

TOWNSHIP OF LOWER MAKEFIELD
PLANNING COMMISSION
MINUTES – AUGUST 12, 2024

The regular meeting of the Planning Commission of the Township of Lower Makefield was held in the Municipal Building on August 12, 2024. Mr. Bush called the meeting to order at 7:33 p.m.

Those present:

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

Others: Jim Majewski, Community Development Director
 Dan McLoone, Planner
 Maureen Burke-Carlton, Township Solicitor
 John B. Lewis, Supervisor Liaison

Absent: Tejinder Gill, Planning Commission Vice Chair

APPROVAL OF MINUTES

Mr. Coyle moved, Mr. Costello seconded and it was unanimously carried to approve the Minutes of July 8, 2024 as written.

APPROVAL OF UPDATED ZHB NOTICE ORDINANCE

Mr. McLoone stated some definitions are proposed to be changed as well as codifying Public Notice for Variances to include Notice to all properties within 200' and 400' for Use Variances. He stated it is also proposed to change some of the existing Special Exceptions to make them Conditional Uses. He stated instead of certain uses having to go to the Planning Commission and the Zoning Hearing Board concurrently, they will instead be Conditional Uses and go before the Board of Supervisors. He stated these uses include hospital, light manufacturing, veterinarian hospital, warehousing, wholesale trade, and accessory outside storage.

Mr. McLoone stated the Bucks County Planning Commission provided comments suggesting a wording change.

Mr. Majewski stated the change with regard to Notice was a recommendation from the Lower Makefield Planning Commission to the Board of Supervisors, and it is now coming back to the Planning Commission because of the change in certain uses being heard as Conditional Uses instead of Special Exceptions.

Mr. Coyle stated the Bucks County Planning Commission comment referred to the fact that we were using the term “landowners” instead of “persons;” however, the Ordinance also re-defines and expands the definition of “persons.” He asked if that was intentional, and Ms. Carlton stated it was intentional.

Mr. Costello asked about the change to the notification requirements, and Mr. Majewski stated previously it was “adjoining properties,” and we are expanding that to 200’; and for Use Variances, we are increasing that from adjoining to 400’ which is what the Planning Commission had recommended.

Mr. Bush asked how they are defining “wholesale trade,” which is one of the uses that is being moved to Conditional Use. Ms. Carlton stated the definition has not changed, and it was just moving some uses from Special Exceptions to Conditional Uses. Mr. Majewski stated the definition of wholesale trade in the Ordinance, which is not changing, is “establishments primarily engaged in selling merchandise to retailers, industrial, commercial, or professional business users or to other wholesalers and excluding retail trade to the public.” Mr. Bush suggested this be revisited at some point in the future to include “merchandise and services.” Mr. Majewski stated in the coming months he would like the Planning Commission to review a number of our definitions as many are antiquated.

Mr. Coyle moved, Mr. Costello seconded and it was unanimously carried to recommend to the Board of Supervisors adopting the Ordinance making the proposed changes to the various Zoning definitions, Notice requirements, and re-classifying of certain permitted uses given that the text be amended per the recommendation of the Bucks County Planning Commission from their letter dated August 7, 2024.

APPROVAL OF APPEAL #Z-24-18 – 777 TOWNSHIP LINE ROAD
Special Exception – Expansion of Existing Medial Use
Tax Parcel #20-012-006-005
O/R Office Research Zoning District

Mr. Edward Murphy, Attorney, was present and stated three times over the last

seventeen years, the owner of the office building at 777 Township Line Road has approached the Township seeking to devote a portion of the building to medical use. He stated at the present time the 110,000 square foot building is allowed up to 57,800 square feet of medical use. He stated all of it is Penn Medicine.

Mr. Murphy stated most recently Penn Medicine indicated to the owner of the building that they would like to make a permanent commitment to Lower Makefield and the area over time to devote 100% of the building to its services. He stated this would not happen immediately since there are existing Leases by others that will continue to run for some time; however, Penn Medicine in terms of its master planning for Bucks County, would like to have the comfort of knowing that they could devote more of that building to its uses.

Mr. Murphy stated what is before the Planning Commission is an Application for a Special Exception to allow the owner and specifically Penn Medicine in the future to occupy all of that building for its various out-patient services. Mr. Murphy stated accompanying the Application was the on-going analysis of the parking field. He stated as built and approved, the parking field contains 550 parking spaces. He stated studies have been provided that indicate that at any given time, no more than 35% of the entire parking field is ever occupied.

Mr. Murphy stated there is parking in the back of the building which most people are not aware exists. He stated pre, during, and post-Covid the parking lot is still sparsely occupied given the nature of the uses in the building.

Mr. Murphy stated the motivation for Penn is in part the fact that there are now more available apartments in the immediate area where employees who could staff the medical offices could live. He stated the new demographic for most apartment buildings that are being built today are young, single, female professionals in their early thirties. He stated Holy Family has a very strong nursing program and there is a lot of synergy going on among the different larger property owners to suggest that if young professionals can walk to work that is a benefit to employers, and Penn is not unmindful of that. He stated they need a lot of healthcare professional to staff the building, and part of their master planning going forward is to think about those population trends.

Mr. Bush asked how much of the building is empty at this time, and Mr. Murphy stated about 15%. Mr. Bush asked if it has consistently been about that level of occupancy when they measured the parking, and Mr. Murphy agreed adding that it has fluctuated between 30% and 38% of the parking field being occupied.

Mr. Bush stated at a prior time when a Variance was sought, the parking lot was adjusted, and there was an entranceway for drop-offs and changes made to the north end. Mr. Murphy asked if he is referring to the dedicated entrance to Penn Medicine, and Mr. Bush agreed. Mr. Bush asked if there is a contemplation to changing that, and Mr. Murphy stated there is not as they are comfortable with that. Mr. Murphy added that there is no intention to having surgical services being offered at this location, and it will be more of what is already being provided at this location.

Mr. Majewski stated there is already a drop-off area in front of the building since when they went for a Variance/Special Exception for the use on the north side of the building, the Planning Commission had concern with the drop-off area at the north end and that is why they adjusted the parking lot.

Mr. Murphy stated this Application is scheduled to go before the Zoning Hearing Board after Labor Day.

Mr. Coyle stated he feels that medical offices are less dense than office cubicles, and there should not be a bigger parking problem. Mr. Lewis stated that would depend on the number of increased trips with people coming in and out; however, he does not feel with regard to total parking spaces, it would be as dense. Mr. Lewis stated he has visited that building many times, and he has never had an issue with parking. Mr. Murphy stated he does not feel most people know that there is a back entrance.

Mr. Majewski stated from a traffic perspective, for an office there are more people and visitors coming in the morning and leaving at night at the peak hour of traffic, where for this use there will be a constant turnover of vehicles coming in and out.

Mr. Coyle moved and Mr. Costello seconded to approve the request for the Special Exception for the expansion of the existing medical use to allow the additional 52,200 square feet of medical-related space within the existing building at 777 Township Line Road. Motion carried with Mr. DeLorenzo abstained.

UPDATED SIGN ORDINANCE DRAFT DISCUSSION

Mr. McLoone stated Curtin and Heefner was directed by the Township to do an overhaul of the Sign Ordinance based off the Newtown Jointure. It is preliminary at this point and includes some of the comments made at previous meetings.

Ms. Carlton stated while much has been included at this point, she feels it is easier to make deletions, and she feels there are some duplications and items that Newtown had which she does not feel Lower Makefield needs, and some of those could be eliminated. She stated there are also some issues which need to be discussed by the Planning Commission as to whether or not they feel are appropriate for Lower Makefield. She stated they did not get a lot of direction other than to look at the Jointure of Newtown, Wrightstown, and Upper Makefield's Sign Ordinance which was used as a guide.

Mr. Lewis stated some members of the Board of Supervisors were concerned about some elements of signs that did not meet what their perceived aesthetic was for Lower Makefield Township. He stated the challenge is that people have different opinions as to aesthetics. He stated he also does not feel that the Board has a clear consensus as to a brand guideline for signs in Lower Makefield. He stated he does feel that there are some styling cues that represent what Bucks County is, and Lower Makefield has some elements of that. He stated communities that have very rigorous Sign Ordinances can be seen as appealing. He stated he feels the Planning Commission should consider if there is an interest in creating brand guidelines as it relates to Lower Makefield Township adding that the Bucks County Planning Commission may help with this for County wide.

Mr. Costello stated if this is changed, there would be a number of existing signs which are non-compliant; and he asked if the Township would be enforcing this. Mr. Lewis stated they would need to determine if existing signage would be grandfathered. Mr. Bush stated there is already a lot of signage that is not currently compliant. Mr. Lewis stated types of signs that are not in character with the Historic area has been a challenge, and there would be an enforcement opportunity when those are seen. He stated if the Planning Commission is aware of other signs that they feel are not compliant with existing Ordinances, they should make Mr. Kirk aware of that.

Ms. Carlton stated what has been provided did not attempt to brand anything or suggest forms of different types of signs, and it was more size, and location of where signs would be placed on buildings and properties. Ms. Carlton stated there are some Municipalities that do have mandates with regard to signs, and she particularly noted Princeton Borough. Mr. Bush stated with regard to branding, it would be difficult to do that now when there are already so many existing signs. He added it could be done for new signs and replacement signs. He asked if there could be phased-in requirements so that if there is an existing sign, it would have to be changed by a specific date if the Township wanted to go with a branded look.

Ms. Carlton stated she has seen that done before, but it can be a big expense for the property owner. She added that you also have to deal with National brands that have branding requirements and how those branding requirements would fit in with the branding requirements of the Municipality.

Mr. Coyle stated if the Township were to decide on a specific branding style, in ten years the Township may decide that it looks out of date. He stated he agrees that electric message centers should be prohibited; but in the draft provided, they are prohibited before they are defined. Ms. Carlton stated she agrees that should be addressed. Mr. Coyle stated with regard to Subdivision signs, some of our Subdivisions are thirty to forty years old and he is not sure who is responsible to maintain those signs that the builders put in place; and he feels that should be addressed in the Sign Ordinance.

Mr. Costello stated that if work needs to be done on a sign or it has to be replaced, he feels that they would have to conform to the new Sign Ordinance; and Ms. Carlton stated that is generally the way it is. Mr. Coyle stated it indicates that all signs must be kept in good condition at all times, and he asked who is responsible for repairing a Subdivision sign.

Mr. Costello asked if the intention is for the Township to take an active role in deciding what the aesthetic is for Commercial businesses and their advertising in the Township or are we just giving them boundaries. He stated before going into more details with this we need to know which approach the Township wants to take. Mr. Coyle stated he would not be in favor of strict requirements for defining how signs should be styled outside of the Historic District.

Mr. DeLorenzo asked if there have been situations with someone wanting to put up a sign that the Township did not want. Mr. Coyle stated he believes that there have been some temporary signs that have stayed up for a long period of time in some areas. Ms. Carlton stated there were some recent signs that while compliant were found to be “garish.” Mr. Costello stated someone had an issue with a CVS sign at the Wegmans Shopping Center where there was a sign in the building which could be seen from outside. He stated there was also an issue raised about Shady Brook. Ms. Carlton stated the issue with the CVS sign was that if that sign were on the exterior of the building, it would not be permitted; but because it is in the atrium of the building it is permitted under the current Sign Ordinance.

Mr. Bush stated there was also a concern about having an electronic sign like the “M” on Lincoln Highway which is in Middletown Township. Mr. Bush stated what is shown would prohibit electronic message center signs, and the Township may not want to be opposed to this since they may not all be offensive; and this is increasingly how people are advertising. Mr. Lewis stated that is where there is a challenge since there is a trade-off in having a consistent aesthetic throughout the community. He stated the Township needs to consider if we want to have that and set up a brand standard and what the level of that would be. He stated there could be voluntary standards and companies may want to fit within that aesthetic although National brands may not choose that. He stated that has come across that in HARB requests. Mr. DeLorenzo stated he feels it is difficult to create an aesthetic since Lower Makefield is more spread out than other communities that have done that.

Mr. Costello stated he feels we are past the point to do anything substitutive with that in the short to medium term since there are so many existing shopping centers and businesses that would be grandfathered into the old way. He stated if this were to apply to a new development or to an individual business that wants to put a new sign in, it is not going to have the uniformity that we are looking for. Mr. Coyle stated the Township would also have to change its own signs and lead by example which would be an expense to the Township; and the Board of Supervisors should have that discussion at their level. Mr. Lewis stated the Township has synchronized the look of its signs in recent years, and he noted Slate Hill and the Farmland Preservation properties.

Mr. Costello stated he feels that the aesthetic in Edgewood Village does not necessarily need to be the aesthetic at Prickett Preserve as they are different types of entities.

Mr. Lewis stated when there is a collection of buildings that get built out over time, architects try to keep some touchstones of the previous architecture so that there is some degree of a feel to it. He stated the Township is mostly built out, and much of it is Residential, so that what is left of Commercial/Retail may not be that expensive to look at the replacement cycle of that over time.

Mr. Costello stated looking at the Edgewood Village area, it may be a worthwhile endeavor for the Township to get into that area which is a specific initiative that the Township has taken; and there should be standards as to what the Township wants that area to look like. Mr. Lewis stated there are rigorous Sign Standards for that area. Mr. Costello stated if there were to be a big shopping center to come in, we could indicate what we want shopping centers to look like; and it would not have to be the same for the whole Township for different types of places.

Ms. Carlton stated it seems that what she is hearing is that the Planning Commission is leaning toward just a Sign Ordinance as to size, location, etc. and not the branding aspect; and the branding aspect would be left to each individual developer to discuss with the Township provided it conforms to the Sign Ordinance.

Mr. Costello stated he feels we should consider what we do not want. He stated we are primarily a Residential community with some community-support business areas. He stated he does not feel we would want neon signs or electronic signs in the Township. Mr. Bush stated he would agree. He added that a number of years ago he and Mr. Costello spent a year on the Planning Commission reviewing design specifications for buildings and made a number of recommendations but nothing was done as a result of that work.

Mr. DeLorenzo asked about the specific requirements for Edgewood, and Mr. Bush stated there is a Historic Overlay Ordinance that covers Edgewood Village. Mr. McLoone stated there are Design Guidelines for Edgewood Village. There was discussion about which properties were subject to these Design Guidelines. Mr. Bush stated signage is included in those Design Guidelines.

Mr. McLoone stated with regard to sign maintenance, if there were an HOA, they would have that responsibility.

Mr. Coyle stated at this point he is not in favor of considering sign standards across the Township, but would be in favor of making sensible changes to the existing Sign Ordinance from a general standpoint. He stated he would not be in favor of animated signs as they can be a distraction while driving.

Mr. DeLorenzo asked if as opposed to looking at this from the perspective of other Townships' Ordinances, should we look at our Ordinance and consider what is not working and make adjustments. Ms. Carlton stated if the Planning Commission is leaning toward non-branding, that is what has been provided; and it does not include branding. She stated it does address the deficiencies of the Township's Sign Ordinance. She stated she understands that there is not a desire to have electronic signs, and it is in the prohibited section. Mr. Coyle stated also in the prohibited section - G-16 – it discusses banners. He noted the banners across the street from the Township Building so we would be prohibiting our own banners to promote pool membership since that banner does not conform with the definition of what is allowed.

Mr. Costello stated Shady Brook would need to get a Special Permit every Christmas so that they could turn everything on. Mr. DeLorenzo stated they are constantly changing the signs and those changed signs would not be grandfathered. Mr. Lewis stated he feels what is being suggested is a specific carve-out for special event signs such as previously-approved events or recurring events. Mr. DeLorenzo stated the signs at Shady Brook are up year round, and someone else could put up a sign all year round and call it an event sign. Mr. Coyle stated temporary signs are covered in the Ordinance. Mr. DeLorenzo stated he feels whatever changes are made someone will raise the issue of Shady Brook since Shady Brook is doing things what will be prohibited in the Sign Ordinance. Mr. Coyle stated there is a Section for signs requiring a Permit, and he feels that we should look at language that permits temporary Commercial displays. Mr. DeLorenzo stated the Shady Brook displays are not temporary since even if they are not lit, they are there all of the time, and they do change. Mr. Costello stated once they do change them, it would be considered a new sign, and they would have to conform. Mr. DeLorenzo stated the advertisers they have will probably change year to year for the Light Show, and those signs can be seen from the road even when they are not lit. Mr. Coyle stated he feels that if it is not lit, it is not functioning. Mr. DeLorenzo stated while he likes the Shady Brook Light Show, he is concerned that if the Township gets more stringent and have new rules, Shady Brook will be brought up.

Ms. Carlton stated we could do carve-outs to work around that. She stated while the Shady Brook signs are up and are in essence permanent signs, they are not always on; and the rule could be that they could only be illuminated for certain periods of time, and that they have the right to replace and/or add new signs within that area.

Mr. Costello stated there are things that are part of our Township's identity, and we need to acknowledge what they are and consider how we deal with them.

Mr. Costello stated the signage seen at the Office parks which were recently updated and Prickett Preserve were not consistent with each other but were tastefully done. He stated he is in favor of giving flexibility as long as the Township provides input and guidance as to what they should and should not be doing. Ms. Carlton stated the Sign Ordinance would allow each property owner to do what they feel is tasteful provided they are conforming with the Township requirements including size, location, not being internally-illuminated or flashing, etc.

Mr. Costello asked if there are any restrictions as to what hours the signs can and cannot be lit. Ms. Carlton stated she feels the Light Ordinance covers that as well as requirements with regard to lumens.

Mr. Bush referred back to the issue of the internal CVS sign, and Ms. Carlton stated there was an issue in Newtown Township with a restaurant which had a neon sign inside the restaurant facing the outside which was prohibited in the Township. Mr. Bush asked if that was prohibited by the virtue of the exterior Signage Ordinance or was it related to something they had that addressed the internal lumens. Ms. Carlton stated it related to what you could see from the outside. Mr. Coyle noted Section F-17 of the document provided which indicates a window sign is a sign mounted or painted on a window or inside a structure such that it can be seen from the window. He stated the definition of what is an allowable window sign applies. Mr. Coyle noted Section G-17 referring to a prohibition of signs/wrapping on vehicles which are parked on a public right-of-way or public or private property so as to be visible from a public right-of-way. Mr. Coyle stated an individual could have a business vehicle with advertising that they use and would have to park it in the garage or they would be in violation of the Ordinance. He stated he would be in favor of striking or modifying G-17.

Mr. Costello stated he would be in favor of modifying it so that the Township has some oversight. Ms. Carlton stated while some people have company vehicles with advertising on them, there are others who are making money by having their cars wrapped even though they are not employed by that company. Mr. Coyle asked if someone wrapped their car advertising their own business, would they be prohibited from parking in their own driveway; and Ms. Carlton stated that would be an exception since it is their company. Mr. Coyle stated he would be in favor of restricting that. Mr. Costello and Mr. Bush stated they feel that would be difficult police.

Mr. Bush stated there was a situation in his neighborhood where an individual routinely parked a fleet of vehicles for their business on the public street in front of their and other neighbors' houses for years which was a problem for the neighbors. He stated he believes that there is already a prohibition of Commercial vehicles being parked on a public street overnight.

Mr. Costello asked if it could be indicated that the vehicle could be parked in the individual's driveway but not on the street, and Mr. Coyle stated he would be comfortable with that. Mr. DeLorenzo stated if he had multiple vehicles he would want to park the company car on the street as opposed to his personal vehicle. Mr. Bush stated there is already a regulation that indicates that there cannot be overnight parking of Commercial vehicles on the street which has nothing to do with the Sign Ordinance. Mr. Coyle stated a wrapped vehicle should also follow the same rules as a Commercial vehicle, and this was acceptable to the Planning Commission.

Ms. Carlton stated she advised the Board of Supervisors that this Ordinance will be a multi-meeting discussion.

There being no further business, Mr. Costello moved, Mr. Coyle seconded and it was unanimously carried to adjourn the meeting at 8:45 p.m.

Respectfully Submitted,

Colin Coyle, Secretary

