an attendant always lets the dogs out and brings them in, and the dogs are always with a person. She stated they do not have cement floors. She stated the fences are made from a special molded, sound-absorbing material.

Ms. Miller stated most of their customers are returning customers, and last year they served about 1,400 different customers. She stated some customers had 300 reservations last year including day care. She stated there are several customers who spend well over \$5,000 to \$10,000 a year.

Mr. Rusk showed the Site Plan and stated several years ago they had granted the Township an Easement and the trees were cut out of that area. He stated they are trying to keep their stormwater in the areas that was cleared of the



trees so that there would be minimal invasion. He stated they also pushed the parking up on the road where it is mostly just “trash trees” and nothing of consequence. He stated they are going to put the building as close to the road as they can to minimize disturbance of the trees. He stated they have their own curb cut which lines up across the street from the continuing care facility.

Mr. Rusk stated once they go before the Zoning Hearing Board and have more details on the Plans, they will come back to the Planning Commission.

Mr. Bush asked with regard to the Easement that was for the greenhouse if that Easement still exists. Ms. Kirk stated the Easement is still of Record, and it was not tied only to Bright Farms. She stated she has advised the Applicant’s attorney that in order to move forward, there needs to be an instrument Recorded that extinguishes that Easement since of Record it says it runs in perpetuity.

Mr. Bush stated currently on that Easement there is a road that goes back, and he asked what will happen with that road. Mr. Rusk stated the road has been abandoned. He stated it was never really a road, and there was just some gravel. He stated they will take that all out. He stated the green houses are gone and the area is mostly grass and weeds. Mr. Rusk stated

they are hoping to put the retention basin in most of that area, and whatever is left over, they will probably keep it in a grass area. He stated the area outside of the Easement is heavily-treed; and in that area, they will just keep the brush down and make it natural to fit with the rendering of the barn that they are showing.

Mr. Bush stated with regard to the parking, it was discussed that they were looking to get a Variance to reduce the number of parking spaces from twenty-four to twenty spots as well as cutting down on the size of the parking stalls. He stated he also heard that in the height of the summer, they could have seven to thirteen staff. He asked how many spaces they need for employee parking. Ms. Miller stated the Horsham location is about 40% smaller than what is proposed here, and she has never seen more than four customers parked at the same time. She stated during the busy times, they stagger boarding drop-offs. She stated the day care drop-off rush is between 7 a.m. and 9 a.m. and the pick-up rush is from 5 p.m. to 7 p.m. She stated boarding is only allowed between 9 a.m. and 5:30 p.m. for drop-off and pick-up.

Mr. Bush stated he would be in support of a reduction from the twenty-four spots, but he would not be in favor of reducing the size of the parking spots because you need room to get in and out especially with a larger dog.

Mr. Rusk noted on the Plan where they would expect most of the customers would be dropping off which is right in front. He stated there are six to eight parking places right across the front, and that is an area where they could have the bigger parking stalls. He stated the request for the smaller parking stall size was because they wanted to disrupt as little of the natural area as possible. He stated they will work with the Township professionals. Mr. Rusk stated no employees will be parking in the spaces in front of the building.

Mr. DeLorenzo stated where he takes his dog, you call ahead, you pull up, and they come out and get the dog.

Ms. Miller stated their customers are like family, and they know every dog by name. She stated they also do a number of activities such as Pictures with Santa, optional donations to two local rescues, Halloween Costume Contests, celebrating birthdays, etc.

Mr. Rusk showed a picture of the lobby at the existing facility.

Mr. Bush asked Mr. Majewski if what is proposed meets the Traditional Neighborhood Development Overlay Ordinance exterior issues, and Mr. Majewski stated one of the things that is discussed in the District is that you want to try to minimize the footprint of parking, and you do not want to see a strip of parking like that. He stated he had asked

the Applicant if they could turn the parking 90 degrees from where it is so that there is less of a visual impact from the street, but one of their concerns with doing that was that it would require more tree disturbance of mature trees where the parking as proposed would remove smaller trees. He stated they should put some landscaping in to buffer that better.

Mr. Costello stated the video showed a solid fence, and it was indicated that the fence includes soundproofing. Mr. Costello asked what it looks like from the street. Mr. Rusk noted at this location since drivers are ramping up to go across I-95, there will be very little impact to the other areas because you will be going up a ramp. He stated it will be heavily-treed, and the play area is in the back. He stated he does not believe anyone will be able to see the fence.

Mr. Costello stated more apartments are going to be going in at Edgewood Village, and there are also apartments at Prickett Preserve with a walking path from Edgewood Village, over the bridge to Prickett Preserve so there may be more foot traffic than they are anticipating in that area than they have today.

A picture of the proposed fence was shown, and Mr. Rusk stated there are a lot of options. He added the most important thing is that it is very sound-absorbent. Mr. Costello stated his comment would be that they try to keep the area as buffered as they can so that there is minimal visual impact to the street and the walking path.

Mr. Costello stated he feels the job of the Planning Commission when something new is going in, is to think a little beyond what the Use is that the Applicant is thinking of because in a number of years, they may sell this to someone else, and there could then potentially be a parking problem in the future. He stated he would like the Township to consider how much we should sacrifice for this specific business versus general use of the facility once it is constructed.

Mr. Majewski stated they are going for a Variance for the parking so they will need to justify it, and if there was any change in Use that entity would have to meet the parking requirements for their Use. He stated if a new user felt that there was not a justification for an increase in parking, they would have to make their case to the Zoning Hearing Board. Mr. Costello stated while he understands that, he feels that we should acknowledge that there is the potential for a future discussion/argument if someone else tries to use this for something different.

Mr. Costello stated it was indicated that Horsham is a little more than half the size of what this facility will be, and he asked how much parking there is at Horsham. Ms. Miller stated she believes there are fourteen spaces.

Mr. Costello stated he understands that Ms. Miller has indicated that fourteen is excessive for that location, and Ms. Miller agreed. She stated it is only 75% full when they are in the middle of the mid-day shift change which is only a five-minute time period. Mr. Costello stated he wants to make sure that cars

are not backed up onto Stony Hill Road if there is nowhere to park. Mr. Costello stated he agrees with Mr. Bush with regard to the size of the parking spaces; and while he appreciates their desire to minimize the impact on the existing trees in the area, there are examples in the Township where we allowed the smaller parking places and in hindsight we should not have.

Mr. DeLorenzo asked if the drives going in and out are double width, and rather than pulling into a parking space, would they be able to pull close to the building and other cars would be able to go around them. Mr. Rusk stated the engineer can speak to that, and they could address that when they come back for Land Development. He stated he feels that people would pull into the parking places as opposed to blocking an area off as it would be easier and safer to pull into a parking space. Ms. Miller stated at Horsham they do have some customers who just pull up to the front door, and there are some who have young children who will call when they are about to arrive so that the dog can be brought out to them and that they do not have to take their children out of the car. She stated most people do pull into the parking spots for safety reasons. Mr. DeLorenzo stated he was just asking if the proposed driveway was double so that a car could go around, and Mr. Rusk stated there is a turn-around for trucks to go around.

Mr. Costello stated there are seven acres, and he asked why they did not split it in half as opposed to giving the one and half/two acres of woods to this lot versus keeping it with the Kinder Care. Mr. Rusk stated there is a Lease with Kinder Care, and the area being left for them is the area that they use, and they have it fenced off. He added that at one point they had the right to use the whole seven acres, but they did not want to worry about or take care of trees outside of their area so the Lease was cut down to just the area that they wanted to use, and that is how they did the line.

Mr. DeFiore stated they would recommend with regard to the parking stall size that the non-ADA spaces be 10' by 20' per the Code. He stated the current Plan shows 26 stalls which meets the Code, but if the Plan is to propose 20 spaces, they would suggest that the Plan meet the required Zoning amount. Mr. Rusk asked if Mr. DeFiore is suggesting that they go with the 26 spaces, and Mr. DeFiore stated their comment is that they would suggest that they meet the Code. Mr. Majewski asked what the ITE Parking Standards are for a kennel. He added the Township Code standards are about 35 years old; and as we have seen in a number of other areas, we have an excess of parking. He stated he felt it was one space per 500 square feet which would result in 17 spaces so the 20 being requested may be adequate. He asked Mr. Whitmore to look into what is

required for a kennel per the Institute of Transportation Engineers Standards.

Mr. Majewski stated the Applicant should make sure that they have a rationale for having less parking that would be more authoritative than just indicating that this is how it operates in Horsham; and if they have the ITE parking standards. that would be helpful. Mr. Rusk stated they plan on presenting a Traffic Study to the Zoning Hearing Board which would have all of that information.

Mr. Costello stated they will see the Applicant again after they go before the Zoning Hearing Board and have more specific design Plans. He added it seems that the parking will be the major issue.

#### BUCKS 2040 DRAFT VISION PLAN

Mr. McLoone stated on November 1 Bucks County called for the beginning of a forty-five day review process for their new Comprehensive Plan – Bucks 2040 Vision Plan. He stated Bucks County will have a public meeting on December 6. He stated the Plan is described as a vision for a shared future for Bucks County and it breaks down Plan principles, key issues, and common ideas of importance It is also a guide for future land use and growth County-wide. He stated they did a good job with public engagement sending out surveys, and they have a dashboard about the responses on their Website. He stated it is broken down



into four parts – an Introduction, existing conditions and current demographics, and it breaks it down into issue such as making housing more attainable, economic opportunity, travel, climate change, infrastructure, parks and trails, and protecting farmland and natural resources. He stated the last part is for a land use vision.

Mr. McLoone stated while no action is required tonight, comments could be provided tonight or at the next Planning Commission meeting on December 11 which will be before the forty-five day review process is up. Mr. Costello stated he needs more time to review this document. Ms. Kirk stated if everyone reviews it and has general comments, they could be e-mailed to herself or Mr. McLoone and they could come up with a comment sheet for the Planning Commission to look at since the next meeting will be close to the end of the forty-five day review period. She stated they could prepare a rough draft of the comment sheet, and then refine it at the meeting so that there is something that is in written form. Mr. Costello stated something would need to be submitted by December 15. Mr. Costello agreed that comments should be provided to Ms. Kirk or Mr. McLoone and they can consolidate the comments which would facilitate discussion at the next meeting.

Mr. Bush stated with regard to transportation as to who is commuting and who is working at home, he feels that is in a state of flux at this time. He stated he believes that the number of people who are going into work at least part of the time is going up. He stated the roads are getting a little more congested in the morning. He stated while he wants to look into the document more closely, he feels that there is a severe housing shortage throughout the entire Northeast at every price point which he feels they need to address more than they have in the document. Mr. McLoone noted the first bullet point which is “Make Housing More Attainable.” Mr. Bush stated that is an issue throughout the Northeast.

Mr. Costello stated we would not want them to recommend building more housing everywhere, and there should be a plan, an aesthetic, and style that you want to have.

Mr. Majewski stated it indicates that 30% of Lower Makefield is currently working from home; however, he questions when they came up with that statistic and whether it is still relevant now, and that is a good question for the County Planning Commission. Mr. DeLorenzo stated just because people are working from home, it does not mean that they are not on the road. He stated he works from home as well, and he is all over the Township during the day so it still causes traffic and possibly more traffic than before.

Mr. Costello stated from what he read so far, he feels it is a relatively-objective, data-based look at what is going on in the County. He stated he assumes that they hope that the Townships will use it as a guideline so there is consistency across the County. Mr. McLoone agreed adding that they used consultants for public engagement.

Mr. Costello stated prior to the next meeting any comments could be sent to Ms. Kirk or Mr. McLoone so that they can be summarized and will help organize the discussion.

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

Respectfully Submitted,

Adrian Costello, Chair