

TOWNSHIP OF LOWER MAKEFIELD
PLANNING COMMISSION
MINUTES – OCTOBER 30, 2024

A meeting of the Planning Commission of the Township of Lower Makefield was held in the Municipal Building on October 30, 2024. Mr. Bush called the meeting to order at 7:30 p.m.

Those present:

Planning Commission: Tony Bush, Chair
Tejinder Gill, Vice Chair
Colin Coyle, Secretary (joined meeting in progress)
Adrian Costello, Member
John DeLorenzo, Member

Others: Dan McLoone, Planner
Maureen Burke-Carlton, Township Solicitor
Pat Foley, Township Engineer
John Lewis, Supervisor Liaison

APPROVAL OF MINUTES FROM THE 10/7/24 MEETING

Mr. Costello moved, Mr. DeLorenzo seconded and it was unanimously carried to approve the Minutes of October 7, 2024 as written. Mr. Coyle was not present for the vote.

#697- K9 CONDITIONAL USE DISCUSSION AND APPROVAL

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 with 3,400 square feet of retail, outdoor fenced-in exercise/daycare area with 34 parking spots

Mr. Ron Rusk was present and stated he is a partner in MRG Stony Hill, which owns the property. He stated they have owned the KinderCare property for about 12 years. Mr. Rusk stated also present is Christine Miller who is the owner/operator of the K9 Hotel Resort in Horsham, which she has operated for a number of years. Mr. Rusk stated they will have presentations from

their engineer, traffic engineer, and their sound engineer who has done a comprehensive sound study of the area, and will discuss how the noise from the K9 Hotel project will affect the surrounding area.

Mr. Rusk showed a slide of the general area and the location of the site. He showed the location of the existing KinderCare and parking lot, the Care Facility across the street, I-295, the residences at Fieldstone, the Penn Community Bank, and the Patterson Farm. The location of the proposed K9 Hotel was shown.

Mr. Rusk showed a slide demonstrating how heavily wooded the site is. He showed the location of the area where there were previously greenhouses as well as the old retention basin for the greenhouses. He showed the location of the proposal which is as far away as they can get from the KinderCare and everything else back by 295 and the Patterson Farm.

A rendering of the proposed building was shown, and they tried to keep it to the spirit of the Historical/Commercial area. He stated it somewhat represents a barn, and they will go to HARB to get their input, and make any modifications that HARB feels are necessary.

Another slide was shown of the Patterson Farm, KinderCare, the proposed K9 Hotel, a Commercial area which includes a Veterinarian office, and Residential.

Mr. Rusk stated they felt it was important that KinderCare be part of the process, and they spoke to KinderCare which sent a letter, a copy of which was provided to the Planning Commission this evening, indicating how they feel about the K9 Hotel being within 300' to 400'; and they feel that it is a great idea with great harmony between a parent dropping off children and dogs at the same time.

Mr. Rusk stated they were before the Township about a year ago and since then they have had discussions about the difference between a K9 Hotel and a kennel. He stated since there is no other designation in the Township's Zoning Ordinance, they had to call the K9 Resort Hotel a kennel. An aerial was shown of the Yardley Kennel which has been there for 75 years. He showed the open, outdoor dog runs. A slide was shown of the Yardley Kennel and parking lot which he does not feel "anybody would be proud to have sitting on the highway where people could see it." He stated this is not what they are proposing for the K9 Hotel. A video was shown of what the K9 Hotel is.

Mr. Rusk stated over the past ten to twelve years they have been approached by a number of people who wanted to develop adjacent to the KinderCare. He stated he and his partners have taken the position that it is a heavily-treed lot, and they never found a use in all that time that did not want to cut down all of the trees. He stated the Zoning Ordinance would allow them to build a lot of apartments, office buildings, and a shopping center; however, they did not feel that was appropriate. He stated when this use came along, they felt that it offered an opportunity to save trees and that it would be an environmentally-sensitive way to develop the site which is why they decided to move forward with this opportunity.

Ms. Miller stated she has owned the K9 Resort in Horsham for three years, and it has been very successful. She reviewed the history of the franchise which opened in 2005, and there are currently 34 resorts Nationally. She stated all she hires are dog lovers who bring to management any attention that needs to be given to any dog, and her clients feel comfortable leaving their dogs with them. Ms. Miller stated they provide luxury boarding which is all inclusive and includes day care during the day or private play, Blue Buffalo prescription food, and a low-stress, high-enjoyment environment. She stated they do not do grooming as they do not want to do anything that causes the dogs stress. She stated there are three levels of accommodations – Luxury Suites which are 8 by 8 suites with a TV that plays Animal Planet or the Dog Channel, Executive Rooms which are 5 by 7. They all have the Kuranda beds. They also have more traditional compartments for dogs who are used to sleeping in a crate or a more-enclosed area at home. Slides were shown of the various accommodations.

Ms. Miller stated they also offer day care. She stated dogs that are boarding with them have the option to play in the day care during the day; and they also offer day care on a daily basis for customers to drop off their dogs, and pick them up at the end of the day. Ms. Miller stated there are benefits to doggy day care because dogs left at home are lonely even if someone comes into the home to check on them as they are still left alone for a good part of the day. She stated socialization is also good for dogs as they learn to play with other dogs and make friends. She stated it is also a good way for them to get exercise.

Ms. Miller stated there are two different day care rooms one for dogs 30 pounds and under and the other 30 pounds and over. Every dog coming into the facility has to be fully vaccinated, and any dog going into day care has to go through an evaluation process where they first get acclimated to the area and are then

introduced to one dog at a time in a private play yard. Once they are with three or four dogs and not showing any signs of stress or aggression, they are taken into the larger group and are monitored for the rest of the day. She stated they do their evaluations for four to six hours to see how they do through the whole day.

Ms. Miller stated they also offer personal play time. She stated they do not allow any dogs in the building that are not 100% people friendly; however, there are some dogs that do not enjoy being around other dogs. She stated for those dogs they do personal play time where they are in a room for the day but six times per day one of the staff members will take them to a separate, private play yard and play with them.

Ms. Miller stated they also offer baths. She stated every dog goes home having had a bath after playing. She stated they only do baths to their clients, and do not offer baths to the public as a drop-in.

Ms. Miller stated safety and care are their primary focuses. She stated there are cameras and surveillance, and they can also survey it from their home laptops and phones. She stated there is a security system, sprinkler service, fire alarm service, monthly pest control, and they partner with local vets. She stated if a dog needs veterinary care, they try to use the dog's normal vet first; however, if they are not able to, depending on the issue, they have a visiting vet who can come in, and they also partner with local vets who are nearby and with emergency vets if needed.

Ms. Miller stated they pre-register all of their guests. She stated day care is 7 a.m. to 7 p.m. during the week and 9 a.m. to 5:30 p.m. on the weekends. She stated the first day when they bring the dog in for evaluation, they fill out paperwork, questions are asked about the dog, and it takes a few minutes; and after that when they bring the dog in check-in takes about 30 seconds. She stated at pick-up time, the person at the front desk recognizes the customer, and goes to get the dog and it takes just a few minutes.

Ms. Miller stated boarding check-in is 9:00 a.m. to 5:30 p.m. which is so that they can avoid the busy day care rush. She stated boarding check-in takes a few minutes as they want to make sure that they have all the contact information, feeding instructions, etc.

Ms. Miller stated on Saturday and Sunday staff is there from about 6:00 a.m. to 7:30/8:00 p.m.; but the lobby is open to customers from 9:00 a.m. to 5:30 p.m. She stated at Horsham they only get a handful of day care drop-in customers on weekends, and it is mostly the boarding drop-off and pick-up on the weekends so that there are not as many dogs in total in the building on the weekends. Ms. Miller stated their peak times are holidays and in the summer.

Ms. Miller stated all play yards are fully fenced in with fences that are made to be sound dampening. She stated they have canine grass as the turf and the liquids drain straight through, and any solid waste is picked up immediately and put in trash cans and then put in the dumpster when they close at night. She stated the inside and the outside of the building is disinfected every day including the rooms, the hallways, lobby, the day care, and the outdoor area including the fences, turfs, and play equipment.

Ms. Miller showed a slide of the type of delivery vehicles coming to the site. She stated typically it is Amazon, UPS, or FedEx; and there are not large trailers coming in.

Mr. Rusk asked Ms. Miller about the maximum number of dogs there could be and the peak times. Ms. Miller stated the average number of dogs in the building during the week during non-peak is between 60 and 80. She stated during peak times it can get up to just over 100. She stated peak times would be the week between Christmas and New Year's, spring break, and in summer. She stated they are not over 100 dogs every day in the summer, but there are week around 4th of July and key vacation weeks where they have that many dogs. She stated there are not 100 dogs outside at once. She stated they have the large day care and the small day care and they have a certain percentage of dogs that are on private play and in their rooms most of the day. She stated even the dogs within the day care, 80% are inside at any given time as they go out and play and then come in and lay down. She stated another group would then go out. Ms. Miller stated there are always staff members with them. She added that the staff goes through a full training process. She stated staff are with the dogs at all times in day care; and if a dog is bringing the energy up and it starts to get noisy, they give that dog a break. If multiple dogs are barking, they pull them inside and close the doors. Ms. Miller stated they also keep the dogs inside if it is too hot, too cold, raining, etc.; and they just let them out for a few minutes every hour. She stated they can control the energy and noise levels within the day care.

Mr. Gill asked the number of employees. Ms. Miller stated there are about 25 total employees but not all there at the same time, and generally there would be 8 to 12 depending on how busy they are. She stated the employees rotate between each of the two day cares and the kennel area where they do the feeding, cleaning the rooms, and bathing; and they rotate them so that they are all able to do any of the jobs and so that it does not get too monotonous for the employees being in one area all day.

Mr. DeLorenzo stated when they were present a year ago, there was discussion about whether a car could get around a parked car. Mr. Rusk stated they have expanded the parking to mitigate some of the concerns expressed previously, and the engineer will address this.

Mr. Coyle had joined the meeting at this point, and he asked how many parking spaces are at the Horsham facility, and Ms. Miller stated there are 15. Mr. Coyle stated they are able to handle 100 dogs a day with 15 parking spaces, and Ms. Miller agreed.

Mr. Rusk stated at the Horsham facility they are in a Commercial area, but there are residences adjacent to them, and he asked if there were ever any concerns from residents in close proximity to the Horsham facility; and Ms. Miller stated they have not had any.

Mr. Gill expressed concern with odors given the trash is only picked up weekly. Ms. Miller stated they use biodegradable bags which are put in green garbage bags which are then put in the dumpster, and there is not an odor. She stated they disinfect often and remind the staff to pick up the waste immediately.

Mr. Kevin Tennant, Vice President of Franchise Operations of K9 Resorts, was present. He stated they currently have 37 locations across the Country including some stand-alone buildings, in-line Retail buildings, locations that are nearby other day cares and Residential areas, and in Corporate parks. He stated the five operating locations they have in Pennsylvania cover all of those different types of locations. Mr. Tennant stated they currently have about 170 locations in development in 27 States, and they pride themselves on the safety and health of the dogs in their facilities.

Mr. Tennant stated with regard to safety and security, the outdoor area is surrounded by an 8' solid fence that has sound-mitigating qualities called Bufftech which is a rotationally-molded vinyl fence that absorbs 98% of direct sound waves which helps with sound in the area. He stated the reason

for the 8' is that dogs cannot jump over an 8' fence so it keeps the dogs in and people out. He stated with regard to the interior, they are broken up into multiple zones. He stated there are two separate day care rooms which are secure rooms with keypad locks and multiple points of egress that dogs would have to pass to get out of the room. He stated the boarding areas are also very secure. He stated every area of the building has a secure door that only staff members can access, and the only one used on a regular basis is the exit in the lobby. He stated there are emergency exits. He stated there is a vestibule blocking the external door so that if a dog were to get away from a pet tech, they would have to get through two doors in order to exit the building.

Mr. Tennant stated with regard to Operations, they do not let the dogs run throughout the building; and when they are being moved between the bathing room or a boarding location to a day care room, they are led by trained staff on a lead. The only time dogs are off leash is when they are secured in their boarding rooms overnight or in the day care rooms in the group play area that is supervised by the vet techs. Dogs are also on a lead when they are brought outside to their owners.

Mr. Rusk stated the building is designed inside to accommodate 80 to 120 dogs, and Mr. Tennant agreed. Mr. Tennant stated they look at the capacity of the square footage of the building, and they set their capacity based on the size of the day care rooms. He stated there is a calculation that is the industry standard which is 18 square feet for a large dog and 12 square feet for a small dog. He stated they also optimize the boarding facility for the three different levels of accommodations. He stated they want to make sure that there is enough space in the building to drive revenue for their Franchise owners but also make it a comfortable and fun environment for the dogs. He stated they do not want a facility that just has indoor/outdoor pens and chain link fences.

Mr. Rusk stated what is proposed is on the smaller end of their K9 facilities at 8,000 square feet, and Mr. Tennant agreed. Mr. Tennant added that they have locations that are up to 15,000 square feet with a peak capacity of 250 dogs.

Mr. Costello asked if the outdoor area is exclusively for daylight only, or is there lighting since in the winter it gets dark at 5:00 p.m. Mr. Tennant stated there is outdoor lighting although it is not parking lot lighting that would illuminate the whole area, and there are downlights that are on the building façade to light the turf yards only. Mr. Costello asked if there is a time when the lights would be turned off. Mr. Tennant stated the day care operations are Monday through

Friday 7:00 a.m. to 7:00 p.m. and roughly between 6:30 p.m. and 7:00 p.m. is when most of the dogs are in for the night. He stated boarding dogs are in their rooms, and the day care dogs are being picked up. He stated they close to the public at 7:00 p.m. He stated dogs are only in the yard during the times the day care is open.

Mr. Gill asked if a dog has ever escaped since safety would be a top priority given that there is a day care next door. Mr. Tennant stated there has been one instance where a dog was able to get out of the lobby into the parking lot, and they were able to recover the dog; but they have never had an instance where a dog has gone to any neighboring property in the history of the company.

Mr. Coyle asked about staff training requirements. Ms. Miller stated it is a combination of on-line and pairing them up with a Supervisor-level employee. She stated the on-line training is a series of video and power point presentations with quizzes at the end of each section. She stated it takes several hours to get through the on-line portion. She stated at her resort, they pair them up with a Supervisor for as long as needed which is usually about two weeks. She stated before they are allowed to be on their own, one of the Managers goes through a training checklist with the employee; and they have to show the Manager how to do everything on the checklist, and they can then be on their own.

Mr. Tennant stated all of their Franchise owners go through a two-week training course at their Corporate Office and at their flagship location in Fanwood. He stated the first week is classroom-style learning, and they then act as an employee at the Fanwood location doing all of the things that the staff has to do so they have a real-life tutorial. He stated they also do supplemental training with Webinars when there is a change in their system, and they require every employee to be Certified through their Learning Management System. Their Corporate Office has the ability to observe and make sure every employee has passed that Certification.

Mr. Coyle asked Ms. Miller if, in addition to owning the operating the Horsham location, she would own and operate this location as well; and Ms. Miller agreed. Mr. Rusk stated Ms. Miller lives in the area, and Ms. Miller stated she lives much closer to this location than she does to Horsham. She stated she will also probably bring over some of her management team from Horsham to this location.

Mr. Ryan Whitmore, Senior Project Manager Landcore Engineering, the site engineer, was present. A slide of the Site Plan was shown. Mr. Whitmore stated they have been working on the questions/concerns that were expressed over the past year. He stated the proposal is to have a multi-use building with the K9 space to front on Stony Hill Road which will be 8,245 square feet as well as a speculative Retail use with the use to be determined. He stated Retail is a permitted Use in the H/C Zone, and it would be a use what would be complimentary to the K9 Resort. Mr. Whitmore noted the brown-shaded area on the Site Plan on the left side of the building which faces Patterson Farm and I-95 which is the outdoor exercise play area, and is about 2,250 square feet in size. He stated there is a large black line that surrounds the outdoor play area, and that is the 8' high sound fence that was discussed earlier. He stated the area will be enclosed on all four sides – three sides by the sound fence, and the fourth side by the building itself. He stated the building acts as a physical barrier between the outdoor play area and the adjacent day care. He stated there is also a chain link fence that will be proposed along the Subdivision line that will separate the day care side from the K9 Resort side which is an additional barrier in case a dog were to get out.

Mr. Whitmore stated the Subdivision line is shown on the Site Plan that will be another component of the Application. He stated of the 7 acre tract about 60% will be devoted to the K9 side of the tract with the balance being the day care. Mr. Whitmore stated each of the Lots complies with the H/C criteria. He stated the kennel use is “tricky” as to the overall Zoning analysis and interpretation of how this project will be navigated through the “entitlement” process. He stated a traditional kennel requires a minimum Lot area of 5 acres; and the subdivided canine Lot is about 4 acres. The day care Lot is about 3 acres. He stated the H/C Zone requires a minimum Lot area of 10,000 square feet. He stated depending on the interpretation of what the K9 Resort is will determine what level of relief they will be having a discussion with the Zoning Hearing Board about. He stated independent of the 5 acre minimum Lot area, both Lots that are created as part of the Subdivision will be compliant with the area and bulk criteria of the H/C Zone.

Mr. Whitmore noted on the Plan the access coming off of Stony Hill Road, and the driveway aligns with the Senior Living driveway across Stony Hill Road. The location of the driveway is where the existing curb cut is located today where there is a gravel-driveway access to get to the Patterson Farm. He stated there was an Easement, but the gravel driveway has been decommissioned, and the Easement no longer exists and has been eliminated from the Deed. He stated

that existing curb cut is being repurposed and widened to accommodate the vehicles that would be anticipated for this Use including deliveries, garbage trucks, and emergency vehicles.

Mr. Whitmore stated there had been a question at a prior meeting about the cross circulation through the property during pick-up and drop-off. He stated there are 34 parking spaces proposed compared to Ms. Miller's other location which has 15 parking spaces which accommodates their use. Mr. Rusk stated since the last meeting, they expanded the parking which involved cutting down more trees. Mr. Whitmore stated there could be more parking with larger spaces; however, that would involve additional impervious coverage and additional tree impact. He stated for the Parking Demand Analysis, they looked at what the canine demands are; and for a similar location while they had 15, they had proposed 20 on the Plan. He stated with regard to the Retail portion, the ITE projections show the need for 10 spaces, and they are proposing 14. They have therefore proposed a total of 34 spaces. Mr. Whitmore stated they tried to minimize the development's footprint and the impact to the trees.

Mr. Whitmore stated with regard to the loading operations the K9 Resort and the spec Retail building are uses that do not warrant a full-time, long-term loading zone, and in an effort to minimize the impervious coverage and the tree impact, they are omitting that from the Plan; and they will discuss that with the Zoning Hearing Board. He stated trash collection is in the back side of the parking lot.

Mr. Whitmore stated while stormwater management is not in the scope of the discussion for the Use, they looked at and performed some stormwater management testing in the green shaded area shown on the Plan labeled "tentative stormwater management area," and it is proposed in the location of the existing driveway within the Easement. He stated that area is already cleared from the previous driveway so it is an appropriate location to take advantage of for a stormwater management feature. He stated that will be part of the Land Development discussion in the future.

Mr. Whitmore stated they propose a free-standing 12 square foot monument sign out front. He stated there will be additional wall signs mounted above the front doors of the different Uses. He stated the H/C Code permits one 12' sign either a wall sign or a free-standing sign – not both. He stated they will discuss the second sign for the K9 Resort with the Zoning Hearing Board. He stated

neither sign is out of character with the neighborhood, and it is identical with what is at the KinderCare next door and the Senior Living Center across the street.

Mr. Bush stated there is a newly-installed bike path that runs across the front of this property and it goes across the bridge that goes over 295. He stated he has seen a fair number of people using this bike path over the weekend. He stated they will need to show the bike path on their Plan; and if this moves forward there should be some signage on the bike path so that people know that there are cars going in and out of this property.

Mr. Bush stated they have presented a proposed Retail component, but they are only before the Planning Commission on the primary use of the building not knowing what the secondary use of the building would be other than it would be compatible with the primary use. He asked if they anticipate that the 3,400 Retail space will need Zoning relief as well. Mr. Rusk stated they do not believe so; but when a Use comes in that they feel is compatible, they would come back before the Township for approval if required. Mr. Bush stated without knowing the Use of that particular space, they are not really sure how many parking spaces would be needed. Mr. Rusk stated they are governed by National standards. He stated if it were some kind of unique use that would be high traffic/high parking it would probably require permission from the Board. He stated they felt that most of the uses that would want to go there would be permitted within the Zone.

Mr. Coyle stated they have indicated the use of porous pavement area for the parking spaces, and he would like to verify that at this point, that is the intent; and Mr. Rusk agreed. Mr. Rusk showed on the Plan where the road was located when the greenhouses were existing. He stated they also believe that they can fit all the stormwater management on the road that was there without getting into the trees. He stated when they get to construction, if they have to shift things in order to save trees, that will be their goal. Mr. Coyle stated it appears that the top right section of the Lot is going to be preserved as trees, and Mr. Rusk agreed. Mr. Rusk stated one of the reasons it has taken so many years was because they wanted to come up with a Use that would protect as much of the wooded area as possible.

Mr. Coyle stated there was fencing discussed along the Subdivision line, but it is not shown on this Site Plan. He stated a Condition of approval could be that the fencing be memorialized and maintained, and he asked Mr. Rusk if he would agree to that Condition. Mr. Rusk stated they plan on keeping the

parcel as one ownership; however the Subdivision at this point is not cast in stone, and it will be up to the Board of Supervisors to make some decisions as to how they want to treat this. He stated they do not mind it being one Lot; but if it helps to do a Subdivision to get through the Zoning issues, the fence would go on the property line and would always be there. He stated the property is already fenced, and he showed on the Plan where the existing fence is located now and where they propose to install the additional fence extending the existing fence out to the road.

Mr. Coyle stated a letter was provided from the operator of the KinderCare indicating that they would be happy to have the pet resort as a neighbor, and he asked when the KinderCare Lease is up. Mr. Rusk stated he believes it is at least ten years plus options. He stated it is a very successful KinderCare.

Mr. Bush stated he appreciates the desire to save trees. He stated the last Master Plan was updated in 2018, but none of the existing Planning Commission members were on the Commission at that time. He stated the Master Plan discusses Use modifications in the Historic and the Overlay Zones, and this is outside of that, and he feels the Commission should be cognizant of that. He stated the Board of Supervisors approved the Master Plan in 2019, and some of the Supervisors who were on the Board at that time are also no longer on the Board today. He stated it seemed that the intention was to encourage non-Residential uses like antique shops, professional offices, cultural facilities, bed and breakfasts, etc. He stated this Use is not consistent with what the stated goals were in 2019, recognizing that we are almost in 2025.

Mr. Rusk stated the Master Plan called for very heavy development on this site; and he feels they could develop about 80% to 90% of the site for Residential or stores, but they never felt that type of development was appropriate in this area even though it was approved across the street. He stated one of the reasons this has taken so long was because they wanted to find a use that they felt made sense. Mr. Bush stated he appreciated the fact that is their objective.

Mr. Coyle stated he does feel that this Use meets a need for the residents of the Township; and if there is going to be a canine resort placed somewhere in the Township, this area is probably the area that has the least impact on surrounding Residential. Mr. Rusk stated he agrees that there is no place else in the Township that this could be put that would not be a lot closer to residences. He stated the sound engineer will indicate that the sound from the road will far exceed any noise that would escape from the canine hotel.

Mr. Foley noted the building configuration with the side of the building facing the front of the Lot, and he asked if there was any consideration to rotating the building and having the parking lot along the frontage of Stony Hill.

Mr. Rusk stated the Township Zoning wants the building built on the road, and they believe what they have proposed is the most environmentally-sensitive to the area. He stated if they were to turn it the other way, they would have to cut down more trees and there would be other issues. He stated they felt with the existing clear-cut areas, having the frontage on the road the way the Ordinance wants it, this is the best way to do it. Mr. Foley stated further down the street at 732 Stony Hill Road, they are building a configuration similar to what is proposed here, but they have sidewalk and an entrance facing Stony Hill; and he asked if they would look at additional sidewalk and connectivity in rotating the configuration to have a front yard connection that could lead to the sidewalk as well as the existing path. Mr. Rusk stated they could look at adding a sidewalk since there are now the apartments on the other side of the highway. He stated he still feels rotating the building would be problematic.

Mr. Foley stated they are showing 70% for woodland preservation, and he asked if they are sure that can be met through the design process. Mr. Rusk stated they believe that the way this was designed was the most effective way to design it under the Zoning Code. Mr. Rusk stated if they were to disturb additional woodlands, they would need another Variance.

Mr. Foley asked about the trash removal operation, and he asked if it will be off-peak hours. Ms. Miller stated at the existing facility, they have trash removal once a week, and they come Monday morning before the facility opens.

Mr. Foley asked Ms. Miller if there have been any issues at her existing facility with clients not parking in the parking lot and just doing a curbside drop-off. Ms. Miller stated there was one customer with an infant who called ahead and asked if they could bring the dog out. Mr. Tennant stated they do not allow curbside drop-offs as part of their operations, and they require as part of the custody transition that the owner come into the lobby.

Mr. Pete Spissak from Traffic Planning & Design, was present. He stated the driveway as shown on the Site Plan which is across the street from the driveway of the Senior Living facility is in the correct spot. He stated on Stony Hill Road there is an existing left-turn lane for the proposed driveway that had been put in for the previous use. He stated it is roughly 65' which would give the ability to store two and potentially up to three cars.

Mr. Spissak stated a trip generation count was done at an existing K9 Resort facility in New Jersey which had the same number of dogs that are proposed for this facility. A chart was shown of the results of that count. He stated counts were taken in the a.m. and p.m. peak hours, and generated 57 a.m. trips and 52 p.m. trips. He stated they also utilized the Institute of Transportation Engineers Trip Generation Manual to determine the General Retail trips for the 3,400 square feet of Retail proposed, and for that it generated 14 a.m. peak hour trips and 36 p.m. peak hour trips. He stated based on these numbers it is not a very high generating use as far as traffic is concerned, and they do not foresee the need for a traffic signal. He stated additional studies will have to be done given that this driveway is on a State road, and they will be required to get a Highway Occupancy Permit from PennDOT. Mr. Spissak stated this trip generation is very comparable to some of the approved uses for the Zoning District as there could be a medical office building and a restaurant on the site.

Mr. Coyle stated the chart shows 57 total trips in the a.m. with 33 entering and 24 exiting. Mr. Spissak stated there are employees that arrive in the morning. Mr. Coyle stated in the p.m. there are 27 entering and 25 exiting so 11 cars have disappeared. Mr. Spissak stated someone could have shown up at 5:59 to pick their dog up but did not leave until the peak hour was over. Mr. Coyle stated these numbers are all within the peak hours, and Mr. Spissak agreed.

Mr. Rusk provided a recap of what will be shown with regard to the information that the sound engineer will speak to, adding that there was a full report that was sent to Mr. Majewski.

Mr. Ben Mueller, principal of Ostergaard Acoustical Associates, Woodbridge, New Jersey, was present. He stated he has been practicing in the field of applied acoustics for about twenty-three years. He stated they were brought on to study the sound produced by the facility with the focus on dog barking as that is what makes this use unique. He stated they look at the Code limits and apply those standards and will take raw data which in this case they acquired from an existing similar facility which was the Fanwood site that was discussed earlier. He stated they applied that data as if it was present at the subject site and compared that data to the Code limits and they also did an ambient survey of the area and applied the levels to the ambient to determine what impact there might be and to evaluate the potential audibility.

Mr. Mueller showed a slide he created of an overlay of a Google Earth image with the site over it. He stated his focus was on the outdoor play area on the left side, and they were looking at what distances the dog parking activities would be from areas of interest. He stated at the top it shows 365' to the play yard of the day care center next door, to the west across Stony Hill Road it is approximately 270' to the Senior facility, and it is 385' to the Residential Uses to the southwest of the site. He showed where they placed the monitors with one set back from Stony Hill Road in the direction of the playground area and other was on the side of the road to be in line with the Senior facility and the residences there. Mr. Mueller stated the main noise in the area is from Stony Hill Road by local traffic and a little bit from Interstate 295 to the north.

Mr. Mueller read the relevant Township Code – Section 200-66. He stated if noise occurs at night, the limits are more stringent and are reduced by 3. He stated there is also an adjustment to be done for non-continuous noise which does apply to their facility in that sound that occurs for less than 5% of an hour which is a three-minute time period is allowed a more-permissive limit. He stated the reason for this is that if it is not continuous there is a decrease in sensitivity toward occasional, intermittent activities.

Mr. Mueller stated Chapter 79 also discusses animals which addresses noise from the facility in a more subjective manner, and prohibits disturbances of the peace by repeated loud noises, and that Animal Control would investigate any such nuisances. He stated there are no Pennsylvania or Bucks County Codes that apply to noise so they are using the Lower Make-Township Ordinance for their analysis.

Mr. Mueller stated in terms of enforcement there is language in the Ordinance about property lines, and what he wanted to do was to look at how this would affect the nearest receptors. He stated they heard discussion from the operator/owner's representative that the way the facility operates is that if there is excessive barking, there is an escort that would remove the dog so that there would not be dogs barking in excess of three minutes.

Mr. Mueller stated when he acquired his data at the Fanwood facility, they were dealing with 30 medium-sized dogs who were led out and brought back in without any barking occurring. He stated they then coordinated to get a Doberman pincher which is a larger sized dog and measured the dog barking 25' outside of the fence and they looked at repetitive barking and maximum barking and also took into account any acoustical performance of the vinyl fence.

The results as shown in the chart were that the average maximum was 77 dba and the highest was 80 dba. He stated as greater distance is introduced, the sound falls off. He stated the KinderCare play area to the east is approximately 365' from the exercise area, and they would expect to see levels between 54 and 57 from the average and maximum dog barking. He stated for the Senior Facility 270' away there were slightly higher results at 56 to 59, and the furthest were the Windflower Lane residences to the south at 53 to 56.

Mr. Mueller stated making the analysis more specific to the site and more accurate they wanted to take into consideration the orientation of the building and it can be seen that the building will block all of the line of sight to the KinderCare and the residences and they took a conservative reduction of 10 db off of the numbers. Mr. Mueller stated it was also indicated tonight that the proposed enclosure will be a Bufftech sound fence which is a more robust material than what he had measured which was a normal PVC fence, and the Bufftech product is twice as dense which is better at attenuating sound traveling through it. He stated by adding those adjustments, it reduces the sound further.

Mr. Mueller showed a slide which indicates that the ambient survey was conducted February 2 through February 5, 2024 and the weather was conducive to the measurement because they wanted to look at winds, precipitation, etc.

Mr. Mueller showed charts of the sound data taken from the two locations where they had the monitors placed. He stated the highest levels during the daytime were around noon. He stated the lowest levels of ambient sound are generally measured around 2 a.m. when the streets are least active. He stated the focus should be on 7 a.m. to 7 p.m. since that is when the dogs are dropped off and picked up and bark occurrences would happen. He showed an overlay on the ambient data with the gray line representing the highest maximum bark which was to be 56 at the Senior Facility and that maximum falls well below all the daytime activity that occurs. He stated there are some times when the maximum level could be higher than the daytime activity, but that is only for a limited period of time since a vehicle passing by is producing levels of 65 to 75. He stated therefore if there was a lull in traffic a dog bark could be audible; however, with respect to everything else that is currently occurring in the neighborhood, it is a minimal time when it is audible and then shortly after that it will be drowned out by a passing vehicle or other activity that is existing in the area.

He stated the orange line on the chart shows the average maximum bark discussed previously, and that blends in even further. Mr. Mueller showed the chart for the other monitor. Mr. Mueller stated they used the example of a

Doberman pincher which would have a higher level of bark with a lower frequency and travel further, and he used that as the base of design as it is conservative; and a smaller dog would have a higher pitched, lower level bark that will not produce levels of the same magnitude.

Mr. Mueller stated there could be multiple dogs there at the same time, and their barks are impulsive in nature of one second duration; and while there could be multiple barks in a row, each one is short in nature so that even if there is more than one dog who is also barking the chances of the two dogs overlapping their barking at the same exact time such that it created an increase in sound level is extremely unlikely. He stated they also heard that if there was an instance where two or three dogs were getting excited at the same time, the staff would address that behavior as soon as possible.

Mr. Mueller stated his conclusion is that they meet the performance standards, and there will be no negative acoustical impact on the area; and that this is a good location, and the orientation of the site as well as the upgraded fence are efforts in being a good neighbor and insuring that the site conforms with the surrounding area.

Mr. Coyle asked if he feels that the sound of a dog barking from collection point 2 would not be audible over the standard street noise; and Mr. Mueller agreed but added that there could be the incidence of a lull in the street noise and the dog bark could be audible, but they have shown on several days of collection and at the magnitude that they are expecting that it is a lower level source in the area which means it is more likely to be blended in with the neighborhood and more likely to be difficult to discern and it would not become a nuisance.

Mr. Coyle stated he was looking at the orientation of the homes on Windflower, and it seems that the garages are facing the proposed site, and there are not balconies on the backs of the homes. Mr. McLoone stated there are not. Mr. Mueller stated there are upper story windows, but those are set back another 4'. Mr. Rusk stated he feels the ambient noise from Stony Hill Road will be drowning out the dogs that might bark. He stated there are garages in the back of those houses.

Mr. Coyle stated he has been to the Dog Park, and when there are happy dogs in a play area together, they do not make the same sounds as dogs in a poorly run kennel where dogs are neglected; and he would not expect constant noise.

Mr. Coyle asked the standards for outside time and asked if the outside area is used consistently from 7:00 a.m. to 7:00 p.m. Ms. Miller stated typically if the weather is nice, they leave the doors open to the outside so that the dogs can come and go. She stated if it gets above or below a certain temperature, they bring the dogs in and keep the doors closed. She stated if the dogs do start to get noisy, they can pull them all inside or can give time-outs to the dogs who are causing the issue. She stated the private play area is outside, but it is only one dog at a time; and because they are fenced in with a solid fence, there is nothing to attract their attention to get them started barking when they are out there by themselves. Mr. Coyle stated there could be several dozen dogs in the play yard at a given time; and Ms. Miller stated conceivably there could be, however her experience is that 80% of the dogs that are in the day care group are inside at any given time. She stated they do have the ability to pull them all inside and keep the doors closed. Mr. Coyle asked if the doors are closed after 7:00 p.m.; and Ms. Miller agreed. Mr. Rusk stated there is always staff with the dogs when they are outside.

Mr. Coyle asked if it is the opinion of the acoustic engineer that in the evening the building would fully attenuate any sound of any overnight boarding dogs; and Mr. Mueller agreed adding that while that was not the focus of his presentation tonight, it is a substantially different scenario for dog barking even with the door open. He stated the attenuation afforded by the building façade will be a substantial reduction, and he does not feel you would hear anything even at the property line let alone across the street.

Mr. Rusk asked Mr. Mueller if he sees any adverse effect to the residents across the street as far as the way the site has been designed and the way the site is operated, and Mr. Mueller stated he does not.

Mr. Coyle asked Mr. Mueller how many similar facilities has he prepared studies for over the last five years. Mr. Mueller stated this type of business model is becoming more popular, and this is the fifth one that they have worked on, three of which were for K9 Resort. He stated there have been no issues with K9 Resort, and they have a good track record; and they are comfortable that how they have looked at this is a conservative but realistic way as to how it will be perceived in the future.

Mr. Bush stated there was a letter in the packet that indicated that the Applicant did not believe any portion of the property was classified as Regulated Wetland or Water Course, and he asked Mr. Foley if he agrees with that assessment.

Mr. Foley stated they looked at that letter but they have not fully investigated that yet. He stated during the submission of the Land Development Application they will look into this further and confirm those findings from the consultant.

Mr. Costello stated he is not sure how to vote on the Retail piece since it is not known what parking would be required, and it is only known that there is a portion of the building they are proposing to split off for a separate business. Mr. Coyle stated the question before the Planning Commission is the Conditional Use on the K9 Resort, and Ms. Carlton agreed. Ms. Carlton stated the Testimony was that if the Retail would require further Zoning approval they would be back before the Planning Commission and/or Zoning.

Mr. Coyle moved, and Mr. Costello seconded to recommend to the Board of Supervisors' approval of the Conditional Use so long as it is memorialized and agreed to that a fence in good working order shall be constructed and maintained between this proposed facility and the existing child care facility.

Mr. Costello stated it does not appear that the uses that are existing in this area are really 100% what was in the Master Plan. He stated given what is in is in the area, he feels this use is not inappropriate. Mr. Coyle stated he and Mr. Costello discovered that skate shops are not a contemplated Use. He stated while this Use is not listed as not permitted, and is not listed as a Conditional Use, it is similar to what is existing. Mr. Bush stated what is in the Master Plan was what was recommended for in the future to be contemplated as possible exceptions. He stated that was almost seven years ago. Mr. Costello stated given the reality today, he does not feel what they are proposing is out of bounds.

Motion carried unanimously.

There being no further business, Mr. Costello moved, Mr. Coyle seconded and it was unanimously carried to adjourn the meeting at 9:30 p.m.

Respectfully Submitted,

Colin Coyle, Secretary

