

**Upper Makefield Township Planning Commission**  
**Wednesday, August 28, 2013**

The August 28, 2013 public meeting of the Upper Makefield Township Planning Commission was called to order by Vice Chair Kathleen Pisauro at 7:00 p.m. In attendance were the following members of the Planning Commission: Chair Karin Traina, Vice Chair Kathleen Pisauro, Member Greg Pitonak, Member Ken Rubin and Member Walt Wydro. Also in attendance were Solicitor Mary Eberle, Director of Planning and Zoning Dave Kuhns and Engineer Larry Young of Gilmore & Associates.

**APPROVAL OF MEETING MINUTES:** Moved to next meeting.

**LIAISON REPORTS:**

**A. Hess Corporation Sketch Plan**

Mr. Rob Grundlach Esq. representing Hess Corporation, Andy Lautenbaucher, Project Manager, Matt Schartrand, Civil Engineer, Boler Engineering, Sandy Cozza, Traffic Engineer, McMann & Associates, Dom Marzianni, Architect.

Mr. Grundlach reviews revised Hess plan for 1118 General Washington Memorial Blvd with the Planning Commission.

Mr. Schartrand begins with the site changes overview: retail building is now in the front of the property along Washington Crossing Road and pumps are behind the building. The building is now completely out of the site clearance of the intersection. The driveway is now better aligned with Little Road. There are now 15 parking spaces in addition to 12 parking spaces at the pumps, making 27 spaces overall. Loading will occur in the rear of the building over the proposed tanks. Trash with buffering will be in the rear of the building.

Ms. Cozza provides review of the traffic study done in April 2013; traffic study counts were performed at Taylorsville and Washington Crossing Roads 7am-9am and 4pm-6pm. Observation queuing studies were performed as were site clearance observations from the intersections of Washington Crossing and Taylorville Roads.

From an analysis stand-point the driveways to the proposed project seem to work well with the current traffic flow of the intersection. During peak hours there will be times of blockage to the driveways in each direction on the roads to the proposed project, non-peak hours will be no issue. PennDot was contacted for feedback to the changes, which was positive.

The question was asked what the peak hours of the store would be. Mr. Lautenbaucher responded by offering the peak hours of the store would be the same as the peak hours of traffic.

The question was raised should the Scudders Falls Bridge be upgrading to a toll bridge, commuters start using the Washington Crossing Bridge as a free means to cross the river, and traffic increases, was there a study done on the impact this would have to the area?

Ms. Cozza replied that this type of business is what is referred to as “pass-by trips,” meaning people will stop by because they are passing by, not making it a destination. A projection study would need to be done if Scudders Falls Bridge were to become a toll bridge. Studies are continuing and a meeting with PennDot will occur to discuss improvements to the intersection and driveway accesses to get feedback, the Township will be invited.

Mr. Wydro suggested slightly diagonally rotating the building on the counter clockwise on the property for better traffic flow off the cuff for consideration.

Mr. Young asked if Hess is able to schedule deliveries during off peak hours to accommodate the tractor trailers having to maneuver into the exit lanes to enter the driveway of the proposed project. Mr. Grundlach assured that the deliveries are always scheduled during off peak hours. It is anticipated between one (1) and three (3) deliveries a week.

Mr. Rubin asked if the building could be moved south some on Taylorsville Road. Mr. Lautenbaucher explained that if the building was moved the grassy area provided for septic and storm water recharge would be impaired.

Mr. Marzianni discusses the architectural changes to the project. The pump canopy has natural stone piers. Maintenance free materials will be used whenever possible. The scale and proportion of the retail building has been reduced in keeping with the area. It is roughly 2400 square feet in footprint.

Ms. Pisauro noted she would like to see the building as non-conspicuous as possible.

**PUBLIC COMMENT SESSION:**

**Steven Ernst, 101 McConkey Drive, Washington Crossing.**

Mr. Ernst mentions to the Planning Commission that Little Road is not a through road and he witnesses very little traffic using that road. Occasionally there are Upper Makefield Township Police vehicles sitting on the road assuring that no motorists are using it as a “cut through” road. He goes on to note the current use of the property has very little traffic coming on or off of the property. The current traffic northbound on Taylorsville Road already backs up without the threat of becoming a toll bridge.

**Marc Zaharchuk, General Washington Memorial Blvd, Washington Crossing.**

Mr. Zaharchuk contradicts Mr. Ernst’s comment regarding the traffic on Little Road. He goes on to say that the residents of Traditions use it often as a cut through to avoid using the light at the intersection. As an avid lover of plants, he would like to see native plants to be used for this project.

**Joseph Mathews, M & M Sunoco Towing, 1102 General Washington Memorial Blvd**

Mr. Mathews comments on the treachery of Taylorsville Road and provides pictures. He questions what type of fast food establishment will be in the retail building. He also comments that the storm water that currently runs off of Little Road is going exactly where the proposed underground fuel storage tanks will be located. He continues on to ask how many employees and if the pumps are full serve, self-serve or both? Have there been any environmental studies done to the property? He notes there is no vapor or water extraction system on the plan.

It was disclosed that Mr. Mathews is one of the current owners to the property of the proposed project.

Ms. Traina puts on record that although questions may be asked at public comment, there is no requirement for questions to be answered by the Applicant

**Ronnie, LaNasa, 17 Davis Drive, Washington Crossing.**

He is opposed to fast food in Washington Crossing. Mr. LaNasa thanks the people from Hess for their hard work and working with the people from Upper Makefield Township. He also thanked the Planning Commission for being in the difficult position between the wants of the applicant and the wants and needs of the residents. He is opposed to anything that is globally branded within the

Washington Crossing area. He would like to see anything on that corner to continue the decade of improvement.

Mr. Ernst returns to the microphone reminding the Planning Commission that there once stood a canopy at the current location. He asks if the lights will be on 24 hours a day. He asks if this use is even permitted within this location.

Ms. Traina suggests the Planning Commission review the Township Engineer review letter.

Mr. Young begins; the property has the following non-conformities: lot, building, property, and use. The variance requesting is impervious surface. The calculation is based on the proposed right-of-way. A proposed right-of-way behind the side walk is about 25' from center line; SALDO required 60' from center line. A waiver would be required. A special exception is required for an expansion of a non-conforming use. Currently this is being considered a retail use for the building and a service station for the fueling area, can two principal uses occur on the same lot. A survey needs to be completed of buildings within 1500' of the property to determine that the proposed building is not 35% of the average square feet of the surround buildings. Requirement for a retail store, no sale of gasoline, and a variance would be required. Number of parking spaces require are 25. The applicant has 15 parking spaces. 12 spaces are in the pump areas. The ordinance doesn't address parking spaces located in pump areas. The lot width is non-conforming. The distance from access point to the corner of the intersection is not within the required distance. The parking lot will be required to be screened. Site capacity calculations are required. One loading space is provided; this could be problematic if delivery is during peak hours. Landscaping will be required to be shown on plan. Lighting currently shown on the plan will require a variance because it will be on all night. Signage square footage will have to be met. The proposed canopy appears larger than the existing building and pump area on the plan, a special exception would be required.

Ms. Traina asked about the Sedimentation, Erosion Control review.

Mr. Young reminded the Planning Commission that this is a sketch plan at this point and there is much more design work to be done.

Ms. Traina asked Mr. Young about any history of property with respect to containment or run-off. He believed the applicant stated there was a Phase 1 report being done, as yet, he was unaware of anything. She goes on to commend the Applicant for the considerable revisions. She shares the traffic concerns raised this evening. She asked Mr. Young about the widening of Taylorsville Road at the turn. Mr. Young offered that it was a benefit to widen the road. Ms. Traina would also like to see the light addressed as this may be potentially detrimental to the area.

Mr. Pitonak expresses the potential traffic troubles this project could create in the Washington Crossing area. He also appreciates that Hess has taken into consideration previous comments when revising the plan.

Ms. Pisauro feels that traffic will be issue no matter; adding to condensing building and activities is not what she pictures as Washington Crossing.

Mr. Rubin added this is very difficult site. He feels this use would be making the site more intense than what already exists. He asks to find a use that is not as intense as is being proposed, and find a better use than what is there.

## **CURRENT & NEW BUSINESS:**

### **A. Fence Ordinance.**

Ms. Traina thinks that changing the three (3') maximum to a four (4') maximum height of a fence is a great idea. She goes on to ask about the setback for fence. Mr. Kuhns and Mr. Young clarify that currently it is considered an accessory structure; therefore it is required to keep 12' off the property line for maintenance. Ms. Eberle adds that many municipalities like to have fences on property lines. Also, then neighbors may have joint fences. Ms. Pisauro asked if using the lower height could still be an option. Ms. Eberle confirms that one may still use a lower height. Mr. Pitonak asks to define what is a fence? Ms. Eberle clarifies; post-and-rail is a fence. Handicapped railing is not a fence and chicken wire is a fence and then defers to the Zoning Director. Ms. Pisauro asks if a berm can be used in conjunction with a fence with meeting the swimming pool requirement. Ms. Eberle states that it would not meet building code requirements. That is separate from zoning regulations. *Ms. Traina makes motion to the Planning Commission to recommend the Fence Ordinance to the Board of Supervisors seconded and approved.*

### **B. Wireless Ordinance:** Jointure ordinance discussion continued to next meeting.

Mr. LaNasa is up to speak that he is opposed to having additional towers and if possible to have the towers, when necessary, smaller.

### **C. Santander Signs Review:**

Ms. Traina offers the application does not follow the sign design guide at all with the font, color or materials. Mr. Kuhns agreed. The Planning Commission is wonders if they couldn't follow the lead of the sign that is currently in use at the bank. Planning Commission denies the request and asks they return with a design that was created using the ordinance. Mr. Kuhns will notify the applicant.

### **D. Service Station Ordinance, JMZO, Continued from the May 22, 2013 Planning Commission Meeting.** Ordinance discussion held over to next meeting.

### **E. Winery Ordinance, JMZO, continued from the May 22, 2013 Planning Commission meeting.**

Mr. Tom Carroll Jr., Crossing Vineyards, is present to discuss the concept of an "outdoor event" being defined as a pre-scheduled, pre-sold activity, which means the following criteria:

- > more than 75 guests.
- > involves the use of amplified sound
- > involves the use of an amplified performer and the use of more than one stringed instrument.

Mr. Rubin asks the need for terms "pre-scheduled, pre-sold" in the definition of outdoor event. The Planning Commission agrees.

Ms. Traina asks if the restrictions regarding the number of outdoor events change with this ordinance. Ms. Eberle informs the Planning Commission the amount of the outdoor events will stay at twenty four (24). She goes on to remind the Planning Commission an event meeting the establish criteria will be counted towards the total events allowed. Mrs. Pisauro asks if the criteria noted are "and/or." Ms. Eberle confirmed the items are "and/or."

Ms. Traina questions why a stringed instrument? What if someone brings a bagpipe to an event? Mr. Wydro brings up the point are we going to specify to a pizza place how many pizza they can provide or to a restaurant how many patrons they may have? Mr. Wydro feels that many of this issues being brought up in this ordinance are covered by the existing noise ordinance.

Mr. Mike Evinski, 6 Longmeadow Drive, informs the Planning Commission about living with the inconveniences provided by the Winery with noise, parking and the number of events. He feels a

buffer that was in the plan to be built would help in solving some of the nuisance. He pleads to the Planning Commission to make a workable ordinance, which is enforceable to improve the quality of life for his neighborhood.

Ms. Diane Lampon, 4 Longmeadow Drive, feels that having a minimum of 75 people as criteria for an event is deceptive because it is the level of noise that is most disturbing.

Ms. Traina reminds the Planning Commission that the ordinance needs include items that are enforceable. The 10 p.m. ending time and decibel levels are regulated under separate authorizations. If there is parking for Thirty (30) cars, could the amount of guests be lowered from 75? The Vineyard is trying to be a good neighbor by moving dumpsters from properties lines to interior parts of the property.

Mr. Carroll reminds the Planning Commission the Vineyard is grandfathered from buffering, parking and lighting by court judgment.

Ms. Barbara Rintala, 1570 River Road, notes that the irony of the conversation from earlier of a property that has evolved into a wrong kind of business for that location.

Ms. Traina summarizes input from the neighbors; limit the size of events by cars or people or anything that involves music.

Mr. Carroll expresses empathy for the neighbors, explaining there is security on-site during events keeping patrons in check. He goes on to read police reports filed by neighbors showing non-events during happenings at the Vineyard to give another point of view. He feels strongly to finding a solution to make the neighbors happy and the Vineyard prosperous.

The Planning Commission discusses changing the criteria. Mr. Rubin contributed that a perfect solution may not exist. However, coming together to make resolution is possible. The solution will not make the neighbors or the Vineyard happy. That is the best we (Planning Commission) can do. Mr. Rubin goes on by offering lower the wedding reception guest amount from 75 to perhaps 15 irregardless of amplified music or one stringed instrument would define an outdoor event. Ms. Traina agreed that the number of guest could be lowered and feels limiting the wording wedding reception would be wrong. Ms. Eberle offered lowering the amount of guests to 50 and the amount of cars to 30. Ms. Traina felt that was in the right direction. Music criteria may read; any music other than single stringed instrument, including the human voice.

Ms. Eberle reads the proposed changes of the criteria to the Planning Commission;

An event is when any of the following criteria are met:

1. Involves more than (blank) number guests and (blank) cars.
2. Involves the use of amplified sound, not just music.
3. Involves the use of any instrument including the human voice, except a single stringed instrument.
4. Reception with (blank) amount of people occurring outside or in the tent.

Ms. Traina offers to change it to reception or party from wedding. Ms. Eberle suggests not using a title to events. The Planning Commission decides 50 guests, although there is no perfect number, and not limiting cars.

*Ms. Pisauro makes recommendation to the Board of Supervisors changes to the criteria of an outdoor event noted by the Planning Commission with the changes proposed. Seconded, approved.*

**ADJOURNEMENT:**

*Motion to adjourn, 10:45p.m. Second, all in favor.*

Approved: October 23, 2013