

**MIDDLETOWN TOWNSHIP PLANNING COMMISSION
REGULAR MEETING
MIDDLETOWN MUNICIPAL BUILDING
WEDNESDAY, April 5, 2017**

PRESENT:

Sandy Farry
Charles Parkerson
Nancy McCann
Mike Costigan
Fred Thomas
Pat Duffy, Zoning Officer
Larry Young, Township Engineer

ABSENT

Bob Burnett
Brijesh Patel

1. CALL TO ORDER, PLEDGE OF ALLEGIANCE AND ROLL CALL.

- a. Ms. Farry called the meeting to order at 7:00 PM. The Pledge of Allegiance was recited. Ms. McCann took roll call with five members present (listed above). Mr. Duffy and Mr. Young were also present.

2. APPROVAL OF PRIOR MINUTES

- a. Mr. Parkerson made a motion to approve the minutes from the March 1, 2017 meeting. Mr. Costigan seconded. The minutes were approved 3-0 with Ms. Farry and Mr. Thomas abstaining.

3. DISCUSSION OF THE LAND DEVELOPMENT PLAN FOR THE MARKET PLACE AT OXFORD VALLEY, LP, 2339 EAST LINCOLN HIGHWAY, LANGHORNE, PA 19047, TMP 22-040-026-010, S/LD #16-11

Tom Hecker, Esq., Joe Jaworski, P.E. and Mark Kessler of the Klein Group appeared as the Applicant. Mr. Hecker explained the applicant proposes to construct a 4,550 SF building pad that will house two restaurants – Chipotle and Mod Pizza within the existing parking lot. The existing shopping center (Staples and Target) is on 6.7 acres and is comprised of two parcels and the parking lot is a shared agreement. The site is zoned CS Shopping Center district. Three zoning variances were previously acquired 1) to allow a 15 foot side yard setback where 25 feet is required, 2) to allow 294 parking spaces where the ordinance requires 359 and 3) to allow a directional sign within 5 feet of the curb line of the internal driveway instead of the required 10 feet.

Mr. Hecker went over the township engineer's review letter and stated that all the outstanding issues are "will comply" responses. Mr. Hecker stated that revised plans addressing the latest review letters have already been submitted to the Township for Mr. Young's review.

The applicant noted the following four waiver requests:

1. Section 440-301.E – Requires the presentation of a preliminary plan and final plan shall each be a separate submission. The applicant has requested that this application be considered a preliminary/final application and a waiver will be required. The plans shall be revised to include a list of any and all waivers being requested.
2. Section 440-421.E(4) – Requires the edge of any parking area shall not be closer than 15 feet to the outside wall of the nearest building. This area shall be used for sidewalks to entryways and foundation plantings. The applicant is proposing 5 feet on the east side of the building. The applicant has requested a waiver to permit parking within 5 feet of the building.
3. Section 440-421.E(8) – No less than a five-foot radius of curvature shall be permitted for all curblines in all parking areas. There are several locations where the proposed curb line radii is 2 ft. and 3 ft. The applicant is requesting a waiver for this section of the ordinance.
4. Section 440-421.E(9) – all parking areas shall be set back from the future right-of-way line and all property lines a minimum of 15 feet. The applicant is requesting a waiver to propose parking within 2.7 feet of the proposed property line.

Mr. Duffy summarized the County Planning Commission, lighting and fire marshal review letters. No issues were identified and the applicant agreed to meet all requirements of the letters. The traffic review has not been received as yet and the applicant agreed to comply with any and all comments as a condition of any approval.

The planning commission members recommended eliminating the hazard of doors opening onto exterior sidewalk areas. The applicant agreed to address.

Ms. Farry noted that the existing signage for access to the shopping center is confusing. Mr. Hecker noted that PennDOT approval for the shopping center was based on the access road configuration. The applicant agreed to improve the signage.

The applicant agreed to make adjustments with the proposed tree plantings and provide a letter from the adjacent property owner authorizing the proposed utility connections.

Mr. Parkerson made a motion to recommend preliminary plan approval with the waivers subject to the applicant satisfying the review comments of the Township engineer, traffic engineer, lighting consultant, fire marshal and addressing the door and signage issues. Mr. Thomas seconded and the motion was approved 5-0.

Mr. Parkerson made a motion to recommend final plan approval with the waivers subject to the applicant satisfying the review comments of the Township engineer,

traffic engineer, lighting consultant, fire marshal and addressing the door and signage issues. Mr. Thomas seconded and the motion was approved 5-0.

4. DISCUSSION OF THE PRELIMINARY LAND DEVELOPMENT PLAN FOR THE PROPOSED BURNS AUTO EXPANSION, 690 E. LINCOLN HIGHWAY, LANGHORNE, PA 19047, TMP #22-041-079, C COMMERCIAL ZONING DISTRICT, S/LD 17-01

First order of business was Ms. Farry recused herself from any discussions, comments and voting on this item due to a financial conflict of business. Mr. Parkerson became the chairperson for the discussion.

Tom Hecker, Esq., John Hornick, P.E. and Bill Deon represented the applicant. The proposed construction is an 8,190 SF addition to the existing 1,357 SF building used for motor vehicle sales and repairs. The present owner Burns Auto Group is selling to Thompson Motor Services who is relocating from Penndel. Thompson specializes in servicing fire trucks. The parcel is approximately 1.8 acres and is zoned C Commercial District. No zoning relief is required for the proposed construction.

Mr. Hecker went over the township engineer's review letter and stated that all the outstanding issues are "will comply" responses. Mr. Hornick stated they would add some internal planting islands, signage for customer circulation and meet the water quality volume requirements for stormwater management. It was noted that there are a number of existing non-conformities on the site that leads to a number of waiver requests.

The applicant noted the following nine waiver requests:

1. Section 440-301.E – Requires the presentation of a preliminary plan and final plan shall each be a separate submission. The maximum review period authorized by the Municipalities Planning Code may be required for the preliminary plan and final plan. The Applicant is requesting a waiver from this section of the Ordinance in order to permit the submission of a combined preliminary and final land development plan.
2. Section 440-303.D(3)(d) – Requires all existing highways, streets and roads on or adjacent to any part of the tract, including name, right-of-way width (existing and future) and cartway width, are required to be shown on the plan. An aerial photograph must be submitted showing these features within 200 feet of the tract. If requested, the Township Engineer may require these features to be shown on the plan within 200 feet of the tract in addition to the aerial photograph. The Applicant is requesting a partial waiver from this section of the Ordinance in order to permit the future right-of-way to not be provided on the plans.
3. Section 440-417 – States the requirements of street trees for land developments (large trees to be 40 ft. o.c. And small trees 25 ft. o.c.). The Applicant is requesting a waiver from this section of the Ordinance to not provide street trees. No street trees or grass strip exists along the frontage of the property. The Applicant is proposing a 6-foot wide grass strip for plantings. No street trees are proposed. The overhead power lines

are located along the frontage of this property.

4. Section 440-419 & 440-509.A – States the requirements of sidewalk construction for subdivisions and land developments. The Applicant is requesting a waiver from this section of the Ordinance. Section 440 – 509 states that if the Board of Supervisors deems it to be in the public interest to waive the requirement for sidewalks, the developer shall contribute a sum comparable to the cost if the sidewalks had been installed. The planning commission shall make a recommendation to the Board of Supervisors regarding a fee in lieu of installing sidewalks along E. Lincoln Highway. There are no sidewalks on the adjacent two properties.

5. Section 440-421.E.1 – Requires no one row of off-street parking spaces shall exceed 12 spaces. Raised planting beds shall be at intervals not to exceed 12 spaces with beds offset on alternating sides of parking rows. Planting islands shall be located at each end of a parking row. The Applicant is requesting a waiver from this section of the Ordinance in order to permit rows of parking without planting islands at the ends of the rows.

6. Section 440-421.E.4 – Requires the edge of any parking area shall not be closer than 15 feet to the outside wall of the nearest building. The Applicant is requesting a waiver from this section in order to permit parking to be located closer than 15 feet to the outside wall on the west side of the existing building.

7. Section 440-421.E.9 & 440-421.E.19 – Requires all parking areas and display areas for automobile sales establishments shall be set back from the future right-of-way line and all property lines at least 15 feet. The Applicant is requesting a waiver from this section of the Ordinance in order to permit parking areas to be located closer than 15 feet from the future right-of-way and all property lines. The current use, Burns Auto Sales, has auto inventory located just behind the metal bollards.

8. Section 440-421.G – Requires parking lots with less than 20 spaces shall not have a grade exceeding 5%. Parking lots with 20 or more spaces shall not have a grade exceeding 3%. The Applicant is requesting a waiver from this section of the Ordinance in order to permit parking areas with less than 20 spaces to have a grade exceeding 5%. This is an existing condition that will remain due to the slope of the property.

9. Section 440-421.H – Requires all parking areas shall have at least one tree of 1-1/2 inch caliper minimum for every six parking spaces in single rows and one tree of 1-1/2 inch caliper minimum for every 12 parking spaces in double-loaded rows of parking spaces. The Applicant is requesting a waiver from this section of the Ordinance in order to permit a parking area that does not meet the specified tree requirements.

Mr. Duffy summarized the County Planning Commission, lighting and fire marshal review letters. No issues were identified and the applicant agreed to meet all requirements of the letters. The traffic review has not been received as yet and the applicant agreed to comply with any and all comments as a condition of any approval.

Mr. Parkerson recommended expanding the landscaping along the site frontage on Rt. 1, provide curb stops for parking adjacent to building and for the applicant to show the ultimate right-of-way line on the plan noting no offer for dedication to PennDOT. Mr. Hornick stated they would comply with the requests.

Mr. Thomas made a motion to recommend preliminary plan approval with the waivers subject to the applicant satisfying the review comments of the Township engineer, traffic engineer, lighting consultant, fire marshal and addressing the landscaping, signage and curb stop issues. Mr. Costigan seconded and the motion was approved 4-0.

Mr. Thomas made a motion to recommend final plan approval with the waivers subject to the applicant satisfying the review comments of the Township engineer, traffic engineer, lighting consultant, fire marshal and addressing the landscaping, signage and curb stop issues. Ms. McCann seconded and the motion was approved 4-0.

5. ZONING ISSUES

Mr. Duffy stated that the next two zoning hearing board meetings will have use variance requests for in-law suites and an income producing apartment in the P Professional zone.

6. OTHER BUSINESS

The May meeting will review the Stone Farm. Since the traffic report was not submitted in time to be reviewed for the May meeting, the applicant's traffic report will not be officially discussed at the May meeting. It was agreed that the agenda will be the applicant presenting the new plan followed with discussion of the township engineer's review letter with the planning commission members. At the conclusion of the discussion of the engineer's review letter, the residents will have the opportunity to speak per a sign up list. The meeting will end at 10 PM to be continued.

7. ADJOURNMENT

Ms. McCann made a motion to adjourn the meeting, seconded by Mr. Costigan. The vote was taken and the motion to adjourn was unanimously approved. The time of the adjournment was 8:50 P.M.

Respectfully submitted,
Pat Duffy, Director of Building & Zoning

cc: Planning Commission
Township Manager