

MIDDLETOWN TOWNSHIP PLANNING COMMISSION
REGULAR MEETING MINUTES
WEDNESDAY, APRIL 6, 2022

PRESENT:

Tom Tosti, Chair (via Zoom)

Tom Piacentino, Vice Chair

Holly Cunningham, Secretary

Rich Nuttall

Joseph Antonelli

Guy Triano

Jim Ennis – Building and Zoning Director

Jim Esposito – Township Solicitor – Curtin and Heefner

Isaac Kessler – Township Engineer – Remington & Vernick, RVE

Bill Zadrovic – Township Traffic and Transportation Engineer

ABSENT:

Keith Auerswald

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

Mr. Piacentino called the meeting to order at 7:00 PM. The pledge of allegiance was recited. Ms. Cunningham took roll call with six members present.

2. Approval of Minutes

Mr. Nuttall made a motion to approve the minutes of the March 2, 2022 Planning Commission meeting. Mr. Triano seconded and the motion passed with a vote of 6-0.

3. - Discussion of Application for Preliminary and Final Land Development for an office building and parking area, 2462 Trenton Road (McHale's), S/LD #22-01, TMP #22-051-195 and 22-051-195.001

Timothy McHale, Property Owner and Applicant, Alan Toadvine, Attorney for the Applicant, and Heath Dumack, Design Engineer for the Applicant, were all in attendance to represent the application.

Mr. Toadvine covered the details of the project. The application proposes to remove the existing lot line and construct a 4,800 square foot office building at 2462 Trenton Road, which will contribute to the company's existing business. The project appeared before the Zoning Hearing Board last December and received the necessary variances.

Mr. Toadvine stated they will comply with whatever is requested by the Fire Marshall in regards to the water mains to make adequate water service available to the office building.

Mr. Nuttall asked about the current supply. Mr. Toadvine informed McHales uses a private water well and plans to continue. The well is just for employees and not the public.

Mr. Toadvine covered the requested waivers. Mr. Nuttall focused on the requested curb and sidewalk waivers. Mr. Toadvine stated McHales is pursuing a fee in lieu for both the sidewalks and curbs. Mr. Kessler stated the waivers should not be supported and pointed out that drainage elements would be affected. Mr. Toadvine informed the applicant is seeking a recommendation from PennDOT. Mr. Piacentino pointed to the fact that surrounding properties do contain curb and sidewalks. Mr. Toadvine confirmed that unless PennDOT is to say the curb and sidewalks are absolutely not needed, then McHales will comply per the Township's requirements.

Mr. Toadvine addressed the waiver request to use stone at portions of the new parking areas, as well as keep parts of the existing driveway as stone rather than paving. Mr. Ennis asked if any areas of the existing driveway are going to be expanded. Mr. Toadvine answered there will not be an expansion. Mr. Tosti asked if McHales currently has issues with the stone dragging onto the roadways. Mr. Dumack ensured there aren't issues because the stone portion is at least 100 feet off Trenton Road. The new areas of parking proposed to be stone will be used by employees only and not the public. Mr. Zadrovic asked about travel between buildings and Mr. McHale ensured no employees would be traveling in between.

Mr. Piacentino opened the floor for Public Comment.

Mr. Jim Flynn of Aspen Avenue stood and voiced his support of the stone paved areas on McHale's lot.

Mr. Piacentino closed the floor for Public Comment.

Mr. Tosti made a motion to recommend approval of the application:

Recommendation of approval of S/LD #22-01 – Application proposing the construction of an office building at 2462 Trenton Road/BCTMP#'s 22-051-195 and 22-051-195.001 (The Properties). The recommendation is based on Plan entitled "2642 Trenton Road, comprising 10 sheets and dated December 13, 2021 and last revised February 28, 2022, prepared by Heath Alan Dumack of Dumack Engineering, Penns Park, PA. Recommendation is further based on comments provided in the following:

- a. March 28, 2022 letter from Isaac E. Kessler, P.E., of Remington and Vernick Engineers, Middletown Township Engineer*
- b. March 30, 2022 letter from Phil Wursta, P.E., of TPD, Inc., Middletown Township Traffic and Transportation Engineer*
- c. March 31, 2022 letter from Jim Ennis, Middletown Township Director of Building and Zoning*
- d. March 4, 2022 letter from Ronald B. Smith, Senior Engineer for Suburban Lighting Consultants*
- e. January 31, 2022 review letter from the Bucks County Planning Commission*
- f. January 17, 2022 letter from Don Harris, Middletown Township Fire Marshall and Director of Fire and Emergency Management*

The recommendation is further based on the waivers requested on sheet 2 of 10 of the plan entitled "2462 Trenton Road" prepared by John Richardson of Dumack Engineering.

Mr. Nuttall seconded and the motion passed 6-0. The Planning Commission noted the applicant will not be complying with the Traffic Engineer's review comments against the allowance of the stoned driveway and parking area.

- Discussion of Application for Preliminary and Final Land Development for proposed Popeye's Restaurant with Drive-Thru Service, S/LD #21-09, TMP #22-047-198-003

Mark Graefe, Property Owner and Applicant, Michael McGinniss, Attorney for the Applicant, and Christopher Riggle, Design Engineer for the Applicant, were all in attendance to represent the application.

Mr. McGinniss covered the details of the project. The application proposes to demolish the existing structure and portion of the parking lot to construct a 2,145 square foot Popeye's restaurant with drive-through and sit down service. The project appeared before the Zoning Hearing Board last September and received the necessary variances. Mr. McGinniss also identified many pre-existing non-conformities will be removed with the proposed development. Mr. Riggle detailed the decrease in building square footage, increase in green space, and installation of new sidewalk.

Mr. Triano asked for more specifics on the drive-through and entrance location design. Mr. Riggle pointed out the entrance locations and their overall design on the plans.

Mr. Tosti raised issues about the crosswalk across the front of the drive-through line. Mr. McGinniss stated this was in place for those who park closer to the neighboring shopping center.

Mr. Tosti asked for clarification on the bus stop location near the property and how no sidewalk connection to Old Lincoln Highway would cause pedestrians from that location to walk through grass. Mr. McGinniss made clear the applicant recognizes this issue and tried to come up with a solution, but, ultimately, the connection was not feasible.

Mr. Antonelli asked if the exit is located closer to Route 1 from the time a sketch plan was submitted for review. Mr. Riggle confirmed the exit has been moved closer. Both Mr. Antonelli and Mr. Nuttall expressed concerns about traffic in that area due to current backups and the neighboring Sam's Club traffic. Mr. Riggle stated the change was made to better align the traffic with the exit and the drive-through. Mr. McGinniss added that the other exit option mitigates traffic.

Mr. McGinniss addressed the waiver for the curb radius being less than 5ft and specified this is due to the angled parking on one portion of the property. Mr. Kessler advised that this waiver does make sense for the location.

Mr. Piacentino opened the floor for public comment and none was given.

Mr. Ennis asked if the applicant will comply with the comments contained in the letter from Don Harris dated March 31, 2022. Mr. Graefe, Mr. Riggle, and Mr. McGinniss all expressed full compliance.

Mr. Nuttall made a motion to recommend approval of the application:

Recommendation of approval of S/LD #21-9 – Application Proposing Construction of a Popeye’s Restaurant with Drive-Through Service at 1791 E. Lincoln Highway/BCTMP# 22-047-198-003 (the Property) Recommendation Is based on Plan entitled “Permitting Plans for Posel Management Company”, comprising 12 sheets and dated November 12, 2021 and last revise March 7, 2022, prepared by Christopher John Riggle of Coliers Engineering and Design, Exton, PA. Recommendation is further based on comments provided by the following:

- a. March 28, 2022 letter from Isaac E. Kessler, P.E., of Remington and Vernick Engineers, Middletown Township Engineer*
- b. March 30, 2022 letter from Phil Wursta, P.E., of TPD, Inc., Middletown Township Traffic and Transportation Engineer*
- c. February 1, 2022 letter from Jim Ennis, Middletown Township Director of Building and Zoning*
- d. March 27, 2022 letter from Ronald B. Smith, Senior Engineer for Suburban Lighting Consultants, Middletown Township Lighting Consultant*
- e. February 1, 2022 review letter from the Bucks County Planning Commission*
- f. March 31, 2022 letter from Don Harris, Middletown Township Fire Marshall and Director of Fire and Emergency Management*
- g. March 31, 2022 letter from the Middletown Township Environmental Advisory (EAC)*

The Recommendation is further based on the waivers requested in the April 4, 2022 letter prepared by Colliers Engineering and Design.

Mr. Piacentino seconded and the motion passed 6-0.

- Discussion of Application for Preliminary and Final Land Development for Dunkin Drive-Thru and Residential Subdivision, S/LD #21-01, TMP #22-023-014 and 22-023-015

Naresh Patel, Property Owner and Applicant, David Shafkowitz, Attorney for the Applicant, and Al Fedderico, Traffic Engineer for the Applicant, were all in attendance to represent the application.

Mr. Piacento made clear there will be no vote for this application tonight. This matter is to be a presentation only.

Mr. Shafkowitz covered the details of the project and made clear the applicant understands there is still a lot of work to be done, but the presentation was

necessary to gain feedback. The application proposes to renovate the existing Dunkin Donuts by adding a drive-through with a bypass lane, new off-street parking, and landscaping. Additionally, the applicant is proposing a four lot subdivision at the adjoining parcel for the construction new single family detached dwellings. The project appeared before the Zoning Hearing Board last December and received variances related to the drive-through portion and dimensional aspects of the plan.

Mr. Fedderico explained the traffic study and how the new volume would not be a significant change to the current traffic numbers. He stated the proposed double drive-through, along with the proposed bypass lane, would help to decrease traffic on the neighboring roadways. He identified the moving of the access points on both West Maple Avenue and Old Lincoln Highway and stated this helps regulate roadway traffic in the area. Their traffic plan still needs to be submitted to PennDOT.

Mr. Triano asked if both the Dunkin Donuts drive-through and 4 lot residential subdivision were planned to be completed at the same time. Mr. Patel stated, yes, because of the storm water management portion.

Ms. Cunningham asked for clarification on what currently exists in the area where the single family dwellings are proposed. Mr. Nuttall noted one house and one garage are currently there.

Mr. Ennis raised concerns on the comments contained in the review letter from Don Harris and how emergency service vehicles were unable to access the proposed dwellings. Mr. Fedderico stated this issue needs to be further looked into.

Mr. Kessler asked about the cul-de-sac removal from the previously submitted sketch plan and commented the new residential lay out does not work as well without the cul-de-sac.

Mr. Ennis asked Mr. Shafkowitz if the applicant would be scheduling a meeting with the Township directly at a later time to further discuss and address the comments contained in the review letters. Mr. Shafkowitz assured they would.

Mr. Nuttall commented that single family dwellings have always been part of any development proposed at this location.

Mr. Piacentino opened the floor for public comment.

Jim Flynn of Aspen Avenue expressed concern on increased traffic in the area due to drive-through services.

James Holton of West Richardson Avenue commented on the problems with having even more people using his street as a cut through due to increased traffic from the drive-through.

Joyce Martindell of West Maple Avenue questioned how the mix of commercial and residential development were allowed. Mr. Ennis clarified that both residential and commercial are allowed within that area because of the Zoning Districts. Ms. Martindell also stressed storm water management needing to be correctly handled.

Donna Lorenz of West Maple Avenue also commented on storm water management issues, as well as the problems with an increase in traffic.

Lynn Davidson of Lawson Drive in Morrisville stated she is Donna Lorenz's daughter and grew up on West Maple Avenue. Ms. Davidson also expressed concern about the increase in traffic to the area.

Ms. Cunningham asked when the traffic study was originally conducted. Mr. Fedderico answered it was conducted during the height of the Covid 19 Pandemic.

Mr. Piacentino asked if another traffic study would be conducted. Mr. Fedderico answered they had not planned on it.

Tom Kane of Old Lincoln Highway made a point to comment on numerous issues that included an increase in traffic, storm water management, lighting, trash clean up , and noncompliance with the noise ordinance.

Mr. Ennis noted that Mr. Kane had also submitted a letter prior to the meeting and it was forwarded to the Planning Commission.

Karen Lamal of Gold Club Drive stated she is in support of the change in location of the point of egress on Old Lincoln Highway.

Mr. Ennis summarized the letters given to the Planning Commission from residents who were unable to attend, Andy Belmont and the Judson's (Geraldine and Mike).

Mrs. Judson was in attendance and reiterated the issues covered in her letter about traffic and the difficulty of getting in and out of her driveway.

Mr. Piacentino ended public discussion.

Ms. Cunningham asked how many cars could fit in the drive-through queue. Mr. Shafkowitz stated 14 cars. Ms. Cunningham pointed out how this would take those vehicles off the road and on to the Dunkin property.

Mr. Triano asked if the store would stay open during renovations. Mr. Patel said this is still undecided and would need to be addressed with the contractor.

Mr. Nuttall told the applicant to take all public concerns into consideration. Mr. Shafkowitz guaranteed they would.

Mr. Zadrovic commented on how PennDOT will heavily weigh in on this proposal.

Mr. Piacentino asked if anyone else had any comments in regards to the Dunkin proposal. The presentation was concluded given no more discussions or comments were raised.

4. Review of Zoning Hearing Board Advertisement

Mr. Ennis informed that Woods Services is scheduled to appear before the Zoning Hearing Board on April 13, 2022.

5. Other Business

No comments or discussion

6. Adjournment

Mr. Piacentino made a motion for adjournment at 9:05 PM and Mr. Nuttall seconded the motion, which carried on a 6-0 vote.