

**MEETING MINUTES**  
**September 27, 2022**  
**7:00 PM**

A meeting of the New Britain Township Planning Commission was held on September 27, 2022, at the Township Administration Building, 207 Park Avenue, New Britain Township, PA beginning at 7:00 p.m. In attendance were Chair Marco Tustanowsky, Board Liaison Marybeth McCabe and members Michelle Martin, Theresa Rizzo-Grimes and Kristen Ives. Township Assistant Planning & Zoning Officer Ryan Gehman and Township Engineer Craig Kennard were also in attendance.

**I. Pledge of Allegiance**

**II. Approval of the Minutes from the Meeting of July 26, 2022**

**MOTION: Upon motion of Ms. Martin, seconded by Ms. Ives, and unanimously carried, the July 26, 2022 meeting minutes were approved.**

**III. 141 Independence Ln – Preliminary/Final Plan Review**

Kim Fasnacht of Rettew Associates introduced herself and Andy Miller of 101 Independence Lane Associates, the applicant for the project at 141 Independence Ln. Fasnacht stated that Miller and herself had presented the project previously at the July 26 Planning Commission Meeting, and they were returning to present a resubmission that addressed comments from the July 26 meeting as well as in the Gilmore review letter for the project.

Fasnacht stated that the applicant has withdrawn their waiver request from providing sidewalk, noting that the applicant is now adding sidewalk within existing right of way along the property and across an adjoining property. Additionally, Fasnacht noted that there was a minor change made to the plan per a potential client's request, which was to convert one of the loading docks shown on the original plans into a drive-in ramp.

Fasnacht went on to discuss the basins on the property, noting that the property owner was able to have the northernmost basin cleaned relatively easily. Fasnacht stated that the southern basin took more time to have cleaned out as it had standing water, but the work has been done and the survey data is being processed.

Kennard noted that roughly 1.5 pages of the Gilmore review letter for this project were comments related to the work that needed to be done at the basin, and the steps the applicant has taken were done in order to satisfy those comments. Miller noted that the intent was to get the basins to a point that they are functioning for the end user, whether that is himself or another buyer, even though they will be modifying the basins as part of their land development which will likely not start until next spring.

Kennard noted that all of the additional comments in the Gilmore review are will-comply, and that Gilmore supports all of the requested waivers. Kennard stated that he has no objection to recommending

Preliminary/Final Approval subject to compliance with the September 21, 2022 Gilmore & Associates review letter, in which there are 7 waivers which are supported, the September 14, 2022 Fire Marshal Review letter, and the applicant's response letter dated August 19, 2022. The Planning Commission did not have any further comments.

**MOTION: Upon motion of Ms. Martin, seconded by Ms. Rizzo-Grimes, and unanimously carried, the Planning Commission recommended Preliminary/Final Approval of the 141 Independence Ln project.**

#### **IV. 545 W Butler Ave – Sketch Plan Review**

David Shafkowitz introduced himself, Scott Mill of Van Cleef Engineering, and Michael of Rao Group. Shafkowitz introduced the project and noted that its location at the corner of Butler Ave and County Line Rd makes it a gateway into the community. Shafkowitz stated that him and his associates were looking for input from a use perspective only, noting that the architectural design and other aesthetic features were not fully planned yet.

Shafkowitz discussed the proposal, stating that the applicant is proposing to remove the former 3,000 SF Wawa building and building a new 2,500 SF building in its place. The proposed use of the new building is a Papa John's/Dunkin' combination, with roughly 1,200 SF dedicated to each use. Shafkowitz noted that the owner of the Dunkin' across the street at 549 Doylestown Rd in Montgomery Township would be moving his operation into this new building.

Shafkowitz explained that Dunkin' has a mostly morning-based customer base, with the majority of their customers coming between 6:00am and 9:30am, whereas Papa John's customers overwhelmingly visit the store later in the day for lunch and dinner. Shafkowitz stated that both stores would be primarily drive-through or takeout focused, with the drive through only being used for the Dunkin' use. Shafkowitz stated that seating is not proposed for the Dunkin' or the Papa John's.

Shafkowitz acknowledged that the use may not be the most preferable use for the corner, but stated that the applicant would be willing to work with the Township to ensure the appearance of the site is improved. He went on to note that while the uses proposed are permitted by Zoning, he does not feel that the 50 parking spaces required by the Zoning Ordinance are necessary, and argued the businesses could function with 12-15 spaces. Shafkowitz stated that roughly 75% of Dunkin' customers use the drive-through.

Shafkowitz reiterated that the applicant is flexible and open to suggestions for the design of the building as they understand the importance of the property. He stated that the applicant would be willing to add a "Welcome to New Britain" sign at the corner of the lot, along with increasing the connectivity to the surrounding areas with sidewalks. Shafkowitz referenced the two plan sets that were presented, one plan of the site itself and another plan showing the surrounding lots including the new Wawa, Target World, Creamery Tire and the vacant lot behind the new Wawa.

Scott Mill stated that the site is about 74% impervious. Mill noted that the two plans submitted with the Sketch Plan application show two different parking lot configurations- one with 19 parking spaces and more landscaping, and another with 23 spaces with less landscaping. The plan with 19 parking spaces would reduce the impervious to 73%, and the plan with 23 spaces would reduce the impervious to 70%.

Kennard asked if the applicant knows what additional variances will be required, noting that the variance for parking has already been identified. Mill stated that parking variance is the only variance identified at this time, but noted that the applicant will likely request waivers from some Butler Ave Corridor Overlay District requirements. Specifically, Mill noted that the proposed plan would require a waiver from the 50' arterial road setback, as the proposed building is proposed 45' from County Line Rd.

Mr. Tustanowsky stated that he had concerns with the proposal given the traffic and circulation issues that the previous use generated. He noted that Wawa had 24 spots and still had cars waiting to park, and felt that having two businesses move in with less parking would create similar issues. Shafkowitz responded that he agrees that the most important issue with regard to this site is the parking lot circulation. Shafkowitz stated that the applicant's existing Dunkin' store in Montgomery Township does not have a drive through and has less parking. Shafkowitz stated that the applicant will provide studies about parking and peak times.

Mr. Tustanowsky asked how the building will be split up between the 2 businesses. Shafkowitz stated that the building would be split half and half. He went on to explain that at its peak, Dunkin' would be run by 3 to 4 employees, and Papa Johns could be run with just 2 employees.

Ms. McCabe asked Shafkowitz to explain the traffic flow into and out of the site. Shafkowitz explained that the plans show two points of ingress/egress onto both County Line Rd and Butler Ave. He went on to note that the proposed layout requires motorists to make right turns leaving the site from both exits. Shafkowitz further explained the circulation, noting the proposed drive through lane which starts out as 2 lanes that then form into 1 as the cars proceed to the rear of the building. Shafkowitz stated that cars would be urged to then exit the site from County Line Rd. Planning Commission members felt that requiring cars to exit onto County Line Rd would be difficult to enforce.

Mr. Tustanowsky stated that the light that was installed for the Wawa project could make matters worse as traffic already backs up in this area. Shafkowitz acknowledged Mr. Tustanowsky's concerns and stated that the feedback would be helpful for a traffic engineer to look into, but also noted that PennDOT will ultimately have the final say in terms of what movements in and out of the site are permitted. Shafkowitz also stated that the majority of Dunkin' customers are stopping at stores on the way to somewhere else, and Dunkin' does not typically create new trips.

Mr. Tustanowsky expressed concerns about the parking, stating that he feels that if cars see the drive through line is full then they will park and go inside. Shafkowitz stated that at another Dunkin' location at the intersection of Routes 113 and 73, there is a Dunkin' location that is drive-through only. Mr. Tustanowsky asked if there are franchise-wide design requirements when new locations are opened. Shafkowitz stated that there are color guidelines, but nothing that dictates exactly how the building has to look. Shafkowitz indicated that the applicant would be open to designing the building in a way that is preferable to the Township.

Kennard stated that he has received feedback about the site and it hasn't been great, mainly with regard to the parking and circulation issues discussed. Kennard also indicated that the parking variance will be difficult to obtain, as well as a waiver from the Butler Avenue Corridor Overlay District requirements. He recommended the applicant go to the Zoning Hearing Board first to ensure that the variances will be granted prior to proceeding, because if they cannot get that relief then the project cannot move forward. Kennard also noted that until it is clear what PennDOT will recommend, it is hard to say how the project will play out.

Ms. Rizzo-Grimes noted that if the drive through served both Dunkin and Papa Johns, it would potentially strengthen the applicant's proposal to have less than the required parking. Ms. McCabe asked if Shafkowitz had any data to support his claim that takeout and delivery is 90% or more of the business at Papa John's. Mike, a representative from Rao Group, confirmed that Papa John's does 90% or more of their sales through takeout and delivery, especially with the increasing use of GrubHub and DoorDash. A discussion ensued regarding traffic movements coming to and from the site.

Shafkowitz asked Kennard if it would be worth obtaining more data before presenting to the Board of Supervisors. Kennard recommended the applicant obtain more data and meet with PennDOT before presenting to the Board, possibly at a November meeting. Kennard recommended the applicant hire a traffic engineer to do a study of the site, not the roadway, as PennDOT already did a study of the roads for the bypass.

A discussion ensued among the Planning Commission about the 137 S Limekiln Pike project.

A discussion ensued among the Planning Commission about what uses could potentially work at the 545 W Butler Ave site.

#### **VIII. Public Comment**

#### **IX. Adjournment**

**MOTION: Upon motion of Ms. Martin, seconded by Ms. Rizzo-Grimes, and unanimously carried, the meeting was adjourned at 7:53 p.m.**

Respectfully Submitted,

---

Marco Tustanowsky, Chair

---

Ryan Gehman, Assistant Planning & Zoning Officer