

Board of Supervisors Regular Meeting

Monday, September 19, 2022 | 7:00 p.m.

1) Call to Order, Pledge of Allegiance and Roll Call

Mr. Ksiazek called the meeting to order at 7:00 p.m. After the Pledge of Allegiance, Ms. Quirple called roll. Supervisors Ksiazek, Hannah, and Kane attended the meeting along with the Township Manager Stephanie Teoli Kuhls, Solicitor James Esposito, and Township Engineer, Isaac Kessler. Supervisor Quirple attended the meeting virtually. Supervisor Payne was not in attendance.

2) Announcements and Special Items.

- a) Next Board of Supervisors Meeting – Monday, October 3, 2022 at 7:00 p.m.
- b) Upcoming Events:
 - i) Environmental Advisory Council Presentation on Promoting Environmental Health of Lake Luxembourg – Tuesday, September 20th at 6:30pm (Public Hall)
 - ii) Beer Garden at Parkland Fest Community Day – Saturday, October 8, 2022, 12:00 p.m. to 4:00 p.m. (Firefighter’s Park)

3) Special Items.

- a) Conditional Use Hearing – Paranormal Cirque; Oxford Valley Mall, October 6th through October 9th

James Esposito, Township Solicitor opened the Conditional Use Application Hearing for Cirque Entertainment III, LLC to hold a 4-day circus event (October 6 – 9). Mr. Esposito noted that the event will be held on that property located at 2300 East Lincoln Highway, Langhorne, PA, Tax Map Parcel # 22-057-020-001, which is the parking lot outside of the JCPenney building at the Oxford Valley Mall. He added that the owner of the property is Simon Property Group.

Mr. Esposito explained that the request is a Conditional Use Approval under Section 2411.G.(1) of the Middletown Township Zoning Ordinance, to permit a Temporary Community Event in the GB District, which the Oxford Valley Mall property is located within.

Mr. Esposito asked if anyone in the audience would like to become a party to the Conditional Use Application. There were none. Mr. Esposito then submitted exhibits into the record.

Stephanie Teoli Kuhls, Township Manager provided a summary of the proposed event. Mr. Ksiazek requested that the applicant provide an overview of circus.

Benjamin Holland, on behalf of Cirque Entertainment III, LLC provide a detailed explanation of the circus event. Mr. Holland noted that there will be a total of six shows over the proposed four days.

Mr. Ksiazek questioned if Cirque Entertainment III, LLC has held their events in other communities like Middletown Township. Mr. Holland commented that they recently held one at the Neshaminy Mall.

Ms. Teoli Kuhls provided slideshows of the proposed site layout depicting where various entertainments would be happening.

Mr. Esposito closed testimony of the Hearing. There was no Public Comment.

Action: Mr. Ksiazek made a motion to approve the Conditional Use for Paranormal Circus at the Oxford Valley Mall from October 6th through October 9th, seconded by Ms. Hannah. Motion carried by a vote of 4-0.

4) Public Comment. *Non-Agenda Items only.*
None.

5) Consent Agenda Items

- a) Consideration of authorizing Payment of September 19, 2022 Bills List in the Amount of \$1,635,714.79.
- b) Consideration of approving the September 6, 2022 Minutes of the Public Meeting of Middletown Township Board of Supervisors.
- c) Consideration of approving Payment Certificate #1 for the 2022 Road Program to James D. Morrissey, Inc. in the amount of \$38,925.60.

Action: Mr. Ksiazek made a motion to approve consent agenda Items A-C as listed above, seconded by Ms. Kane. Motion carried by a vote of 4-0.

6) Consideration of the Preliminary/Final Land Development Approval, 130 Middletown Boulevard & 2340 Lincoln Highway, Langhorne, PA 19047, TMP 22-057-020-006 & 22-057-022, S/LD #22-04, GB General Business Zoning District.

Ed Murphy, Attorney for the Applicant, explained that the project is located at 130 Middletown Blvd. and 2340 Lincoln Highway, also known as the old Bally's site, in the General Business (GB) Zoning District. Mr. Murphy noted that the Applicant proposes to redevelop the site into a commercial site consisting of restaurants and retail stores, which will include parking, lighting, landscaping, grading, utilities, erosion control, and stormwater management. He added that the site has been in poor condition and the Applicant has demolished the buildings.

Mr. Murphy noted that variances were granted at the November 13, 2021, Zoning Hearing Board Meeting.

Mr. Murphy reviewed an aerial plan with the existing and proposed site conditions. He noted that one of the existing buildings will remain and continue to be occupied.

Justin Geonnotti, P.E., Dynamix Engineering, reviewed an aerial overlay of the existing and proposed site improvements of the proposed property. Mr. Geonnotti added that stormwater management will be added, and the site will be in complete compliance with Township and Department of Environmental Protection (DEP) regulations.

Mr. Geonnotti explained that with the improvements being proposed to the Oxford Valley Mall and discussions with Township staff on the desired connectivity to the commercial retail, the Applicant is providing full sidewalk through the site and around the perimeter of the site.

Mr. Murphy noted that Phil Wursta, Township Traffic Engineer, recommended a proposed signalized pedestrian crosswalk that would enable pedestrians to cross Middletown Blvd safely. He noted that the Applicant will contribute to the off-site traffic impact fee by contributing \$60,000 for the anticipated cost of the proposed signalized pedestrian crosswalk.

Mr. Ksiazek noted that the overall long-term vision for this property is something that the Board of Supervisors is focused on. He added his appreciation for the pedestrian connectivity and the contribution towards the cost of the signalization.

Mr. Ksiazek questioned if there are tenants for the proposed buildings. Mr. Murphy commented that there are multiple tenants that have expressed interest in all the different retail locations.

Ms. Kane questioned if the proposed restaurants have outdoor dining. Mr. Geonnotti commented that outdoor seating will be accommodated for the future restaurants.

Ms. Quirple questioned what kind of time frame is being looked at for this project. Mr. Geonnotti commented that the anticipated proposed construction start time will be middle of next year.

Ms. Quirple also questioned if the proposed restaurants are drive thru or sit down. Mr. Geonnotti noted that, although there were variances necessary for the two separate parcels, together the site meets parking requirements.

Ms. Kane questioned the zoning variance granted for parking and asked the Applicant to explain how there should not be any anticipation of parking issues. Mr. Geonnotti explained in detail the proposed parking count and variance granted.

Ms. Kane requested that the Applicant review the proposed landscape plan. Mr. Geonnotti reviewed the plan and the proposed pervious areas.

Action: Mr. Ksiazek made a motion to grant Preliminary/Final Land Development approval for 130 Middletown Boulevard & 2340 Lincoln Highway, S/LD #22-04, with the following conditions:

1. Applicant shall comply in full with all requirements of the Middletown Township subdivision and land development ordinance and the Middletown Township zoning ordinance, unless relief was granted by the body having jurisdiction.

2. All comments still outstanding in review letters shall be fully addressed for plans to be considered final, including the approvals of outside agencies (i.e. PennDOT) for completion of the plans in their jurisdiction.

Andy Warren, 294 Shadybrook Drive, questioned the types of proposed restaurants.

Seconded by Ms. Quirple. Motion carried by a vote of 4-0.

- 7) Consideration of the Preliminary/Final Land Development Approval, 627 Old Lincoln Highway, Langhorne, PA 19047, TMP 22-023-014 & 22-023-015, S/LD #21-01, C Commercial and R-2 Residential Zoning Districts.

Dave Shafkowitz, Esq., on behalf of the Applicant M Property, LLC explained that the project is located at the corner of W. Maple Avenue (Route 213) and Old Lincoln Highway, where there is an existing Dunkin' Donuts store in the C Commercial Zoning District.

Mr. Shafkowitz provided a detailed background of the project which included the adjacent parcel in the R-2 Residential Zoning District. He noted that there had been proposed residential development earlier in the Land Development plans but it has since been removed. Mr. Shafkowitz provided aerial site photographs of the existing and proposed features.

He explained that the current plans propose to renovate the existing Dunkin' to add a two-lane drive-thru with a bypass lane. The plan also limits the control of the ingress and egress on both West Maple Ave and Old Lincoln Road (two PennDOT roadways.)

Mr. Shafkowitz noted that there were discussions with Mr. Wursta regarding site movement and appropriate locations for the egress and ingress of the site. He noted that the applicant is aware that traffic has been a major concern of the project.

Ms. Kane questioned if there is any anticipation of having backups onto Maple Ave. Al Federico, Applicant's Traffic Engineer explained in detail the Dunkin' Donut drive-thru queuing and that he does not anticipate an issue of cars backing up onto Maple Ave.

Mr. Wursta stated that his office reviewed the queuing significantly and was satisfied with the queuing and space that is being provided.

Ms. Kane requested that the applicant review the landscape plan. Alan Powell, Project Engineer reviewed the details of the landscape plan.

Public Comment:

Geri Judson, 651 West Maple Ave, opposed the proposed drive-thru.

In response to the Public Comment about Public Notices of Township meetings, Ms. Teoli Kuhls explained in detail how the notice requirements were provided and adhered to for this agenda item, though not required by the Municipalities Planning Code, Middletown Township residents are notified of Planning Commission meetings.

Public Meetings of the Board of Supervisors are advertised through the Township website. She added that residents do not receive a second notice when a Land Development project moves from the Planning Commission to the Board of Superiors.

Mr. Ksiazek commented that he is satisfied with the plan to manage traffic coming into the site through the drive-thru.

Joyce Martindell, 738 W. Maple Ave, opposes the drive-thru as she has concerns with safety and accidents that will be caused by a drive-thru.

Donna Lorenzo, 716 W. Maple Ave, opposed to the application because of the drive-thru.

Mr. Kessler, Township Engineer clarified the proposed storm water management for this project. He added that for the site development the Applicant is within their project limits for storm water rate control and connecting into the system in the roadway.

Mr. Frederico provided the collision data for the area and the impact the drive-thru would have.

Action: Mr. Ksiazek motion to grant Preliminary/Final Land Development approval for 627 Old Lincoln Highway, S/LD #21-01, with the following conditions:

1. Applicant shall comply in full with all requirements of the Middletown Township subdivision and land development ordinance and the Middletown Township zoning ordinance, unless relief was granted by the body having jurisdiction.

2. All comments still outstanding in review letters shall be fully addressed for plans to be considered final, including the approvals of outside agencies (i.e. PennDOT) for completion of the plans in their jurisdiction.

Seconded by Ms. Hannah. Motion carried by a vote of 4-0.

8) Presentation of the 2023 Minimum Municipal Obligation (MMO) to the Township Pension Funds.

Stephanie Teoli Kuhls, noted that in accordance with Act 205, the Township is required to annually certify the Minimum Municipal Obligation (MMO) for each pension plan for the following year. Ms. Teoli Kuhls noted that the MMO must be certified to the municipality's governing body by the chief administrative officer by September 30th of each year.

Ms. Teoli Kuhls stated that for 2022 the estimated minimum contribution required to the Non-Uniformed Pension Plan is \$463,917 and the estimated minimum contribution requirement for the Police Pension Plan is \$2,996,190, both down slightly from last year.

9) Consideration of approving the following 2023 Regional Development Authority (RDA) Grant Program Application Resolutions:

- Resolution #22-24R - Police Department Vehicles
- Resolution #22-25R - Public Works Vehicle
- Resolution #22-26R - Fire and Emergency Management Fire Engine
- Resolution #22-27R - Pennel-Middletown Emergency Squad

Mr. Ksiazek read the resolutions into the record.

Action: Mr. Ksiazek motion to approve Regional Development Authority (RDA) Grant Resolution #22-24R, Resolution #22-25R, Resolution #22-26R, and Resolution #22-27R, seconded by Ms. Kane. Motion carried by a vote of 4-0.

10) Other Business.

None.

11) Adjournment.

Action: Ms. Kane moved to adjourn the public meeting of the Middletown Township Board of Supervisors public meeting at 8:08 p.m., seconded by Ms. Hannah. Motion carried by a vote of 4-0.