

TOWNSHIP OF LOWER MAKEFIELD
PLANNING COMMISSION
MINUTES – SEPTEMBER 9, 2019

The regular meeting of the Planning Commission of the Township of Lower Makefield was held at the Pennwood Middle School Auditorium on September 9, 2019. Mr. Wallace called the meeting to order at 7:30 p.m.

Those present:

Planning Commission: Chad Wallace, Chair
 Craig Bryson, Vice Chair
 Ross Bruch, Secretary
 Anthony Bush, Member
 Adrian Costello, Member

Others: James Majewski, Director Planning and Zoning
 Barbara Kirk, Township Solicitor
 Andrew Pockl, Township Engineer
 John B. Lewis, Supervisor Liaison

APPOINTMENT OF PLANNING COMMISSION SECRETARY

Ms. Kirk stated she is one of the attorneys for the Township and sits with the Planning Commission. She stated before the meeting the Planning Commission met briefly in Executive Session. She stated two new Planning Commission members were recently appointed, and the Planning Commission was discussing in Executive Session how procedurally tonight's meeting would be conducted. She stated the individual who served as the Planning Commission Secretary is no longer on the Commission, and they need to fill that position for the rest of the year until the next Re-Organization meeting in January.

Mr. Bryson moved, Mr. Wallace seconded and it was unanimously carried to appoint Ross Bruch as Secretary of the Planning Commission until the end of the year.

APPROVAL OF MINUTES OF 8/12/19 MEETING

Mr. Wallace stated Mr. Halboth who was Secretary at the time would have reviewed the Minutes of August 12, and he asked Ms. Kirk how they should proceed with the approval. Ms. Kirk stated she reviewed the Minutes compared to her notes, and she feels everything in the Minutes appears to be appropriate. She stated the meeting was

also recorded so if there are any discrepancies, they could rely on the recording to make any necessary adjustments. She recommended that they approve the Minutes as written subject to clarification by comparing with the recorded version of the Minutes.

Mr. Bryson moved, Mr. Bruch seconded and it was unanimously carried to approve the Minutes of August 12, 2019.

PETITION FOR AMENDMENT TO THE ZONING ORDINANCE AND MAP TO CREATE A MIXED-USE (MU) OVERLAY DISTRICT WITHIN THE OFFICE RESEARCH (OR) ZONING DISTRICT

TAX PARCELS 20-16-39, 20-16-40, 20-16-40-1, 20-12-1-3, 20-12-2-2

Mr. Wallace stated the group of developers who will be speaking this evening came before the Planning Commission in July and made a request that the Planning Commission review an Ordinance which would change the Zoning requirements of a parcel of land that is jointly owned by the developers from Office Research (OR) and change that to allow the development to be Mixed-Use which would entail the ability to develop a combination of Retail and Residential.

Mr. Wallace stated the Planning Commission is an Advisory Board, and they hear Land Development Plans as well as the type of information being presented this evening and then make recommendations to the Board of Supervisors on whether or not they feel it is in proper alignment with planning out the Township. He stated the Board of Supervisors does not have to agree with the recommendations of the Planning Commission.

Mr. Wallace stated the Planning Commission made recommendations at the July meeting as to what they felt should be changed in the Ordinance presented; and the Applicants have come back with the changes having been made. Mr. Wallace stated the public became much more aware of the situation; and during the last meeting the Planning Commission had in August, they were not able to continue with the meeting because of the large number of people present which is why they are having the meeting at this location this evening so that they could accommodate more people.

Mr. Wallace stated the developers will make a brief presentation, the members of the Planning Commission will have the opportunity to ask questions and make recommendations, and they will then open it up to Public Comment. Mr. Wallace asked that those wishing to speak recognize that there is a large crowd present

with many people who may want to speak, and he asked that they try to keep their comments brief. He stated they intend to end the meeting at 10:30 p.m.; and if necessary, they have arranged that the next meeting could be held here at Pennwood as well if they have not been able to complete all of the Public Comment and discussion. Mr. Wallace asked that if someone has made a point that they agree with, they would not need to repeat that comment given the large number of people present. He stated he recognizes that there are strong opinions on both sides, and he asked that everyone be respectful.

Ms. Kirk stated the proposed Zoning Amendment is not replacing or re-Zoning the parcels that are subject to it. She stated those parcels will remain Zoned OR (Office Research). She stated what is being presented is an Overlay District similar to what was used to develop Edgewood Village, and it is an alternative mechanism that would enable the land to be able to be used in accordance with the Overlay District. Ms. Kirk stated everyone should also be aware that the Planning Commission is only considering the aspect of whether or not a Mixed-Use Overlay should be approved. She stated it is not approving any Land Development Applications as there are none at this time. She stated it is not approving or disapproving a proposed Wegmans. She stated Wegmans was used for purposes of illustration as to what the Overlay District could do for Retail and Residential. She stated tonight the Planning Commission is only considering the mechanics and the language of the proposed Zoning Ordinance itself, and it is not approving any specific store or anything of that nature going in. She stated that would be considered in the future.

Mr. Wallace stated to his knowledge there has not been a formal Land Development Plan set before the Township for a development that proposes a Wegmans.

Someone called out from the audience asking what an Overlay District is. Ms. Kirk stated an Overlay District is another mechanism for Zoning. She stated there are different Zoning Districts throughout the Township some wholly Commercial, some wholly Office/Research, and some wholly Residential. Ms. Kirk stated this land is Zoned Office/Research. She stated an Overlay District would allow someone to come in and use the terms of an Overlay which sets forth additional standards to use that land alternatively as opposed to just what is presently Zoned. She stated an Overlay is generally used to create a type of neighborhood. She stated this is what was done for Edgewood Village where a Traditional Neighborhood Overlay District was approved. She stated they wanted to put in Retail shops to keep the feel of a walking area where you could shop. She stated that is sort of what this proposed Overlay District would do.

Ms. Kirk stated if this were not approved, and the property owner wanted to move forward with their proposed Plan, they would have to go before the Zoning Hearing Board to get a Variance or Zoning relief. She stated what is proposed with the Overlay gives them an additional ability to do something more with the property.

A number of people started calling out from the audience asking questions.

Ms. Kirk stated the Zoning Hearing Board hears specific requests to either challenge a Zoning Amendment, to grant Variance relief to permit someone to use or develop a property in a way that is not strictly in compliance with the Zoning Code, or to grant a Special Exception, which is generally a use that is permitted but subject to certain Conditions. She stated the Zoning Hearing Board has a very limited purpose. She stated the Zoning Codes and Amendments are approved by the Township Board of Supervisors based on what was set out in the overall Township Comprehensive Plan.

Numerous people again began calling out and asking questions some of which were specific to the Plan proposed by the developers.

Ms. Kirk stated this is only a Zoning Amendment that is being proposed and not an approval specifically for a Wegmans.

Again numerous people began shouting out.

Mr. Bryson stated they had to stop the prior meeting of the Planning Commission on this issue and had decided to hold tonight's meeting at this location to bring some order, and he asked those in the audience to not shout out. He stated they understood the public wanted an open forum at a location where everyone could hear, and he asked that they keep it orderly and not shout out.

Mr. Majewski stated there is a Sign-Up Sheet in the back of the room for those in the public wishing to speak when the meeting is opened up for Public Comment.

Mr. Steve Harris stated he is the attorney for the Applicants Shady Brook Investors, L.P, and DeLuca Yardley, L.C., who have proposed a Mixed-Use Overlay District that, if approved, would permit what is known as Prickett Preserve as Edgewood. Mr. Harris stated Mr. Vince DeLuca is present along with Mr. John Kennedy, the Planner, and Mr. Bob Dwyer, another one of the Applicants. Mr. Harris stated they have filed a Petition for an amendment to enact the Mixed-Use Overlay District. He stated it was presented to the Planning Commission as noted earlier at a meeting in July.

Mr. Harris stated this Mixed-Use Overlay was proposed in response to the adoption of an update to the Township's Comprehensive Master Plan. He noted particularly the Land Use Plan under Future Needs and Recommendations for Action under Office/Commercial/Industrial Development, the update adopted the following language: "Review permitted uses in the O/R Office/Research District to identify and incorporate additional uses taking into account also the nature of pending or approved developments within the District and in adjoining Edgewood Village. Consider allowing Mixed-Use projects consisting of Office, Retail, Residential, Entertainment, and Other Similar Uses either as permitted uses or through the establishment of an Overlay District. Review O/R Office/Research District Zoning and Design Standards to determine what should be updated to reflect current ways of allowed uses to operate." Mr. Harris stated this is what his clients have done, and they have proposed an Amendment to the Zoning Ordinance which would adopt a Mixed-Use Overlay District which would allow for a mix of uses – Commercial uses, Retail uses, and Residential uses.

Mr. Harris stated they made a presentation in July, and the Planning Commission made a number of suggestions as to how the Ordinance should be revised. He stated in response to that, the Applicant made revisions and re-submitted the proposed Mixed-Use Overlay District. Mr. Harris stated Mr. Kennedy can explain the changes that were made to the Ordinance.

Mr. Vince DeLuca was asked to make a presentation as to the proposed Prickett Preserve at Edgewood project since even though this has been presented previously to the Township, there are many more people present this evening who have not seen that formal presentation; and they would like everyone to know what is being proposed since there has been a fair amount of misinformation about the project.

Mr. Wallace stated there are two new Planning Commission members present this evening, and he welcomed Mr. Adrian Costello and Mr. Anthony Bush to the Planning Commission. Mr. Harris stated this is another good reason for Mr. DeLuca to make the presentation.

Mr. DeLuca stated this is a joint development between DeLuca and Envision as joint venture partners with Equus Capital group which is doing the Residential portion. He stated the Prickett property has some historic relevance, and he particularly noted the existing home and existing barn that date back to at least the early 1800s; and their intention is to preserve them and make them an integral part of the development. Slides were shown of the surrounding area including Flowers Field, Shady Brook Farm, the Commercial offices, and Edgewood Village.

A slide of the property they are proposing to develop was shown. He stated it is bordered by Stony Hill Road and Interstate 295. He noted the existing barn and house on the slide. He stated the left hand side of the property will be the proposed Retail development, with the 100,000 square foot anchor supermarket proposed and 55,000 square feet of new Retail. The house and barn to be preserved will be located on what they are referring to as the gathering area that would be open for community events with a stage, a terraced lawn area, and a water feature.

Mr. DeLuca stated the right hand side of the property will be the proposed two-hundred unit apartment complex that Mr. Dwyer represents.

Imagery as to how they see the property being developed was shown including architectural elements and elevations.

Mr. DeLuca noted a slide showing the gathering area where there are three to four trees which are Heritage Trees ranging in size from 36” to 40” in caliper, and they intend to preserve those trees as part of the gathering area.

Mr. DeLuca stated what they are proposing is a “Live, Work, and Play” community with apartments, Retail, and being adjacent to the Lower Makefield Corporate Center which already exists.

Mr. Bob Dwyer stated he represents Equus Capital Partners which is a private investment Real Estate fund manager with offices across the Nation. He stated they have developed approximately 17 million square feet of Office, Retail, and Warehouse across the Country and several thousand Residential multi-family dwellings across the Country as well. Mr. Dwyer stated for this project they are proposing one hundred one-bedroom units and one hundred two-bedroom units. He stated there will be nine buildings, three stories in height. He stated some will have private garages, and they all have independent entrances. He stated there will also be a state-of-the art clubhouse in the center of the site and a lot of open space and trails as well as sidewalks that connect the apartment complex community to Edgewood Village, the Corporate Center, and the proposed adjacent Retail so that it is a true live, work, play environment.

Mr. Dwyer stated the proposed project is identical to a project they built in New Britain Township, and he encouraged everyone to visit that property which has the same acreage but with more units than they are proposing in Lower Makefield. He stated the New Britain project has a similar club house, a similar product, and a similar feel. He stated at the New Britain community the average household income is \$125,000, and the rents are slightly less than 2,000 per month on average. He stated the proposed project in Lower

Makefield would have rents that would be a little higher, the density would be a little lower, and the open space a little greater than what is in New Britain. He stated the clubhouse and the buildings will be very similar to New Britain, and a slide was shown of that development. He stated there is an outdoor pool area with an outdoor kitchen and fire pits. Slides were shown on the indoor amenities including indoor work stations at the club house.

Mr. Dwyer stated he feels the live, work, play environment will be beneficial to Edgewood Village, the Corporate Center, and the tax base of the Township which he knows is something that is important since the O/R District has been struggling trying to create a larger tax base.

Mr. John Kennedy stated he is a Principal with Kennedy & Associates who are planners and land use consultants. He stated they have been working with the owners to come up with a design and the Ordinance. He stated they presented the Ordinance originally in July when they had a very productive discussion with a lot of questions asked and a lot of suggestions made in terms of how the Ordinance could be improved. He stated they then made a number of changes to the proposed Ordinance.

Mr. Kennedy stated the intent of the Ordinance is to propose a mix of uses that are harmonious, encourage efficient use of land, provide historic preservation, and improve community spaces and pedestrian access. He stated the key intents are to promote economic development within the Township, to allow for a combination of Commercial and Residential uses in the Office Research District in close proximity to the Corporate Center and Edgewood Village, to encourage smart development in close proximity to existing infrastructure, to create incentives that will encourage preservation and re-use of historically-significant structures, to encourage use of green building technology and create sustainable buildings, to encourage pedestrian and vehicular interconnections with adjacent developments, and to promote walking and biking as transportation alternatives to encourage a healthy lifestyle.

Mr. Kennedy stated Mixed-Use developments are very unique, and they require distinctive Zoning and Subdivision standards which is why they are proposing this Ordinance.

Mr. Kennedy noted changes made to the Ordinance stating under Permitted Uses on Page 2, they removed the funeral home use and corrected a typo.

Mr. Kennedy noted Page 3 under Tract Area, and stated this is tied to E which is the concept of allowing for special conveyancing. He stated it is very common in this type of development where there is a shopping center that one of the stores may want to own

their Real Estate and typically they would own just the footprint of the store. He stated this change will allow for that. He stated initially at the time of the Land Development Application, there must be a Master Plan that must conform with all Zoning regulations; and then later as noted in Section E there could be Subdivisions created which would not have to conform explicitly with all of the dimensional standards provided that the original Land Development did comply with all of them.

Mr. Kennedy noted the middle of that Page B2, which is a clarification with regard to Land Use mix. Mr. Kennedy stated his office writes a lot of these Mixed-Use Developments in many Municipalities across the Delaware Valley, and the number one concern of Townships is that they will get only a shopping center and no homes or only homes and no shopping center. He stated this Section requires that there be a mixture of different uses – Residential and Non-Residential.

Mr. Kennedy noted Page 4 where they added a maximum floor area ratio which was a suggestion by one of the Planning Commission members. He stated this is a type of land use control similar to maximum impervious coverage and maximum building coverage. It stated it primarily comes into play if you have multiple-story buildings.

Mr. Kennedy noted Page 5 which is a Table of the Bonus Features. He stated in this Ordinance, the base density is the same density that is allowed in other Districts in the Township and the bonuses would only be available if the developer did certain things. He stated these bonuses include preservation of historic buildings, creating significant off-sited pedestrian connections, energy-efficient buildings and construction, alternative energy sources, use of a green roof, stormwater structures, alternative transportation infrastructure, and inter-connection of pedestrian/vehicular driveways. He stated they clarified some of the Bonus Features and the requirements to achieve those bonuses as well as revised some of the bonus numbers so that they are more in keeping with what is being proposed.

Mr. Kennedy stated that other than the historic preservation and the significant off-site pedestrian connection, the developer has not yet decided on the full slate of bonuses that they would provide in the proposed Plan.

Mr. Kennedy noted Page 6. He stated there was a suggestion by a Planning Commission member that there be the ability to add up to 15% reserved parking, and they also clarified one of the parking dimensions for parking stall size and the dimension of the one-way traffic aisle. He stated the final change was including signage which had been left out of the original draft, and this is just a reference to the existing signage requirements in the Ordinance.

Mr. Harris stated as Ms. Kirk noted at the beginning of the meeting, this is an Application for a Zoning Amendment. He stated they have put together a presentation of what could be developed under the Ordinance because he feels could be difficult for the Planning Commission and the public to understand what could be done on the property if the Zoning Ordinance were approved. Mr. Harris stated they recognize that in the event that the Board of Supervisors approves a Mixed-Use Ordinance, the Applicant would still have to file Land Development Plans that would go into great detail with regard to how their Plan would meet the requirements of the Zoning Ordinance and the Subdivision and Land Development Ordinance. He stated this would include stormwater management, traffic, etc. as to how the Plan would be put together.

Mr. DeLuca stated one of the major elements that would be submitted if the Ordinance were adopted and they proceeded with Land Development Plans would be a Traffic Impact Study. He stated that Study would be completed by the developer's consultants and ultimately be reviewed by the Township's consultants and the Board of Supervisors. He stated then the traffic improvement plans would be submitted to PennDOT for their review and concurrence as to what would be needed. He stated the Applicant recognizes that they are generating additional traffic as would the other uses that are permitted; and while the Applicant's uses may have a higher vehicle count in some instances, it may be less in other instances. He stated whatever the vehicle counts are, they are submitted and reviewed by the Township's traffic consultant and then PennDOT. He stated PennDOT will ultimately issue the Permit since Stony Hill Road is a PennDOT-regulated road which requires a PennDOT permit. He stated they go beyond just the access points; and they analyze the impact at intersections and will require additional improvements to keep the Levels of Service similar to what they are existing and sometimes require that they improve the Level of Service. He stated they recognize that they will be required to make both on-site and off-site traffic improvements.

Mr. Wallace asked at what point in the process would the Traffic Study be done, and Mr. DeLuca stated it would be submitted with the Land Development proposal although they could probably submit something to the Township before they consider adoption of the Ordinance. Mr. DeLuca stated they have engaged a traffic engineer, but the Study is not complete. He stated they could have counts available although they would not have PennDOT approval at that point as that would be further along in the development process. Mr. Wallace stated it is an active study that is happening right now, and Mr. DeLuca agreed. Mr. Wallace asked if PennDOT would do their own study, and Mr. DeLuca stated PennDOT reviews the Traffic Study submitted by the Applicant, and the Township's consultant would review and comment on the Study before it goes to PennDOT. He stated the Township's consultant would either agree or suggest additional improvements to be added.

Mr. DeLuca stated they also previously discussed the financial impact of this proposed development, and it will generate approximately \$1.3 million of additional tax revenue to the community on an annual basis. He stated \$200,000 of that would go to the Township and \$1.1 million to the School District which is net of the additional costs the District would spend for the students that would occupy the Residential apartment units. Mr. DeLuca stated they used the figures from the Rutgers Study which is used on a National basis, and that Study projected a total of 11 public school-age children at a cost of \$13,000 per student which is approximately \$145,000 of expense to the School District; and after that expense, the School District would net \$1.1 million.

Mr. Wallace asked if the \$1.3 million is net revenue that will be generated from the development on an annual basis, and he asked if they factored in any outside impact this could have on the surrounding area. Mr. DeLuca stated the revenue generated is \$1.1 million to the School District and \$200,000 to the Township, and it has no impact to the surrounding Municipalities. Mr. Wallace stated he is only asking about the surrounding tax base that already exists in the Township. He stated if they were to bring in a specific store into the Township, and there are five other stores that are similar to that new store, potentially two of them could go out of business so he is looking for the true economic impact. Mr. Wallace asked if the Study looks into just what the tax increase will be brought in from the new development or does it factor in other outside factors beyond that; and Mr. DeLuca stated their Study is based just on their development, and it does not consider lost revenue for any adjacent parcels or any increased revenue for any adjacent parcels. He noted specifically the Office Park since their tax base has been reduced by several Appeals because of the vacancy factor. Mr. DeLuca stated they believe that this proposed Mixed-Use, live, work, play community will help them fill the Office buildings and be able to increase rents so that subsequently it could increase their assessed value and produce more Real Estate tax.

Mr. Wallace stated Ms. Kirk provided a review by the Historical Commission of the Plan. Ms. Kirk stated the Historical Commission held its regular monthly meeting and discussed the proposed Ordinance regarding the parcel known as Prickett's Preserve, and they provided their opinion as to what the Township Supervisors should do if a Land Development proposal was submitted to the Township based upon their review of what they believe is the historical significance of the property and the existing structures. Mr. Wallace asked if the Applicant received a copy of that letter, and it was noted that they did not; and Mr. Wallace asked that they be provided a copy. Ms. Kirk stated it was just a general meeting of another Board in the Township, and she does not believe that anything was indicated that any of the property or the structures on the land were on the National Registry, and it was just the local Historical Commission making comments. Mr. Wallace stated they had indicated they should ask the State to see if there was any significance. Ms. Kirk agreed; however, she added the Historical

Commission's request has no bearing on the Planning Commission's review, and the Planning Commission cannot make a recommendation to force a private landowner to do something with the State.

Mr. Wallace asked if any other Township entity such as the "Economic Impact Committee" or the Environmental Advisory Council had been asked to weigh in on this or make any comments. Ms. Kirk stated she is not aware of anything other than what residents may have presented to different Supervisors.

Mr. Wallace stated there has also not been any recommendation from the Bucks County Planning Commission, and Ms. Kirk stated they have not commented. Ms. Kirk stated once something is submitted, there is a forty-five day review period for the Bucks County Planning Commission as well as adjacent Municipalities who are provided a copy of the proposed Ordinance; and as of this date, to the best of her knowledge nothing has been received from the County or surrounding Municipalities. Mr. Majewski stated the Ordinance has not yet been submitted to the surrounding Municipalities or the Bucks County Planning Commission since they are waiting for the Township's Planning Commission to further refine their comments on the Ordinance and come up with a final draft. He stated if the Board of Supervisors chooses to authorize advertisement of the Ordinance, at that time it would be forwarded to all appropriate Parties for their review and comment.

Mr. Wallace asked if there are questions the Planning Commission could ask the Bucks County Planning Commission as to their opinion of this Ordinance. Ms. Kirk stated that is not the normal course, and generally the Township Planning Commission renders its own independent assessment of the Ordinance based on their knowledge of the Comprehensive Plan, the updates, and the Township's regulations. She stated Bucks County Planning Commission will then do an independent assessment.

Mr. Wallace stated they are proposing two hundred Residential units, and Mr. Dwyer agreed. Mr. Wallace stated the Ordinance is written in line to match up with the percentages required for Residential and Retail, and Mr. Dwyer stated the Ordinance provides the same density per acre as is currently permitted in the R-4 District, even though this property is not a Residential District. He stated it does allow for a bonus that would give more density, but no more than two hundred units. Mr. Wallace asked if two hundred is the number of units they have to build or is there a figure less than that which would still be attractive enough for the developer to proceed. Mr. Dwyer stated for this high-end classification they are proposing, you need a critical mass to make it work not only for the apartments but also for the Mixed-Use as you need a certain number of people "on the street" in order for the Mixed-Use to work.

Mr. Dwyer stated they have a product that is attractive and marketable which can be seen in New Britain, and they would like to use something similar in Lower Makefield rather than creating a new product. He stated some of the photographs shown this evening were from New Britain. He stated what they are proposing in Lower Makefield would have less density than what is in New Britain.

Mr. Pockl stated the Ordinance is indicating that there could be a maximum of twelve dwelling units per acre. He stated the tract size is thirty acres so the Ordinance would permit three hundred and sixty units. Mr. Dwyer stated although they could have done that, they based it on the Residential portion of the site which would restrict it to a maximum of two hundred and two units. Mr. Dwyer stated across the entire site it is 5.3 units per acre well below what is permitted by right in the other Residential District that allows multi-family. Mr. Dwyer was asked if that includes the detention basin areas, and Mr. Dwyer stated he believes that in the Residential portion of the site they included the basin areas as far as the square footage. He stated there is 14.8 acres of ground that is part of the Residential portion. Mr. Dwyer stated they would not be looking for any more than two hundred units, and that could be a Condition of any Approval; and while they have no desire to go any higher, they would prefer not to go any lower.

Mr. Bryson stated if the Supervisors pass this Ordinance, and the Applicants present this evening back out, the Ordinance would still be in place in perpetuity; and he is trying to make sure that if this Applicant went away, it would still be a good Ordinance for future development which is really the point of the discussion the evening. Mr. Bryson stated if someone else were to come in, they could calculate the Residential based on the full thirty-five acres; however, Mr. Dwyer stated they could not because of the way the Ordinance is drafted. Mr. Bryson stated there is traditional Mixed-Use where there are stores on the bottom and apartments over top, and they could spread that out over the full parcel; and there is nothing restricting someone from doing that which would result in higher density across the entire site.

Ms. Kirk noted Page 3, Sub-Paragraph B specifically states: “Up to twelve dwelling units per acre on the portion of base site area of the tract designated as Residential land.” Mr. Bryson stated that is geared toward this development. He asked what would happen if they did not have a Residential side, and Mr. Dwyer stated it would have to be either Residential or Commercial. Mr. Bryson asked if this would stand up in the future, and Ms. Kirk stated since it states “twelve dwelling units on the tract designated as Residential land,” she feels the language is clear as you would not have dwelling units for Commercial or Retail, and it does specify that Section as Residential land, so she would feel comfortable defending that language as being applicable only to a Section of a Mixed-Use property clearly delineated as Residential.

Mr. Pockl stated there are Land Use mix requirements in Section B, and Mr. Kennedy agreed. He stated it does mandate that all of the land be designated either as Residential on non-Residential, and you do not have a choice. Mr. Kennedy added that he is familiar with what Mr. Bryson is referring to, and he feels that would be a Mixed-Use building, but they do not have a provision for that in this Ordinance.

Mr. Bryson stated in case they would have a Mixed-Use building, he feels there should be a provision for that and they should calculate what that density would be. Mr. Dwyer stated the other option would be to indicate that there could not be a Mixed-Use building. Ms. Kirk stated they could include something in Section B and make a third provision that no Mixed-Use building shall be permitted. The Applicants indicated that would be acceptable. Mr. Majewski stated since that has not been listed as permitted, it would not be permitted. Mr. Bryson asked if they are objecting to a Mixed-Use building as he feels for a Mixed-Use, it seems “odd” not to allow a Mixed-Use building. Mr. Dwyer stated they could provide for it and put in a provision that there would be a maximum of 6 across the entire site.

Mr. Pockl noted the Bonus features. He stated in addition to the bonus for the dwelling units, there is a bonus for impervious coverage. He stated the O/R District allows for a maximum impervious coverage of 65%, and since this site is 30 acres that would be approximately nineteen and a half acres. He stated with the bonus they are allowed to go up to 70% impervious coverage which would be an additional one and a half acres or 65,000 square feet. Mr. Wallace asked Mr. Pockl if he would suggest modifying this. Mr. Pockl stated it would have to be mitigated as far as stormwater management requirements according to the Land Development Code.

Mr. Kennedy stated in the current Zoning Ordinance under the TND Overlay, as of right the Township allows 70% impervious coverage. He stated the TND Ordinance does permit a mix of uses and also encourages very compact development patterns, so you need different types of standards; and the Township has recognized this in the past since they do have 70% impervious coverage allowed in that Overlay District. Mr. Kennedy stated they are looking at this in a similar fashion, and the only difference is they are lowering the by-right impervious and saying that the only way you can get additional impervious is if certain things are done. Mr. Wallace stated if they did that, it would still max out at 70%.

Ms. Kirk stated the Planning Commission addressed this at one of the earlier meetings, which is why that Section indicates that the combined maximum impervious coverage is 70%; and they cannot go above that 70% even if they are using the Bonus provisions.

Mr. Bush stated he was not a member of the Planning Commission on July 22 but he has read the Minutes and reviewed whatever has been made available. He stated he knows that the Planning Commission made recommendations, and the Applicants seem to have incorporated many of those recommendations. Mr. Bush stated they are looking to reduce the width of the parking spaces for the supermarket from the normal 10' by 20' to 9' by 18'. He stated while that does not seem like a lot, there is another supermarket in the Township with narrow parking spaces; and he feels many people have had problems with parking in that lot. He stated in a parking lot where people are going in and out, it is a problem. He stated he knows that the Ordinance does allow for the Applicants to get a reduced-size parking space, but he feels that is not a good idea for a supermarket parking lot.

Mr. Bush asked if there was ever any consideration about making the apartments age-restricted; and Mr. Dwyer stated Equus does not do age-qualified developments, rather they do high-end Residential apartments as they have proposed, and they have no interest in doing age-restricted housing. Mr. Dwyer stated the Comprehensive Plan shows that the Township has recognized that there is a "brain drain" in the Township, and they have lost a lot of the younger people. He stated the Corporate Center needs Residential apartments to help sustain the rents and improve on the existing rents in that area. He stated the apartments they build tend to attract a younger age group which would be young adults with dual incomes as well as older adults. He stated at the New Britain project 15% to 20% of the residents are retired, and 25% to 30% are in their 20s and early 30s. Mr. Dwyer stated they feel this will fill a much-needed vacuum in the Township by providing housing for older people and younger people to live side by side in this community.

Mr. Dwyer stated with regard to Mr. Bush's previous comment about parking stall size in the shopping center, he asked Mr. Bush if he would have the same concern about parking stall size in the apartment side since there would not be as much turnover in that parking lot compared to the shopping center. Mr. Bush stated he was on the Planning Commission for a number of years and one of the concerns was parking in lots where there is a lot of in and out traffic like a supermarket, but he would feel differently about the apartment side.

Mr. Bush asked Mr. DeLuca if the impending change to the State Liquor License laws impact what they are proposing on their side. Mr. Bush stated the Township is partially dry, and there is a Law that will take effect shortly that will make it easier to make the Township fully wet; and he asked how that will impact what they are proposing on the site. Mr. DeLuca stated if the Ordinance is adopted, they believe that some of the free-standing buildings would be higher-end restaurants that would require liquor.

Mr. Bush stated he believes that this is a good place for a development of some sort since there is access to a highway, and it is also consistent with the Master Plan that was recently adopted. He stated it also abuts Edgewood Village which also encourages Mixed-Use, and that is starting to slowly take place there. Mr. Bush stated he believes a lot of people are very concerned about traffic and the potential domino effect on the surrounding area. He stated he feels the Traffic Study will go a long way to address some of those concerns.

Mr. Costello asked for clarification on the woodlands disturbance and what they are planning in terms of replacement trees and how many of the larger trees they are trying to save. Mr. DeLuca stated he assumes everyone is aware of the existing tree canopy, and they have taken a conservative approach as to what they believe will be disturbed although they have not fully analyzed yet how much of what can be seen qualifies as woodlands. He stated they intend to save at least 40% of what can be seen, but the detailed Plans and the analysis by a landscape architect would determine which of the trees qualify as woodlands and which would be disturbed. He stated their plan is that the perimeter of the site is where most of the trees would be saved in addition to some of the Heritage Trees in proximity to the two historic buildings. He stated they have already checked the health of some of the Heritage Trees that were severely infested by carpenter ants, and they have taken the initiative to have that treated to try to prevent any more disease in those trees to try to preserve them. He stated they are asking for additional woodlands disturbance of a maximum up to 60%; and while they believe they will be able to stay under that, until they do a detailed study and analyze the canopy and the woodlands, they are not 100% sure of that yet. Mr. Costello stated with this proposed Ordinance, they would still be subject to the Tree Ordinances in the Township; and Mr. DeLuca agreed.

Mr. Costello expressed concern with the potential that if the proposed Ordinance is passed and this Applicant goes away, there seems to be a lot of “wobble room” in the Bonus provisions. Mr. Kennedy stated some of that is deliberate and as a planner he had to consider that as well. He stated they wanted to come up with a variety of different Bonuses that might be attractive to a lot of different people. He stated as was noted earlier this Applicant was primarily interested in historic preservation as well as the pedestrian connection to Edgewood Village which is a significant expense. He stated it is also possible that they could get a user who is very interested in alternate energy so they wanted to be able to have different options available, and some people may have other areas of interest that they would like to promote through the Bonuses. He stated they wanted to balance and weigh them in terms of their cost and expense. He stated the caps are very clearly stated, although that would be

up to the Township solicitor. He stated he feels the caps are clearly stated in terms of additional density, additional impervious coverage, and limit of disturbance; and no matter how many Bonuses are done, they cannot go beyond what the caps allow.

Mr. Bruch noted the alternative transportation infrastructure Bonus which was added, and Mr. Kennedy stated there was some mention of that at the July meeting regarding charging stations. He stated this is a Bonus that they have used in other Townships. Ms. Kirk stated she recalls that was included; however, wind was removed because there was a discussion about the concern of having wind turbines on the property.

Mr. Kennedy asked Mr. Bruch if he is asking about alternative energy or alternative transportation, and Mr. Bruch stated he was asking about alternative transportation. Mr. Kenney stated while this is a new one that has been added, there was some discussion about this at the July meeting about electric charging stations which is why they added that.

Mr. Bruch stated it reads “2.5% additional impervious cover and 10% additional woodland disturbance and an additional 0.5 DU per acre. The method in which that is obtained is to provide at least five charging stations for electric automobiles and one of the following: five parking spaces designated for car-sharing pick-up and drop-off or bicycle racks designed to accommodate ten bicycles.” Mr. Bruch stated he feels that is an incredibly low barrier. Mr. Kennedy stated five charging stations means ten parking spaces to charge electric cars, and charging stations are very expensive. He stated he is the Planner for Lansdale Borough, and they are trying to put them in. He stated they could also adjust the bonuses themselves and lower them. Mr. Bruch asked Mr. Kennedy if in the example he just gave, were they added to the development because they were attractive to the Retailers who were there to attract a certain clientele or to accommodate the electric vehicles which are becoming more common. Mr. Kennedy stated in Lansdale they are doing it because they sell electricity so it helps the Municipality get customers. He stated they have made it common practice to ask developers for this mainly because electric vehicles are getting more popular and people like to have places to plug their vehicles in, and it is an inducement to rent an apartment at those locations. Mr. Bruch stated he understands that it is an attraction to the developer to have them, yet they are still getting a Bonus for impervious coverage or the woodlands for something that is advantageous to the developer. Mr. Kennedy stated they may or not use that bonus, but they felt that there was interest expressed at the previous meeting in having this. Mr. Kennedy stated while it does benefit the developer to a certain point, it is also encouraging a much better use of energy. Mr. Bruch stated he would prefer that they get their bonuses elsewhere, adding that there are plenty

of Bonuses built in, as opposed to getting a bonus for something they are going to possibly do anyway. Mr. Kennedy stated the Applicants would not have a problem if the Planning Commission wanted this one to be stricken.

Mr. Pockl stated at the July 22 meeting he had made a comment about including architectural standards within this Ordinance, and he did not see those added. He stated this could include exterior wall materials, public walkway requirements, window opening sizes on the first floors of the Commercial, projections and recesses on facades, and balconies on the Residential units. He stated while he is familiar with the quality of the product that DeLuca produces and the presentation looks good, this is an Ordinance for the Township; and if something were to happen and they need to implement this Ordinance on other developers, then it might make sense for the Planning Commission to recommend architectural standards be included for both the Residential and Commercial portions of the development. Mr. Pockl stated there is a clubhouse proposed, but there is nothing in the Ordinance that requires that, and we may want to add language that requires a club house, a fitness center, bike storage within the Residential buildings. etc.

Mr. Harris stated while he agrees that having design standards makes sense, he does not feel they should be in the Ordinance; and he feels they should be in the Subdivision and Land Development Ordinance. Mr. Harris stated in the Zoning Ordinance if they were to indicate that there must be a certain style window, a certain pitch to the roof, or some other type of architectural control if for some reason that is not practical, the Applicant would have to go before the Zoning Hearing Board asking for a Variance. He stated if it is a design standard in the Subdivision and Land Development Ordinance, that would be an issue for the Board of Supervisors to determine whether or not they want to grant a Waiver from a particular provision. He stated there could be a requirement that they must have a club house in the Ordinance, but he feels design standards would be in SALDO.

Mr. Kennedy stated where he lives they have a Mixed-Use Ordinance which is for a much smaller Village; and while it does have a rigorous design standards section, it is in the SALDO and they have been successful in implementing the Mixed-Use District.

Mr. Pockl stated he understands that Upper Merion Township where King of Prussia is located has architectural standards in their Mixed-Use Ordinance and Lower Merion Township where Suburban Square is located has the architectural standards in their Mixed-Use Ordinance. Mr. Pockl stated they are discussing a thirty acre parcel where this Ordinance will apply and indicating there will be other Applicants who will have to get Variances which he does not really feel is going to be the case here.

Mr. Harris stated he recognizes this, but he has heard numerous times that it may not be these Applicants and it could be some other developer; and while this Ordinance is designed to allow what they are proposing, they still have to recognize that it may not be these Applicant and someone else may have different design issues.

Mr. Majewski asked the approximate size of the area where they will preserve the house and barn, and Mr. Kennedy stated it is approximately two acres.

Ms. Kirk stated the TND Traditional Overlay District has design standards included in it as opposed to the SALDO. Mr. Bush stated that TND which has architectural design requirements in it was developed with the assistance of an architect who was hired by the Township for the Planning Commission.

Mr. Dwyer stated the Planning Commission should be aware of the fact that if they are part of the Zoning Code, they would lose control over that; but if it is in the SALDO the Planning Commission and the Board of Supervisors would have more control over what it would look like. He stated over time things could change; and if you lock it in with the Zoning Hearing Board, it will “stagnate and become a problem.” He stated he worked for Lower Merion Township for eight years, and he does not believe their standards for architectural are in the Zoning Code, and he believes they are in the SALDO so the Planning Commission and Board of Supervisors would have the control and not the Zoning Hearing Board.

Mr. Bryson stated he feels if they develop a certain style today that meets today’s standards and tastes, ten years from now they may not want to have that. He stated if there is a strong feeling that there has to be some type of architectural control, they could have SALDO requirements and/or they could state it must have Planning Commission approval of the architectural. Ms. Kirk stated if the Planning Commission were concerned about the architectural standards, depending on what the Commission intends to do by way of a recommendation, there could be a Condition attached that requires development and implementation of architectural design standards whether it be part of the Ordinance or an Amendment to the Subdivision and Land Development Ordinance. Mr. Bryson stated he is not too concerned about this as there have been some Townships that have Zoning requirements for architectural style, and it has sometimes “back fired” on the Township.

Mr. Majewski stated our SALDO does require that they submit Preliminary sketches of what they are proposing as part of Subdivision and Land Development once they get to that point; and at that time the Planning Commission and Board of Supervisors have the opportunity to weigh in on the look and feel of the site to make sure they feel it is appropriate and mixes in with the remainder of the community. Mr. Bryson stated he would be fine with that.

The meeting was opened up for Public Comment at this time to those who had signed up to speak.

Ms. Cathy Metzger, 656 Alder Court, stated she lives in Heacock Meadows which is across from the Giant Shopping Center. She asked if the Planning Commission made a recommendation to change the Ordinance from O/R to the Overlay would that apply to only this parcel or would it automatically apply to all the parcels in the Township that are currently O/R. Mr. Bryson stated they are not changing the Zoning, and the base will always be Office Research. He stated this is an Overlay where there would be the option to use this set of standards that they are proposing. He stated it is just this parcel that is being presented, and it is not all the O/R throughout the entire Township.

Mr. Ed Albertson, 1554 Edgewood Road, expressed concern with the traffic coming off of 295 and trying to make a left onto Stony Hill Road. He stated he understands that PennDOT has to make the final approval since it is a State road. He is also concerned about traffic going over the Railroad since SEPTA added the third line. Mr. Albertson stated the Applicants stated that there are going to be two hundred apartments which he assumes would mean three hundred cars along with the cars that would be there for the shopping center so there will be numerous cars added to this area. He stated he does not believe that they will widen Stony Hill Road to accommodate traffic going over the bridge toward Edgewood Village. He asked when they would do the Traffic Study adding that a Study should be done when Shady Brook has their holiday events at night and on the weekends.

Mr. Dwyer stated traffic counts are done when School is in session and done at the “worst possible time” during the week usually Wednesday afternoon and not in the summer. He stated they try to find the worst possible times. He stated the Township’s traffic consultant and PennDOT will look at all of this information to make sure that the counts were taken during the worst possible times. He stated they will analyze the intersections, and he acknowledged that there are difficult left-hand turns onto Stony Hill Road. He stated PennDOT will mandate that certain things be done which could be signal improvements, lane widening, etc. if they do not meet a certain Level of Service as required by PennDOT. Mr. Dwyer stated the Township will have their own independent consultant review this, which the developer is responsible to pay for. He stated the developer has to post escrow so that the Township taxpayers are not paying for review of the Ordinance and the Traffic Study. Mr. Dwyer stated the Traffic Study will be presented at some point at a public meeting. He stated they have to improve intersections so that there is not a worse condition than exists today. Mr. Dwyer stated they have to make sure that the traffic works because Wegmans would not want to be there unless they can have appropriate traffic circulation.

Mr. Albertson stated now that the holidays are coming Friday and Saturday night traffic gets backed up to 295, and they will now be adding hundreds of more cars for the proposed use; and if it were just an Office, that traffic would not interfere with the special event traffic that they have.

Mr. Dwyer stated while he understands this, it should also be noted that the current O/R District allows for other uses that would also be open 24/7, seven days a week. He stated that would not be Office, but Office will not happen at this location because there is no market for new Office buildings.

Mr. Albertson asked if there is a height requirement. Mr. Dwyer stated the current height requirement in the O/R is 50', and the three-story buildings will be 40'.

Ms. Karen Vanderlaan, 724 Chestnut Lane, stated she supports the development. She stated she has lived here for forty years and has seen many changes. She stated she has two daughters who are Millennials who would love to live in an environment like what they are proposing where they could work, play, and not have to use their cars. She stated this is a National trend, and there are other Mixed-Use developments proposed in the area; and she feels this will be good for Lower Makefield Township. Ms. Vanderlaan stated she is an environmentalist and she takes full advantage of the Township open space. She stated she walks in the Five Mile Woods at least twice a month, and there is no one ever there. She stated those who are saying we need to save our open space and woods should use the existing space we have. She stated she is in favor of the affordable apartments since Millennials cannot afford to buy a house in Lower Makefield but would like to live here. She stated she goes every Friday night to Yardley Borough's Music on Main, and she feels Lower Makefield could use the proposed stage where the community can come together to shop etc. since downtown Yardley Borough has seen an increase in business from people going on Friday night to their community event. She stated she would rather see what these Applicants are proposing as opposed to more office buildings or a warehouse.

Ms. Judy Gordon, 1483 Buck Creek Drive, stated she lives near the corner of Creamery and 332 and the existing traffic issues create challenges. She showed a map from 1989 at a time when the School District was discussing how to handle the growth of population. She stated at that time there was a significant amount of open land and much of the development today did not exist. She stated one of the traits of Lower Makefield was recognizing how the community had evolved yet we had maintained its character. Ms. Gordon stated she feels they are proposing to use the land being discussed in ways that the community is asking for. She stated while it is zoned Office Research people today are not going to offices, and they are working

from home or from other locations. Ms. Gordon stated Lower Makefield is a bedroom community with very few tax ratables which we need. She stated there are issues coming in the future that Lower Makefield is going to need to address, and they need a way to pay for them. She stated the project proposed will not necessarily bring in a lot of children so they will not impact the School, and it will be tax revenue increase to the Township. She stated she strongly supports this project.

Mr. Zachary Rubin, 1661 Covington Road, asked Mr. Dwyer if this Overlay fails, what does he propose for this parcel. Mr. Dwyer stated several months ago, they applied for a Special Exception for a warehouse, and they would intend to continue with that 125,000 square foot warehouse with forty-four truck bays. He stated that use is permitted by Special Exception. He stated they have their traffic report done, and it has been through PennDOT. He stated they held off continuing with the Zoning Hearing Board when this opportunity presented itself when Prickett sold the property to DeLuca, and they decided to talk about trying to do something that would be more friendly to the community from the standpoint of Mixed-Use.

Mr. Rubin stated a warehouse is now permitted in O/R by Special Exception, and Mr. Dwyer agreed. Mr. Rubin stated for a Special Exception you must meet a number of criteria, one of which is that the proposed location of a Public, Industrial, or Commercial use is suitable with respect to probable effects on highway traffic and is suitable with respect to adequate access arrangements in order to protect major streets and highways from undue congestion and hazard. Mr. Rubin stated Mr. Dwyer is proposing that he has a Traffic Study now that meets that criteria, and Mr. Dwyer agreed.

Mr. Rubin stated he believes that traffic report is on the Township's Website, and in reading that traffic report they claim that if the warehouse goes through with eighty trucks a day that could be 54' long with eighteen wheels, it will only add two seconds additional time to the queue at Stony Hill and the By-Pass. Mr. Dwyer stated the report was done by professionals and reviewed by other professionals, and he believes it is sustainable. Mr. Rubin stated the report has vehicle counts, and it does not differentiate between a car and a 50' eighteen-wheel tractor trailer; and Mr. Dwyer agreed.

Mr. Bryson stated since there is no warehouse proposed before the Planning Commission he asked that they keep the discussion to the Ordinance itself.

Ms. Marilyn Huret, 484 Kings Road, showed a map and stated they are looking to put this Overlay over eight parcels, but the developers proposal is over a much smaller portion; and she asked why they are going for the additional parcels that will take it from Langhorne-Yardley Road up to 332 and include the Aria property. Mr. Harris

stated he believes what Ms. Huret is showing is the entire O/R District not the portion they are proposing for the Overlay, and he does not believe the Aria property is in there. Mr. Dwyer stated the current proposal is a certain distance from the Historic/Commercial District which is within walking distance. He stated it includes the two properties the Applicants are discussing and some portions of the South Campus of the Corporate Center which is already developed. He stated the only undeveloped property in the Overlay are the two properties they are speaking of tonight.

Mr. Majewski stated the area that would be subject to the Overlay are the parcels that are touched by the dashed line on the map Ms. Huret is showing which is 1,320 feet from Edgewood Village. Ms. Huret stated there are eight properties. Ms. Huret asked Mr. DeLuca if they actually own the property, and Mr. DeLuca stated they are the equitable owners of the Prickett property, and Mr. Dwyer's group is the legal owner of the Residential portion. He stated as Mr. Majewski noted the eight properties listed are areas that are encompassed by the 1,320 feet from the Edgewood Village Historic District, and the other properties are already developed; and neither of the two developers present this evening have any ownership in those other properties.

Ms. Huret asked Mr. DeLuca to explain what it means to be an equitable owner. Mr. DeLuca stated they have the property under Contract under certain terms and conditions; and when they close, they will become the Fee Owner of the property. Ms. Huret asked Mr. DeLuca if he can divulge the terms and conditions, and Mr. DeLuca stated he cannot. Ms. Huret asked if it is dependent upon getting the proper Zoning for it; however, Mr. DeLuca would not answer that question.

Ms. Huret stated Lower Makefield cannot afford what is being proposed. She stated they would be getting \$200,000 a year, and there would be two hundred living units which would be a conservative estimate of 225 vehicles. She stated our Fire, Police, and Emergency Services are already heavily burdened. She stated most roads south of this area are only two lanes, and many of them are "in very poor condition." She stated the existing Retail is already stressed, and there are signs in every window that they are looking for help. Ms. Huret stated "we are on the hook" for replacing or "doing something" with our existing sewer system. She stated she is not sure whether it was the EPA or the DEP that had recommended several years ago that Lower Makefield limit additional sewer hook-ups into the Morrisville Plant. She stated she knows that this would not be in the Morrisville Plant, but we are "still on the hook for working out a deal with the Morrisville Plant." Ms. Huret stated she also knows that the Township's Bond Rating has slipped, and she asked if \$200,000 is going to be able to pay for "additional fire, help out with the roads, and everything else." She stated they would need at least two more Police Patrolmen to be added which would take up the \$200,000 since there is salary and benefits.

Ms. Huret stated changing Zoning will set a precedent for those looking to establish Variances, and it would be a “slap in the face to residents who have had to fight long and costly procedures only to get a few more buildable feet in their yards.”

Ms. Huret asked who is going to maintain this park-like concept, mow the lawn, and clear the roads that will be widened; and she feels it will our Road Department so we will need more people for the Road Department to do this.

Ms. Huret stated Zoning is designed to regulate use, form, design, and compatibility of development. She stated the primary purpose of Zoning is to designate uses that are compatible, and it is used to prevent new development from interfering with existing uses and/or to preserve the character of the community. She stated it is the way the Government controls physical development of land and the kinds of uses to which each individual property may be put including regulations of the different types of activities that would be acceptable on a particular lot such as open space, Residential, Agriculture, Commercial, or Industrial and the densities at which these activities can be performed from low-density housing such as single-family homes to high-density such as high-rise buildings, the height of buildings, the amount of space structures may occupy, and the location of buildings and setbacks in proportion to the type of space on the lot. Ms. Huret stated in communities where developers seek to convert land to uses that were not intended, it opens a larger concern for all. She stated once a change is approved, such as an Overlay for a large tract or extreme Variances for a single Lot it “opens up a landslide of similar requests” from other property owners who also want to re-Zone their land for purposes other than what they were originally meant to be. She stated restructuring a tract to a lower standard of use or category creates an impact on the community in terms of Municipal services and lowers the standards of value of existing zoned areas. She stated the primarily Residential communities will be “broken into other types of usage” that defy the original purpose of the planners. She stated the cost of such changes cause financial and “infrastructural” stress on Fire, Police, Emergency Services, roads, maintenance, and the Schools that will take years to recoup; and in doing so harms the character of the community.

Mr. John Gregory and Ms. Cecilia Gregory, 27 Milton Drive, were called to speak; however, Mr. Gregory stated he agrees with Ms. Huret and did not need to speak at this time.

Mr. Jim Breece, 1530 Edgewood Road, was called to speak, and he stated he agrees with Ms. Huret and did not need to speak at this time.

Ms. Joan Schnitzer, 1205 Chandler Court, stated she lives off of Stony Hill Road, and she is in favor of the project “150%.” she stated she does not understand the concern about change, and she has heard comments that they will put Giant out of business and ShopRite will be in trouble. She stated if they modernize their stores, they have nothing to fear. She stated she has spoken to the management of the ShopRite, and they have absolutely no fear and they welcome the competition. Ms. Schnitzer stated with regard to traffic, Wegmans would not go anywhere where there would be problems with traffic. She stated she has been to numerous Wegmans, and she has never had a traffic jam and has never had a traffic jam at ShopRite. She stated she understands that during the Holiday season Stony Hill Road will back up, but that will have to be addressed.

Mr. Jim Edelstein, 2049 E. Wellington Road, was on the list to speak at this time, but he did not respond.

Mr. Thomas Anzabi, 1582 Clark Drive, stated he lives in Yardley Hunt, and he is a recently retired “road way” engineer. He noted the intersection of Yardley-Langhorne Road, “Mirror Road,” and Heacock Road where there is an existing problem. He stated the engineers and “Board should do their job” and not add a single vehicle on the road until they improve the intersection. He stated the \$200,000 the Township will receive will not pay for the Police, Fire, or Ambulance that the extra traffic is going to create. He stated he feels the project is “beautiful and he loves the principal,” but if they do not improve the intersection, it would be a “crime to approve this project.” He stated if the engineers do not improve the intersection, they have not done their job. He noted some recent improvements that have been made which he does not feel were appropriate. He noted areas elsewhere in the Country where they have made improvements to intersections which include roundabouts which slow the traffic down and does not include traffic lights which cause accidents. Mr. Anzabi stated without improvements, they should not approve any project that will add vehicles to our roads.

Mr. Cameron Lackpour, 28 Sunnyside Lane, asked what will be done with the existing house and the barn. Mr. DeLuca stated the house is approximately 2,000 square feet and would only be conducive for use by a single-provider office such as an accountant, lawyer, Real Estate firm or it could be used by the management company that would handle the management of the site. Mr. DeLuca stated with regard to the barn, it will be renovated for a Retail use. He stated there has been interest expressed in a BYOB facility or a beauty-salon. Mr. Lackpour stated it is part of the Overlay that those buildings will be preserved as opposed to being gutted, and Mr. DeLuca stated their intention is to renovate and follow the historic character of the building and make them a viable part of the development.

Mr. Mark Weinberger, 1707 Yardley Road, stated he has only lived here for one year. He stated we are the midst of a “Retail apocalypse,” and opening up Retail locations will not benefit Yardley. He reviewed the number of Retailers that have closed and will close in the future. He stated the United States is the “most over-Retailed Nation on Earth by a factor of 4.585 in terms of square footage.” He stated he can guarantee that years from now if a Wegmans opens up the McCaffreys and Giant will no longer be there, and we will not be gaining additional tax revenues or jobs, and we will be losing jobs and tax revenues. He stated he has spent over thirty years in the Retail industry and business development. He stated he does not feel we need another supermarket in the Township.

Mr. Weinberger stated he is not against development, but he is for smart development and development that makes sense. He stated he is in favor of development that brings in tax revenue like another adult community which will not tax the resources of the community and will add tax revenue. He stated they should look at other ideas, and he is opposed to Retail. He stated he “loves Wegmans but not in Yardley.”

Mr. Andy Shaw, 1861 Fieldstone Lane, stated he lives in Flowers Field which is near the area being discussed, and he supports the proposal; and he hopes that the Planning Commission will approve the Overlay. He stated he likes the proposed use of the space particularly the vision that the Residential and the Commercial have to be developed together, and he wishes they had done that at Flowers Field. He stated he supports the project, and he hopes that the Planning Commission will recommend going forward.

Mr. Paul Wulfing, 615 Friar Drive, stated he is not anti-development; but his concern is once they approve this proposal for this parcel, it will be applied to all the other parcels in the Overlay. He stated the last thing we need is a lot of big stores in our Township, and he does not feel it is appropriate. He thanked everyone for this forum and for this better venue so that their voices can be heard.

Mr. Robert Lakind, 1622 Fairfield Road, stated he was provided information when he came this evening which indicated that on August 16 the Bucks County Courier Times ran an article indicating that while they liked Wegmans, they did not like it on Stony Hill Road; and it indicated that was written without any technical studies done. Mr. Lakind asked if technical studies have been done. Mr. DeLuca stated the presentation this evening is for an Ordinance which has been written to accommodate their proposal. He stated studies will be done at the Land Development stage. Mr. Lakind asked the Planning Commission why they would not wait for those technical studies to be done so that they can base their evaluation on them.

Mr. Wallace stated they are proposing an Overlay District but the Land Development Plan has not been submitted yet. He asked how they could generate a technical study on something that has not yet been proposed. He stated it is a conflict since they have made a presentation as to what could go in that location, but there is no mechanism to trigger any additional studies at this point.

Mr. Lakind asked if the Planning Commission could indicate that if the developers want this, they need to provide them with the technical studies. Mr. Wallace stated the Applicants are indicating that they are looking to have the Township approve the Zoning District, and then they will provide the necessary technical studies. Mr. Lakind stated he feels they are putting the “cart before the horse.” He stated he feels this is confusing to the residents who feel the Planning Commission should have that information now before they have to make a decision on the Overlay. He added they should have the benefit of the information before having to make a decision.

Mr. Lakind stated if they were to have to go through the Variance Application process, they would have to submit a Site Plan and construction drawings which would include the architectural drawings they were looking for. Ms. Kirk stated that would not necessarily happen. Mr. Bryson stated there are two guidelines when you develop – one is Zoning and one is SALDO which is the Subdivision and Land Development Ordinance which includes the design guidelines; and Zoning is more of the Law. Mr. Bryson stated when you go for a Variance you are asking to be “excused from the Law” compared to design guidelines. He stated this is zoned O/R which allows for certain uses, and they are proposing a new Zoning Overlay that would legally let them do an alternative to Office/Research. He stated if they were to come in for Land Development, then the Township will accept their Plans and make sure that they are meeting Zoning and the SALDO which are the design requirements. Mr. Bryson stated he feels it is more appropriate that the architectural drawings be in the design standards of SALDO and not in Zoning.

Mr. Lakind stated as a resident, he would like to see that done before. Mr. Bryson stated this process is for an Overlay within the Zoning Code, and the Applicants will have a long process through the Land Development process; and all of these issues will be debated again. He stated at this point they have not submitted anything yet as opposed to the pictures which they have presented, and currently the Township does not know what their design is. Mr. Lakind stated that is his concern.

Mr. Bryson stated that will happen when they go through the Land Development process. Mr. Lakind stated that will happen after the Overlay has already been approved; and if this Applicant “fails” someone else could come in. Mr. Bryson stated this is a valid point, and he is trying to look at this as an Overlay and not

looking at it compared to the proposal showing the Wegmans since he is concerned that they could leave, and the Overlay would still be in place; and he would like to consider what else could come in.

A number of people began calling out from the audience including one gentleman who asked what else could come in other than a warehouse in the O/R.

Mr. Bryson stated in the Overlay there could be a Bed and Breakfast, Commercial recreation, community center, day care, financial services, general businesses, health/fitness club, hotel, large Retail store, library/museum, medical office, restaurant, Retail seasonal/occasional, and shopping center. Mr. Bryson stated what it is currently zoned for is Agriculture, cemetery, day care, emergency services, financial services, general business/professional, golf course, health/fitness club, nursery, nursing home, research, accessory uses, and forestry/timber harvesting.

Mr. Bryson stated the developer at this point could develop 185,000 square feet of Office as it has already been approved for that. Mr. Majewski stated it could actually be double that since that would only be half the parcel. Mr. Bryson stated if you add the Prickett parcel, they could get another 150,000 to 160,000. Mr. Bryson stated for a traffic generator, there is nothing worse than Office. He stated he works next to a Wegmans; and during the critical traffic time in the morning from 7 to 9 there are no cars at the Wegmans. Mr. Bryson stated he is looking at this parcel and considering if they want something else or do they want 360,000 square feet of Office.

Mr. Lakind stated he feels the Planning Commission should use their power to have the Applicants provide all of the information even if that is not the normal process. He stated if they will not provide that information, he feels that should concern everyone.

Mr. Lakind stated he was also concerned that the information he was provided indicated that there were going to be two hundred apartments, which would result in only eleven students.

Mr. Dobby Dobson, 1776 Cypress Way, stated if the Overlay were to be approved, and the Applicant's proposal does not happen, could they go back and change it. Mr. Majewski stated they can always change an Ordinance. Ms. Kirk stated the Board of Supervisors retains jurisdiction over all aspects of the Zoning Code so they can repeal any Section of the Code that they want.

Mr. Bush stated he believes that over a decade ago there was an Overlay Ordinance which was repealed in Lower Makefield, adding he is not sure if Mr. Dobson was on the Board at that time.

Ms. Kirk stated the Supervisors always go through reviews of the Zoning Ordinance and the Zoning Districts to see if there are certain Sections that should be re-Zoned so it is fluid.

Mr. Dobson asked if there is not a process in place now for these Applicants to go to the Zoning Hearing Board for a Conditional Use, and Ms. Kirk stated there is not. Ms. Kirk stated there are uses that are permitted under the Zoning Ordinance for Office Research, and one of those is the Special Exception for a warehouse which is currently pending in front of the Zoning Hearing Board. Ms. Kirk stated if they are looking to do something that does not already fall under the approved Uses, they could go in front of the Zoning Hearing Board and try to get a Variance which is a difficult mechanism because the standard is so high. Mr. Dobson asked if that is what Aria tried to do a few years ago, and Ms. Kirk stated they wanted a Special Exception which is a permitted use subject to certain conditions. Mr. Majewski stated that Application is still pending before the Township and in Court.

Mr. Dobson stated he feels they do need to get more information before they make any final decision. Ms. Kirk stated the problem is that everyone is making an assumption that what the Applicants have proposed is what is going to be presented for Land Development. She stated the Overlay District is not limited to what they have proposed, and they have outlined multiple different uses. She stated between the time the Planning Commission makes a recommendation and the time it gets in front of anyone for a formal Land Development, the whole Plan could change; and it could turn out to be a proposed hotel with a Residential component. Ms. Kirk stated the impact studies would be different depending on the exact use that will be submitted for Land Development.

Mr. Dobson asked how they could make an informed decision. Ms. Kirk stated this is for an Overlay, and the Planning Commission needs to make a decision as to the whether that section of the Township should be Zoned in a different way than what it is today. She stated they are trying to look at everything in total along with the Comprehensive Plan. She stated they cannot request specific studies to meet the requirements because the actual proposal may change from what has been discussed under the Overlay District.

Mr. Larry Borda, 508 Heritage Oak, stated he and Mr. Bush fought successfully as part of RAM against Matrix; and that was a bad idea then, and this is a bad idea now. Mr. Borda stated he is confused as to what the standard is as a Planning Commission, and he asked if they are trying to decide a “lawyer decision” on whether or not this qualifies within the Comprehensive Plan or are they trying to make a decision as to what is best for the community. He asked what standard they are using in their review.

Mr. Bryson stated the Planning Commission debated for a long time when they were discussing the Comprehensive Plan, if certain areas in the Township should be considered for Mixed-Use “with the issue of the O/R District.” He stated he was always in favor of a Mixed-Use consideration for some of the parcels in the Township that were slated for Office. He stated the one night he did not attend the Planning Commission meeting, the Planning Commission voted on this and voted not to include that in the Comprehensive Plan. He stated when the Comprehensive Plan then went to the Board of Supervisors for approval, the Board put it back in.

Mr. Bryson stated the Comprehensive Plan encourages Mixed-Use in certain areas of the Township. Mr. Borda stated that was passed by the Board of Supervisors but was not recommended by the Planning Commission. Mr. Borda stated he is basing his decision off of what is in the Comprehensive Plan.

Mr. Borda asked if they do not also have to think about what is best for the Township in that process, and Mr. Bryson agreed. Mr. Borda stated they are all saying that they cannot mandate that the studies be done, but the Planning Commission is just an Advisory Board; and regardless of what the Planning Commission says, the Applicants are going to try to take this to the Board of Supervisors, and he asked the Applicants if that was correct. Mr. Harris stated they would not make that decision until they know what the Planning Commission recommends. Mr. Borda asked Mr. Harris if he is saying that if the Planning Commission says “no” to the Applicants, they will not seriously consider still going to the Board of Supervisors. Mr. Harris stated he is not saying that, and he is saying they will not make that decision until they know exactly what the Planning Commission recommends.

Mr. Borda stated “what these people are here to do is to ignore whatever your decision is.” He stated if it is bad, they will ignore it and go through all of these studies and submit them to the Board of Supervisors. He stated what they are hoping is that they will get from the Planning Commission “the green light to make it look better, and that is why they are showing us the shiny pictures and dangling the Wegmans to everybody here even though we are saying they are not really proposing it, but they have spent an hour telling us what they were going to put here.” Mr. Borda stated “all this is, is a PR move in order to get this thing done and not giving you the tools necessary to make intelligent decisions.”

Mr. Borda stated if he were on the Planning Commission he would say to the developer since they are going to have to do this anyway, that they should give the Planning Commission the Study that they are going to submit to the Board of Supervisors and give them the chance to review it. Mr. Borda stated he does not know if the Planning Commission has the resources or the ability to hire their own consultants to do a review

independently. He stated he feels the Planning Commission should have the chance to weigh in. He stated he knows the Board of Supervisors ignored the Planning Commission on their recommendation on the Comprehensive Plan, but maybe they will listen to the Planning Commission if they have a chance to look at these studies; and he feels the Planning Commission should ask the developer to do that since there is no down side to asking for that.

Mr. Borda stated he is concerned about Shady Brook Farm, and he does not see how Shady Brook Farm exists once this project goes in. He stated he does not see how the area can handle the traffic that is generated by Shady Brook, and if he were the owner of Shady Brook Farm he would feel his value is significantly enhanced if this goes through, and he might as well do the same thing. Mr. Borda stated Shady Brook Farm will be gone. He stated this project will generate \$200,000 a year to the Township, and he asked why there are going through all of this for \$200,000 a year. He stated that is net income, and it has nothing to do with the additional sewer or the Police; and they will need at least one additional Policeman which is \$150,000 a year. He asked why they are trying to “save the developer who made a bad deal and is stuck with a piece of ground that he cannot develop which is open land.”

Mr. Borda stated he likes Wegmans, but he does not need it in his neighborhood where in addition to the minimal tax revenue and the additional expenses, they are taking a “good chance of killing the center of what is currently Lower Makefield which is Edgewood Village. He stated they are going to kill Giant, and they are going to kill McCaffrey’s.” He stated if they are thinking about the good of this Township and getting \$200,000 a year in income a year, they will “take the chance on killing Edgewood Village.” He stated he does not understand the logic behind why we are doing this, and he does not see how it benefits the Township.

Mr. Borda stated they were talking about “the little walkway” to Edgewood Village that crosses I-95, and he asked if anyone really wants to walk that, adding that they are not even going to widen the bridge.

Mr. Borda stated there will be a lot of people making a lot of money on this project – the developer, the lawyers, the accountants, and the engineers; but Lower Makefield will not be making any money on this project.

Ms. Maryrose Wolodzko, 1025 Lafayette Drive, stated she lives in Sandy Run II. She stated not all change is good. She stated they want the community to have a certain look which is why they moved here. She stated she and her husband first looked in New Jersey, and

they did not want that congestion. She stated the community is not lacking anything, and they do not have to drive an hour to the supermarket, and there are already many supermarkets.

Ms. Wolodzko asked who will make the final decision about the Overlay, and Mr. Wallace stated it will be voted on by the Board of Supervisors in order for it to officially go into effect. Ms. Wolodzko asked how much impact does the community have, and Mr. Wallace stated the community is being given the opportunity to voice their views. He stated he feels it is important to hear from the public. He stated the Planning Commission are volunteers, and they want to make the best decisions they can for the betterment of the Township. He stated when they have the ability to have the public share their views with the Planning Commission, it is important for him to hear that.

One gentleman began calling out questions about the Master Plan and his feeling that the Township does the “worst job about communicating to the people what is happening.”

Mr. Majewski stated the Township has a Twitter page and a Facebook page and provides information to the entire community on a regular basis.

The same gentleman continued to call out questions.

Mr. John Wolodzko, 1025 Lafayette Drive, stated he lives in Sandy Run. He stated they moved from a community which did not have much of a main street to begin with, but they then allowed an “awful building” to be built which made the Township look worse. He stated he is concerned that is a slippery slope. He stated there is a Mixed-Use development in New Jersey which also has a Wegmans in the middle of it, and on weekends and at Christmas time it is almost in gridlock; and he does not want that to happen here. Mr. Wolodzko stated he agrees with a prior speaker about the domino effect and how this will inspire the owners of Shady Brook to do something similar or petition for it.

Mr. Keith Pladson, 1566 Brookfield Road, stated he has lived here for thirty-six years, and it was a wonderful place to live and raise his family. He stated years ago the Board of Supervisors laid out the Township and designated certain areas to be a certain way, and he feels they got it right. He stated he feels doing an Overlay here would be a mistake. He stated if they are talking about a Wegmans or any other type of development of that land, it has to be done with good knowledge. He stated with regard to traffic, most Wegmans do not do less than \$1 million a week, and that will result in a significant number of cars pulling in and out of Wegmans. Mr. Pladson stated he believes that Mr. Dave Fleming has already contacted the Supervisors and

said that if this happen at this property, he wants it at Shady Brook Farm. He stated this will become “Street Road which is a death trap.” He asked that the Planning Commission do the right thing and not support this.

Mr. Ricardo Figueroa, 1102 Buckingham Way and Ms. Beverly Mikuriya, 1102 Buckingham Way had signed up to speak; but when called, did not respond.

Ms. Marta Black, 286 Forrest Road, stated she understands that if they do not change the Zoning they will still do construction in this area; and if it is O/R, they will still put in warehouses or something else. Mr. Bryson stated currently on half of the site, there is approval for 180,000 square feet of Office. He stated the Prickett site just became available. Mr. Bryson stated the Office market is soft, and they have not gone to construction for the approved Office of 180,000 square feet because the demand is not there. Ms. Black asked if they could decide not to do Offices and do something else; and Mr. Bryson stated while they could, they would have to go through the process to get it approved.

Ms. Black asked what other things they can do in the O/R, and Mr. Bryson stated he had previously read the list, and he again read the list of what could be done. He also noted what could be done by Special Exception.

Mr. Majewski stated they could also do a treatment rehabilitation facility by Special Exception and by Conditional Use an accessory farm business which is similar to what is done at Shady Brook Farm, as well as a hotel, and a Commercial communications tower.

Ms. Black stated it depends on who owns the land who will decide what they are going to do. Ms. Black asked who owns the property. Mr. Dwyer stated Equus owns the corner property, and they have been trying to attract an Office user there for over ten years. He stated since then the warehouse market has surfaced, and there is now a warehouse user who wants the property which resulted in Equus submitting an Application in May for a 125,000 square foot warehouse with over 40 truck bays. Mr. Dwyer stated that will proceed if this does not go through.

Ms. Black stated it will therefore be developed either way, and Mr. Dwyer stated the corner will be developed whether it is the proposed Mixed-Use or warehouse. Ms. Black stated it will be developed even though we might not need that in this area. Mr. Dwyer stated they own the property, and they tried to do what the Ordinance allowed for which was Office; and while that was the best opportunity fifteen years ago, it is no longer an opportunity, and you cannot make a new Office work there today. He stated warehouse works, and the O/R District allows warehouses.

Mr. Bryson stated if development is going to happen, he needs to consider the options. Ms. Black stated the question that needs to be asked is whether we need any of it. Mr. Bryson stated legally they own the property, and they are going to do something. Ms. Black stated even if we do not need it, they are going to do something. Mr. Bryson stated they cannot legally stop them. Ms. Black stated they can put some restrictions on it, and Mr. Bryson stated that is what they are trying to do.

Ms. Gail Friedman, 699A Rose Hollow Drive, stated she lives within walking distance of the proposed development site. She stated she is a retired land use planner. She stated she is “agnostic” as to whether there should be a Mixed-Use Overlay District on the site, but as a neighbor she has concerns about the nature of “this one,” and that is the intensity of the development and the development bonuses “that are being handed out,” and the degree of woodlands clearance being allotted as a bonus. Ms. Friedman stated there is a lot of development in this quadrant of the Township, and it is incremental as far as the run off that is being generated. She stated she feels 10% of open space that would be allotted for the developed area of the site is really too little particularly when that takes into account things like benches and fountains and not green space. She stated she realizes that the amphitheater is not part of the Overlay, but as a neighbor she would like to know if there are going to be microphones blaring music since there are people who live nearby.

Ms. Friedman stated they have been presented with an Ordinance to react to, and she would suggest that we bring our own advocate/consultant on board, and get some community engagement started and work with these people to develop an Ordinance for the community interest.

Mr. Harry Shrank, 537 Kings Road, stated he has lived there since 1975. He stated they were here during the Matrix situation “and others.” Mr. Shrank stated a warehouse would not be a “given,” and he felt they would have to go through a complete approval process. Mr. Bryson stated they would have to get a Special Exception as it is an allowed use through a Special Exception and they would have to go to the Zoning Hearing Board for that. Mr. Dwyer stated they filed the Application for that, and there was one Hearing. He stated the Zoning Hearing Board requested that they get some more feedback on their Traffic Study from PennDOT which they have done. He stated the Traffic Study has been completed, it has been reviewed, and they are waiting for their approval from PennDOT which they should have over the next few weeks. He stated they would then go back to the Zoning Hearing Board for the final Hearing presentation and a decision.

Mr. Shrank asked if it would then go to the Board of Supervisors; and Mr. Bryson stated once they have the Variance, they would then go through the Land Development process, and they would go to the Planning Commission and the Board of Supervisors. Mr. Shrank stated that would still be a substantial process. Mr. Dwyer stated the difference is what is being proposed tonight is a re-Zoning proposal for Mixed-Use while the warehouse proposal is something that is provided for in the Ordinance. He stated as long as they meet certain Conditions, the Zoning Hearing Board is obligated to grant that. Mr. Dwyer stated the Zoning Hearing Board could deny it; however, the developer would Appeal it since there is no other use other than a warehouse. He stated that is what they would do if they were unable to develop it for some other alternative use.

Mr. Shrank asked if the Appeal would be through the Courts; and Mr. Dwyer stated if it were denied, they would appeal it to the Commonwealth Court. Mr. Shrank stated it seems that would still be a substantial process. Mr. Dwyer stated they have owned the property for a long time, and they have tried to do everything they could to have some use there. He stated with Amazon and warehousing coming to fruition, there is going to be a lot of this type of use now. He stated this District allows for it, and their Traffic Report and PennDOT agree that it is not something that would be “contrary” to the traffic in the neighborhood.

Mr. Shrank stated it is still not a “given.” Mr. Wallace stated he feels it would be significantly less of an obstacle for them to build a warehouse than what this process they are discussing this evening would be. Mr. Shrank stated the Applicant bought the property with the intent of building Office space; and Mr. Dwyer stated they bought it in 2004/2005, it was approved in 2008, and they tried to market it. He stated they previously owned the North and South Corporate Center, but the vacancies increased, and the value decreased. He stated they filed Tax Appeals which they won, but they eventually gave the properties back to the bank because they could not sustain a Class A Building. He stated they could not build a new Office since the market does not provide the opportunity for that since you cannot get the rates to build an Office today. He stated there is now an opportunity for a warehouse. He stated it was not until after the Prickett property became available that there was an opportunity to try to do something more Mixed-Use than the prior request they had for a multi-family project on that site.

Mr. Shrank stated it seems that we have the choice of a warehouse or Mixed-Use. Mr. Shrank asked from a business standpoint with regard to the request for apartments, are they aware that they are looking to have apartments at the Oxford Valley Mall; and Mr. Dwyer stated they are aware of that. Mr. Shrank asked if that would affect their

thinking, and Mr. Dwyer stated it would not. Mr. Shrank stated they are also closing up a lot of Retail space and all the Malls in the area have problems. He asked if they really need more Retail space and more apartments in Lower Makefield Township.

Mr. Shrank stated he became aware of this situation at the last meeting which was a “fiasco,” with a lot of screaming. He stated he feels this means that this is important to a lot of people, and he asked if there is an opportunity for a Referendum to see what the people of Lower Makefield Township really want. Ms. Kirk stated there is not.

Mr. Shrank asked if the Board of Supervisors could decide they want to have a Referendum, and Mr. Kirk stated it would not apply in this case because they are talking about private property rights. She stated it would be a matter of whether the Board of Supervisors believes the proposed Ordinance should be passed or not, and it would not stop a property owner from trying to build on that property whether it is under this Ordinance, the existing Ordinance, or seeking Zoning relief. Ms. Kirk stated the owner has the ability to use the property, and this is not something that would go out to a Referendum. Mr. Wallace stated they have private property rights.

Mr. Shrank stated a lot of property rights in recent years have been altered through the process of different forms of right of condemnation, etc. He stated he feels there is still hope that it would not be a choice of “one of those three,” and there are still other alternatives that could end up being addressed.

Mr. Shrank stated a lot of work has been done on the Scudder Falls Bridge, and it is “still a mess;” and there is still a plan for a forty-year proposal to correct I-95, now 295, down to Delaware so that means roads are going to be a real problem in this area for an extended time period. Mr. Shrank stated he is strongly against seeing this as a warehouse which would be the least desirable, and he is also against the other alternatives. He stated he feels the Municipality and the citizens of the Municipality have the ability to “continuously be a deterrent.” He stated the meeting last time was unsuccessful, and there could be many, many more meetings.

Mr. Robert Abrams, 652 Teich Drive, expressed concern with the traffic in the area already and additional traffic concerns if this proposal proceeds. He stated there are two points of access and two points out, and he does not see how they will get people in and out. Mr. Abrams stated the residents are paying for the developers expenses of the infrastructure so the developer can run the business. He stated the Mixed-Use idea should not be considered. He stated they are turning over the running of the Township from the Township Supervisors to a developer. He stated the list of what

can be put there is so long, there would be an argument for putting anything there at any point in time if they approve the Overlay. Mr. Abrams stated if they approve this Overlay, everybody will be coming in to ask for an Overlay.

Mr. Abrams stated if the idea of a warehouse was “so great, after going through all of this, the warehouse would have been bought and operated a long time ago.” Mr. Abrams stated what they see here “may belong somewhere but it does not belong down at Shady Brook Farm.” He stated what they should do is see if they can sell the property and get their money back and give it to somebody who wants to be a part of this community and make it better – not destroying the infrastructure and creating accidents. He stated they will have eleven children getting on the School bus in this kind of traffic at 8:00 in the morning and off in the afternoon as well as a late bus in the winter that will be letting them off in the dark. Mr. Abrams asked how many Police Officers and bus drivers will they have to employ to pay for “what the developer wants to make their money.”

Mr. Abrams stated the Applicants should come to the Township with a Plan of what the infrastructure is going to need for what they want to do and what it is going to cost and how they expect to pay for.

Mr. Abrams stated the Planning Commission needs to discuss what the impact will be on the residents who live here now and pay taxes since that has not “been touched on yet.” Mr. Abrams stated any Supervisor who would turn over to a developer what the Township is going to look like, does not belong there.

Mr. Majewski read the next few names of those who had signed up to speak.

Ms. Claire Fischer, 1385 River Road, attempted to speak; and Mr. Majewski advised her that there was a sign-up sheet that they were using for Public Comment. Ms. Fischer continued to speak. She stated if they cannot have any information or facts before this is approved, they should at least have some of the facts on the warehouse “since if that was such a good idea and is not built yet, why should we believe that it is already this far into it because it feels like they are holding that over their heads saying if we don’t get this, you are getting a warehouse.” Ms. Fischer stated it was stated earlier that they were pleased that the residents could speak, but she does not feel she is being listened to and they do not really have a say. She stated she does not like “that held over her head.”

Mr. Dwyer stated the genesis of the warehouse is because they had the Office proposal approved ten years ago, and Ms. Fischer stated she would like to see that. Mr. Dwyer stated it is part of the Township Record and Traffic Reports were done and approved. Ms. Fischer asked if that is Public information, and Mr. Dwyer stated it is. He stated they waited for the Office market to return, but it did not. He stated a year and a half ago there was interest expressed by warehouse people and they did not take it; but eventually they accepted some offers from warehouse people and submitted a Sketch Plan. Mr. Dwyer stated he had talked to Mr. Lewis about a warehouse long before the Mixed-Use proposal was brought up, and the rest of the Board of Supervisors were aware of the fact that he would be coming in for a warehouse. He stated they filed an Application for that and sometime thereafter the Prickett property sold, and it was suggested that they try to get together with them to see if they could do something, and that is what this is all about. He stated the warehouse was moving forward, but they stopped it because of the Prickett sale; but if this proposal does not go forward, they will proceed with the warehouse as they have been waiting for ten years. He stated if there is an opportunity to do something better than a warehouse, he would like to do it.

Ms. Joan Kamens, 1950 Timber Lake Drive, stated she is a thirty-seven year resident and is a Realtor. She stated when she and her husband moved here it was because of their jobs and they needed to commute to two different directions. She stated they have not heard from many young people this evening, and she would like to represent them. She stated she meets them every day since she is involved with relocation and she meets people from all over the Country. She stated she applied to be on the Economic Development Commission, and during her interview she was asked what does Lower Makefield need; and her answer was that we need rentals. She stated they need this for people who cannot afford to purchase homes. She stated the inventory is low; and there are people trying to downsize who want to stay in the Township. She stated it is an aging Township, and there are people who want to stay here, but they do not want to live in their large houses anymore; and they want “nice” rentals and places where they can pay their monthly rent and not have to worry about maintenance, etc.

Ms. Kamens stated with her relocation experience when she meets people she gives tours and drives people around the area, and she is often asked about the location of the closest Trader Joes, the closest Wegmans, and the closest Whole Foods. Ms. Kamens stated she has provided some information for the Township which she distributed this evening. She stated everyone in the room this evening would benefit because their property values will go up. She stated when these major retailers go in property values go up because young people who are coming to the communities

want exactly what these developers are proposing. She stated there is an “eating revolution” going on in Newtown, and there are new Retailers who are food Retailers so it does not have to be clothing or specialty stores; and there are many more directions in Retail. She stated the climate of Retail is changing, and it is the clothing element that is going out; but there are new things coming in such as med spas, massages, beauty salons, etc. She stated the only constant is change; and if we do not change, people will not want to live here.

Ms. Kamens stated there are many people coming from New Jersey who want to live in Lower Makefield because they do not want to pay New Jersey taxes; and these people bring in Real Estate revenue to our tax base which we desperately need to keep the community going.

Ms. Kamens stated the land has been purchased, and they can build a warehouse; and if she has a choice she would much rather appeal to the “relevant and the young” and have rental housing for people who need housing. She stated this will not bring that many children, and it will be those who have no children and individuals who are commuting.

Ms. Kamens stated she feels the proposal is a great idea. She stated if they are going to do further studies, they need to have a “cross-age group of people and not just people who show up at night to a meeting.” Ms. Kamens stated she feels they will make good decisions about traffic; and if they go forward with it and put the requirement on all the people involved to make sure that the traffic is addressed, that would address the biggest concern.

Mr. Michael Barkan, 751 Gordon Drive, asked about the study that was done which indicated there would be eleven school-age children from the proposed apartments which he feels is low. Mr. Dwyer stated the National organizations recognize the Rutgers Study which was compiled over many years and many developments; and it counts the number of public School-age children based on the number of bedrooms, single-family homes versus twins versus multi-family, versus multi-story buildings; and they follow that Study which suggested that based on the one-bedroom and the two-bedroom mix, there would be eleven public school-age children. He stated he believes that there could be fourteen school-age children but there are private schools that would take those three additional children elsewhere. Mr. Dwyer stated Equus owns thousands of units, and he noted the New Britain project discussed earlier. He stated New Britain is in the Central Bucks School which was recently rated number two or three in the State, and that development only had seventeen school-age students in the two hundred thirty-two units. He stated using those same ratios, the eleven school-age children is a reasonable number. He stated this will be a major surplus of net revenue every year to the School District and net revenue to the Township. He stated it

would be \$200,000 every year to the Township, and that will go up over time with inflation and taxes. He stated the School District would get \$1.1 million every year, and that will reduce the taxes to the residents.

Mr. Barkan asked about proposed “Store A,” which he understands is a Wegmans, and he asked if they “have a deal in place.” He stated there are materials that they were provided this evening that have “Wegmans” printed on it, but it is shown as Store A on the Plan. Mr. DeLuca stated there is a deal in place with Wegmans; and they presented that to the Board of Supervisors when they made the initial presentation. He stated if the Ordinance is adopted and passed, Wegmans has signed a commitment to build the site. Mr. Barkan stated he is a proponent of Wegmans, and it had been noted previously that due to competition Wegmans would put other grocery retailers out of business, yet the Wegmans in Lawrenceville has a ShopRite within walking distance, and at times the ShopRite parking lot is more full than the Wegmans parking lot. He stated the competition in that case is good, and it has brought other stores into the Mercer Mall and into the shopping center adjacent to it but it has contributed to traffic.

Mr. Barkan stated he feels this project would be good for the community provided the roads are addressed correctly and the utilities and services are addressed correctly including sewer, water, the electrical grid, and sanitation. He stated his concern is that there is not enough money to support the infrastructure and that it will end up costing the Township money.

Mr. Paul Eschallier, 24 Austin Road, asked about the legality of the Overlay or the “spot Zoning” if we give it to this parcel. He asked if anyone has looked into the other surrounding parcels; and if someone else comes in and says they want this Zoning as well, he asked what grounds the Township would have to say “no.” Mr. Wallace stated that would have to be presented and at this point he would just be speculating. Mr. Eschallier stated he feels everybody is going to come forward and say they want the same Zoning, and they should look “at some history.” Mr. Wallace stated this is a good question, and it is a “hard answer to get.” Mr. Eschallier stated he is against the big box store, and he wants the Planning Commission to preserve our small bedroom community, and he would like the Planning Commission to say no to these developers. Mr. Eschallier asked if they could not try to approve something that would be less impactful than a big box store and Retail that we really do not need.

Mr. Majewski stated there are still seventeen people on the list to speak. Mr. Wallace stated they will Continue the meeting to September 23 at 7:30 p.m. to be held again at Pennwood. Mr. Majewski stated they will put this information out to everyone. He thanked the Pennsbury School District for hosting this meeting tonight, and he also thanked the audience.

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Mr. Bryson moved, Mr. Bush seconded and it was unanimously carried to Continue the matter to September 23.

There being no further business the meeting was adjourned at 11:00 p.m.

Respectfully Submitted,

Ross Bruch, Secretary