

MIDDLETOWN TOWNSHIP PLANNING COMMISSION
REGULAR MEETING MINUTES
WEDNESDAY, JUNE 1, 2022

PRESENT:

Tom Tosti, Chair

Tom Piacentino, Vice Chair

Holly Cunningham, Secretary

Rich Nuttall

Joseph Antonelli

Keith Auerswald

Jim Ennis – Building and Zoning Director

Andrew Griffin – In place of Township Solicitor Jim Esposito – Curtin and Heefner

Isaac Kessler – Township Engineer – Remington & Vernick, RVE

Bill Zadrovic – Township Traffic and Transportation Engineer

ABSENT:

Guy Triano

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

Mr. Tosti 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. Piacentino made a motion to approve the minutes of the April 20, 2022 Planning Commission meeting. Mr. Nuttall seconded and the motion passed with a vote of 6-0.

3. - Discussion of Application for Preliminary and Final Land Development proposing the construction of two restaurant pad sites with drive-through service at 2029 Lincoln Highway (CFT Plaza) S/LD #21-06, TMP #22-040-025-008

Henry Clover, architect for the applicant, presented the application.

Mr. Clover covered the details of the project. The application proposes to demolish an existing building to construct two restaurant pad sites on a 69,708 square foot

property within the C Commercial Zoning District. Each of the restaurants will have drive-thru service. One of the restaurants will be 2,540 square feet in size and the other will be 2,400 square feet in size. Off-street parking areas, new lighting, storm water management infrastructure, and landscaping are also proposed. Restaurants are allowed by-right within the C district. Restaurant drive-thrus are allowed by Special Exception in the C District.

He explained there will be more area devoted to a drive-through, smaller buildings than the current one at the property, more parking in excess of the requirements of the Township, and a new prototype for a Panda Express restaurant.

Mr. Tosti asked what will be at the second pad site.

Mr. Clover answered his client is still not sure but in negotiations with a well known burger or Mexican food corporation.

Mr. Tosti addressed it will be hard for the Planning Commission to recommend approval without knowing for sure what the second restaurant will be.

Mr. Clover explained traffic studies were performed based on a level of development with the worst impacts.

Mr. Tosti expressed concern that the Planning Commission, as well as the Board of Supervisors, will not know what the second pad site will be with any given approvals. He also asked if the second site will be developed at the same time or later.

Mr. Clover said it will depend when a deal is made with either corporation.

Mr. Tosti made clear the Township is consistently not allowing waiver requests for sidewalk installations.

Mr. Clover stated they will comply.

Mr. Piacentino recommended a barrier to stop cut through traffic.

Mr. Zadrovic agreed and should be further reviewed.

Mr. Kessler suggested the applicant further discuss with the Fire Marshall his review comments related to the two entrances and exits.

Mr. Nuttall questioned if another traffic study is needed to be conducted once the use of the second building is known.

Mr. Tosti added as to whether or not the Board of Supervisors would give approval without knowing what the use of the second site would be even if the Planning Commission were to provide a recommendation.

Mr. Ennis confirmed an additional review and approval process would be required if anything was significantly changed from the current plan submittal.

Mr. Zadrovic added that another traffic review would also be needed.

Mr. Tosti identified that the Bucks County Planning Commission (BCPC) letter only addresses the construction of Panda Express building and not the second building.

Mr. Clover stated the BCPC requested that the second building be removed from the plan submission for the purposes of their review.

Mr. Tosti expressed concern over any recommendation given will seem rushed given the second building is not part of the BCPC's review.

Mr. Ennis mentioned the Township just received the BCPC review letter today and just found out about the second building not being part of their review.

Mr. Nuttall further raised the issue on what actually would be given a recommendation of approval since there are conflicts on what level of construction is being pursued with the current plan submittal.

Mr. Clover clarified that the project will be done in two phases. Phase one would be the construction of the Panda Express and the infrastructure of the entire site.

Mr. Ennis acknowledged the Planning Commission's concern with providing a recommendation when the BCPC letter did not review anything related to the construction of the second building.

Mr. Nuttall noted a recommendation of approval at this time could limit who can lease or rent the second building at a later time.

Mr. Kessler stated the phasing of a land development application is not abnormal. He informed the Planning Commission could set a condition with a recommendation that the construction of the second building would have to appear before the Planning Commission at a later time.

Mr. Tosti asked if the recommendation would only be for anything related to Phase 1 and Phase 2 would need a recommendation at a later time.

Mr. Kessler said yes based on the meeting's discussions. A recommendation would be for the approval of the Panda Express, parking, and overall site design, but excluding the construction of the second building. Phase 2 would have to go through an additional review and approval process at a later time.

Mr. Clover agreed with Mr. Kessler's comments and currently only seeking a recommendation for anything related to Phase 1.

Mr. Tosti asked if they would have to go back to the Zoning Hearing Board at later time for anything involving Phase 2.

Mr. Kessler answered only if the proposed use and/or site design was significantly different from what was reviewed by the ZHB.

Mr. Ennis emphasized the Planning Commission has the ability to set conditions with their recommendation.

Mr. Tosti opened the floor for Public Comment.

No public comment was provided.

Ms. Cunningham made a motion to recommend approval of the application with the following condition-

Plan revisions need to be submitted prior to requesting final plan approval from the Board of Supervisors. The requested approval will be for anything related to Phase 1, which is the construction of the Panda Express and the overall site development. The recommendation of approval is exclusive of proposed construction covered under the 2nd phase of development, which includes the 2nd restaurant building. Proposed construction involving the 2nd restaurant building will go through an additional land development approval process involving the Planning Commission and Board of Supervisors at a later time.

The Planning Commission suggested a narrative/letter fully explaining the conditions of their recommendation is submitted with the revisions for the Board's benefit.

Mr. Ennis informed that there is not enough time to be scheduled in front of the Board of Supervisors for their upcoming June 13th meeting. The next available meeting for this Land Development to be scheduled and considered by the Board is Monday, July 18th at 7:00 PM.

Mr. Ennis directed Mr. Klover to provide a letter requesting a waiver from the timeframes of the Pennsylvania Municipalities Code and the Township's SALDO concerning the approval of a land development application.

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

- Discussion of Application for Preliminary and Final Land Development for proposed construction of E Old Lincoln Highway Industrial Facility – Northern and Southern sites – at 1700 E Old Lincoln Highway, S/LD #22-05, TMP #22-040-010. 22-040-010-001, 22-040-010-002, 22-040-010-003, 22-040-011, 22-040-012, 22-040-006-001, 22-040-005, 22-040-013, 22-040-024, 22-040-013-001, 22-040-022 and 22-040-023

Several people were in attendance representing the applicant, but Paul Hughes, civil engineer for the applicant, presented the application.

Mr. Hughes covered the details of the project. The application proposes the construction of two warehouse facilities on a combination of properties totaling 87.2 acres in the M-1 Light Manufacturing Zoning District. The subject application contains two separate plan sets distinguishing the overall development into two sites – Northern and Southern. The Northern Site area comprises 34.3 acres and the Southern Site area comprises 43.9 acres. The warehouse building coverage area proposed for the Northern Site will be 360,000 square feet and the warehouse building coverage proposed for the Southern Site will be 451,250 square feet. The proposed construction at both site areas will also include such things as: new off-street parking areas, driveways, loading and unloading areas, landscaping, lighting, utility installations, and storm water management installations. Warehouse uses are permitted by-right within the M-1 District.

Mr. Hughes understood the application is not up for the consideration of a recommendation tonight and primary purpose of the presentation is to gain feedback on how to possibly improve the project.

Mr. Hughes further covered the Northern Site's landscape plan and Residential tree buffer, as well as explained the site's proposed storm water management. As for the residential screening, Mr. Hughes stated the applicant cannot promise the site will be fully invisible from the adjacent residents, but the applicant is striving for that goal.

Given that much of the information Mr. Hughes was providing was driven unprompted interruptions from members of the public in attendance, Mr. Tosti

announced and asked the public to please hold comments until the public comment portion of the presentation.

Mr. Hughes wrapped up the presentation by covering the comments in the submitted review letters and the requested waivers.

Mr. Nuttall stressed that using local labor should be used, especially for EIT tax purposes. Mr. Hughes stated he believes the developer is planning to work with local labor and is open to further discussions.

Mr. Piacentino asked if there will be cut through access from adjacent properties to the Reedman Toll property. Mr. Hughes answered there will not be cut through access.

Mr. Tosti identified the loading docks as being very close to the neighboring residential area. He suggested moving the loading docks to the opposite side of the building and away from the residential area.

Ms. Cunningham asked if a noise study was performed. Mr. Ennis noted that any noise issues need to be addressed before construction and establishment of operations and not afterwards through possible enforcement measures. Mr. Hughes stated that any prospective tenant will comply with any applicable ordinances or conditions.

Mr. Piacentino asked if the landscaping buffer could be raised. Mr. Hughes stated there is no reason the applicant couldn't comply with that possible condition. Mr. Kessler pointed out that a raised buffer would help mitigate lighting issues.

Mr. Tosti focused on the sidewalk waiver. Ms. Cunningham added how Public Transportation Safety is a very important element for this project. Mr. Hughes acknowledged a sidewalk waiver is requested but the applicant will work with the Township, PennDOT, and SEPTA on practical and safe measures involving pedestrians.

Mr. Tosti stressed the Township's goals for sidewalk connectivity.

Mr. Auerswald asked if a sound barrier could be installed between the property and the neighboring residential properties. Mr. Hughes said consideration of a sound barrier is not out of the question.

Mr. Tosti opened the floor for Public Comment.

Susan Carletto of First Street raised concerns about potential approvals of the and her dismay on this level of development getting approved “in her backyard”. She specified the development will bring increased foot traffic, vehicle traffic, and “unwanted people” to their homes.

Mr. Tosti reiterated the purposes of the meeting is presentation only and nothing is approved at this time.

Ed Calvello of Hulme Avenue raised concerns about noise disturbances and pointed out the tree barrier will take years to grow. He brought up increased traffic on 213 and Woodbourne Road.

Michael Schuckert of Hulme Avenue raised concerns on lighting and hours of operation and pointed out that switching the basin area location with the trailer storage area further away from the residents could address issues.

Mr. Tosti closed the floor for Public Comment.

No further comments or questions were raised from Planning Commission and the presentation was adjourned.

4. Review of Zoning Hearing Board Advertisement

Mr. Ennis covered the continuance of the Woods Services application and the possibility of eventually seeing an application for a 3-lot subdivision currently seeking variances.

5. Other Business

Mr. Piacentino asked on the status of the construction permits for the apartment development near the Oxford Valley Mall. Mr. Ennis advised the construction plans are under review.

6. Adjournment

Meeting was adjourned at 9:00 PM.