

MIDDLETOWN TOWNSHIP PLANNING COMMISSION
REGULAR MEETING MINUTES
THURSDAY, JULY 11, 2024

PRESENT:

Richard Nuttall

Tom Piacentino

Joseph Antonelli

Ryan Leighton

Amber Watson-Tardiff

Jim Ennis – Building and Zoning Director

Andrew Griffin – Township Solicitor Curtin & Heefner

Andrew Pockl– Township Engineer – Remington & Vernick, RVE

ABSENT:

Keith Auerswald

Guy Triano

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

Mr. Nuttall called the meeting to order at 7:00 PM. The pledge of allegiance was recited. Mrs. Watson-Tardiff took roll call with 8 members present.

2. Approval of Minutes – May 1, 2024

Mr. Piacentino made a motion to approve the minutes of the May 1, 2024, Planning Commission meeting. Mr. Leighton seconded, and the motion passed with a vote of 6-0.

3. Application for a Conditional Use Permit for Garden Bros Circus Event in a portion of the Oxford Valley Mall parking lot, 2300 E. Lincoln Hwy., Langhorne, PA 19047, TMP 22-057-044, C - Commercial Zoning District, CU # 24-1.

Kylee Sheppere represented the Garden Brothers Circus Event during this meeting. The presentation for the circus event was relatively brief with Mrs. Sheppere explaining how this is the world's largest circus and explaining the show itself. Sheppere also discussed the different permit applications that Garden Brothers will submit that the township required for this event. Jim Ennis asked about letters that were needed for the Fire Marshals and Engineers and Sheppere

stated that they would get all the required documents and information to the township. Sheppere further discussed the parking and traffic that will be happening while the event is happening. Mr. Ennis discussed the escrow that will be put down with the permit applications that will cover the Police Department, Fire Marshals, and Emergency Services to be present at the event. Mr. Nuttal asked a question about the members of the circus and if they were going to be staying in RVs in the parking lot. Sheppere explained that the mall has designated spots for them to park their RVs for them to stay in during the show times. Mr. Ennis made a comment that the RV parking was never an issue in the past when the circus has come.

During the public comment a resident had a concern about emptying the waster water from the RV's and the tent of the circus and what damage that could cause. Sheppere acknowledged the comment and explained that they are working with a portable toilet company that will be out daily to empty the RV's and tent areas and no waster water will be emptied in the parking lot.

Mr. Nuttal made a motion:

Recommendation of approval of CU #24-1 - Application proposing a four-day circus event running from September 12th to September 15th at the Oxford Valley Mall site containing the address of 2300 Lincoln Highway, Langhorne, PA 19047 and the Bucks County Tax Map Parcel number – 22-057-044. Recommendation is based on the documents submitted with the application. Recommendation is further based on the following:

- 1. Exhibits presented to the Middletown Township Planning Commission during their July 11, 2024 meeting*
- 2. Full compliance with the applicable requirements contained in Section 500-2411 of the Middletown Township Zoning Ordinance.*
- 3. Full compliance with the applicable requirements contained in Article II of Middletown Township's Amusements Ordinance.*
- 4. Compliance with the June 14, 2024 review letter from Alan Welsh, Middletown Township Fire Marshal.*
- 5. Compliance with the June 20, 2024 review letter from Issac E. Kessler, P.E., Middletown Township Engineer.*
- 6. Compliance with the July 5, 2024 review letter from Phil Wursta, P.E., Middletown Township Traffic and Transportation Engineer.*
- 7. Assurance all necessary permits and approval from Middletown Township will be obtained prior to the starting of the event.*
- 8. The posting of a \$3,000 escrow to cover police, fire, and emergency services during the event's duration.*

The Planning Commission unanimously gave a recommendation of approval (5-0) to the conditional use application.

4. Application for a Preliminary/Final Land Development submission for a Proposed Contracting Office w/ Accessory Warehouse & Outside Storage Area, Big Oak Road, Langhorne, PA 19047, TMP 22-031-083-001, M-1 Light Manufacturing Zoning District, S/LD 24-2.

Ed Murphy, attorney, and Justin Geonotti, design professional both represented this application. Mr. Murphy, who was representing Perera Concrete, discusses the history of the property and how the business is growing beyond capacity at their present site at 2330 Big Oak Road. They are proposing moving their operations to the proposed new facility across the road at 2350 Big Oak Road. Mr. Geonotti further discussed the plans and storm water management. Mr. Geonotti also discussed that there are going to be many trees that are going to be taken down, but they are required to replace 4.1 acres of the trees. Jim Ennis stated that Public Works, Parks & Recreation, and Zoning will be involved with the tree replacement. Tom Piacentino asked about the road improvements and Mr. Geonotti discussed the aerial overlay image about the proposal fee in lieu of improvements for the Township. Mr. Piacentino also asked a question about the traffic and the trucks that will be used and how many will be entering and exiting the property. RVE discussed that they did a traffic study and they estimated that 40 more trips are predicted. Mr. Piacentino further asked about the progress of the construction relating to how long the project would take to be finished. Mr. Geonotti stated that it could take 2 years after the approval of the permitting. Mr. Nuttall then asked about the noise ordinances in the township and Jim Ennis went through the ordinance for noise that the township has in place. Mr. Nuttall also asked about the excessive lighting that could come off the property. Andrew Pockl provided the lighting plan around the property showing that there will be no excessive lighting.

Nine people provided public comments. Most of the comments raised concerns or generally against the development. One member of the public, the operator of Styers market, expressed support for the development. The support was for maintaining a family-owned business that has shown itself to be a positive contributor to the community, as well as an asset to the Township's economic development and job generator. The concerns and opposition covered too much development already along Big Oak Road, noise, too much additional traffic, flooding, truck maintenance on site, impact on wetlands, deforestation, threats to wildlife, school student safety, counterintuitive to the Township's Climate Action Plan, and the need for a more comprehensive traffic study that goes well beyond the immediate area of the proposed development. Many of the concerns targeted the traffic that will be generated by the Maple Point School campus once the elementary school is completed and had nothing to do with the proposed warehouse building.

Tom Piacentino made a motion to approve, Amber Watson-Tardiff seconded the motion. The application received a recommendation of approval from the Planning Commission (4-1) with Ryan Leighton as the dissenting vote.

Preliminary/Final Plan recommendation

Recommendation of approval of S/LD #24-2 - Application proposing the construction of a 26,428 square foot warehouse with contracting offices building at 2350 Big Oak Road/BCTMP# 22-031-

083-001 (the Property). Recommendation is based on Plan entitled “Preliminary/Final Land Development Plan for Pereira Properties LP – Proposed Warehouse and Contracting Office” comprising 35 sheets and dated March 4, 2024 and last revised June 1, 2024. Plan is prepared by Justin A. Geonnotti, PE, of Dynamic Engineering of Newtown, PA. Recommendation is further based on the following:

Compliance with the comments provided in the –

- a. June 19, 2024 letter from Isaac E. Kessler, P.E., of Remington and Vernick Engineers, Middletown Township Engineer*
- b. July 5, 2024 letter from Phil Wursta, P.E., of TPD, Inc., Middletown Township Traffic and Transportation Engineer*
- c. May 15, 2024 review letter from the Bucks County Planning Commission*
- d. June 7, 2024 letter from Alan Welsh, Middletown Township Fire Marshal*
- e. March 28, 2024 letter from the Middletown Township Environmental Advisory Council (EAC)*

And –

- 1. Patial waiver from Section 440-510.B of the Subdivision and Land Development Ordinance to provide curbing and cartway widening along Big Oak Road. Partial waiver is based on the applicant providing a financial contribution to the estimated cost of the improvements along the frontage of 2350 Big Oak Road. Estimated cost will be determined by the Township Engineer and Township Traffic and Transportation Engineer.*
- 2. Applicant will pay a fee-in-lieu for the installation of sidewalk along 2350 Big Oak Road. Cost estimate for the installation will be determined by the Township Engineer.*
- 3. Applicant will coordinate with the Township Engineer to determine the number of replacement trees that can be accommodated on site. This is covered in item S. of the testimony and evidence contained in the June 14, 2023 Zoning Hearing Board Decision and Order. Additionally, applicant will provide off-site replacement trees at locations determined by the Township or, in the event the Township determines there are no appropriate locations for the replacement trees, the applicant will provide a fee-in-lieu determined by the Township, as required under condition 3. Of the June 14, 2023 Zoning Hearing Board Decision and Order.*

This application is expected to appear before the Board of Supervisors in September.

5. Application for a Subdivision & Land Development submission for Development of a Residential Community Comprised of 66 Townhouses, 1700 Woodbourne

Road, Langhorne, PA 19047, TMP 22-055-201, P - Professional Zoning District, S/LD 24-3.

Rob Gundlach, the attorney, represented this project relating to sixty-six (66) townhouses being built. Mr. Gundlach covered how this use was denied previously by the Zoning Hearing Board, but a stipulation of settlement with the Township was established when the Zoning hearing Board decision was appealed by the developer. Mr. Gundlach continued to discuss the site plan, covering the concerns about fencing around the development, setbacks, how they will be installing turning lanes on the main road, and the concerns of lack of affordable housing. Mr. Nuttall chimed in asking about Storm Water Management. Mr. Pockl from RVE replied that they have storm water management accommodations including from the DEP requirements and are meeting code. Mr. Nuttall then asked about the traffic study. RVE discussed that this development would add 17 additional trips to what was already happening. Mr. Ryan Leighton asked a question about the pricing that the proposed homes would go for, and Mr. Gundlach discussed that they would start out in the high \$500k also how a unique condition of the settlement through ZHB the developer is contributing finances towards an attainable housing fund that will be administered by the Township. He continued to explain how in the economy building and construction prices have doubled therefore that is the lowest they can start. Mrs. Amber Watson Tardiff continued asking about the financial contribution fund and how much the fund would start at. Mr. Gundlach replied that the fund would start out at \$200k, which does not seem like much but explained that by doing something unique like this will take time and it just needs a starting point to develop. Joseph Antonelli asked about parking at each home and Mr. Gundlach covered that each home will have a driveway and a two-car garage, and it is proposed to have 28ft streets to possibly park there.

Public Comment covered the concerns and opposition about the traffic impacts of the development, but also stormwater management, grading, details on the housing fund, potential issues caused to the neighboring church on the other side of Woodbourne, and the current food pantry leaving the property. Mr. Gundlach went through all the concerns with the residents explaining the drainage system that they have in place for the basin overflows, further explained the housing fund and how it works, also that the turning lane looking to be installed will not impact the church on the other side in any way. Another concern was a resident whose property would back up to the proposed development. Mr. Gundlach explained that they will be putting up a black aluminum fence 50ft back from their property line.

The application received a recommendation of approval from the Planning Commission (3-2) with Ryan Leighton and Joe Antonelli as the dissenting votes. The recommendation of approval is:

Preliminary/Final Plan recommendation

Recommendation of approval of S/LD #24-3 - Application proposing the construction of a sixty-six townhouse development at 1700 Woodbourne Road/BCTMP# 22-055-201 (the Property). Recommendation is based on Plan entitled "Preliminary/Final Land Development Plans for St. Gorson Court" comprising 27 sheets and dated April 1, 2024 and last revised May 23, 2024. Plan is prepared by Keith A. Lieberman, PE, of T&M Associates of Philadelphia, PA. Recommendation is further based on compliance with the following:

- a. *July 3, 2024 letter from Isaac E. Kessler, P.E., of Remington and Vernick Engineers, Middletown Township Engineer*
- b. *July 5, 2024 letter from Phil Wursta, P.E., of TPD, Inc., Middletown Township Traffic and Transportation Engineer*
- c. *June 24, 2024 review letter from the Bucks County Planning Commission*
- d. *June 7, 2024 letter from Alan Welsh, Middletown Township Fire Marshal*
- e. *The variances, waivers, and conditions to the Stipulation of Settlement stated on Sheet 4 of the Preliminary/Final Land Development Plans. Requested waivers are further stated in the April 1, 2024 letter from Jacob Tackett of T&M Associates.*

This application is expected to appear before the Board of Supervisors for the September meeting.

6. Review of Zoning Hearing Board Advertisement

Mr. Ennis briefly went over the properties that will be attending the next Zoning Hearing Board meeting.

7. Other Business

There was no other business that was discussed.

8. Adjournment

Mr. Piacentino made a motion for adjournment at 9:45 PM. Mr. Antonelli seconded the motion, which carried on a 6-0 vote.