

TOWNSHIP OF LOWER MAKEFIELD
BOARD OF SUPERVISORS
SPECIAL MEETING
MINUTES – JUNE 25, 2020

A special meeting of the Board of Supervisors of the Township of Lower Makefield was held remotely on June 25, 2020. Dr. Weiss called the meeting to order at 7:00 p.m. and called the Roll.

Those present:

Board of Supervisors: Frederic K. Weiss, Chair
 Daniel Grenier, Vice Chair
 James McCartney, Secretary
 Suzanne Blundi, Treasurer
 John B. Lewis, Supervisor

Others: Kurt Ferguson, Township Manager
 James Majewski, Director Planning & Zoning
 Barbara Kirk, Township Solicitor
 Andrew Pockl, Township Engineer
 Monica Tierney, Park & Recreation Director

CONSIDERATION AND MOTION OF ADVERTISING AND SETTING OF A PUBLIC HEARING DATE FOR THE PROPOSED MIXED-USE (MU) OVERLAY DISTRICT ORDINANCE

Dr. Weiss stated they are reconvening the Special Meeting of the Board of Supervisors with the specific Agenda item of discussing and possibly coming to a consideration for advertising the Special Overlay Ordinance for the O/R District. He stated some changes have been made to the proposed Ordinance, and they will discuss the current Draft.

Mr. Majewski stated over the last few weeks they have worked with Mr. Kennedy, the Planner for the Applicant, going through what the Board had agreed upon on the changes that would be needed to the Overlay. A slide presentation has been prepared going through the changes, and there is a red-line form of the Word document.

Mr. Majewski stated since the last meeting changes were made to the proposed Ordinance including that drive-through services and Commercial Recreation would be Conditional Uses. He stated they also eliminated the impervious cover Bonus. He stated they fixed the impervious coverage at a maximum of 65%

which matches the existing Office Research underlying Zoning. He stated they also changed the Ordinance to have a maximum net floor area for a store of 20,000 square feet. He stated that does not include a supermarket which is a separate designation. Mr. Majewski stated some of the Bonus provisions have been re-evaluated and adjusted downward. He stated the maximum woodlands disturbance has been reduced to 50%, and the maximum Bonus Density for Residential has been reduced from three and a half dwelling units per acre to two and a half dwelling units per acre.

Mr. Kennedy referred to the Draft Ordinance dated 6/17/20. He noted Page 2 where Commercial Recreation has been removed and switched over to a Conditional Use. He stated this is the same for the statements referring to drive-ins and drive-throughs. He stated Large Retail Store was stricken out and moved down the list, and this was an item that Mr. Majewski had pointed out that is “just housekeeping.”

Mr. Kennedy stated Page 3 is where they introduced the Conditional Use section, and it lists two Uses that are permitted by Conditional Use – the first being drive-in windows and drive-through services for any Permitted Use with Conditions listed. He stated these criteria already exist in the Township Ordinance in other Sections for drive-throughs for banks, restaurants, etc. He stated they did add a fourth D which was added, and that was specifically geared toward the Mixed-Use Development, which is to be sure that the drive-through is located in an area that will not conflict with pedestrian circulation.

Mr. Kennedy stated below that they have introduced Commercial Recreation, and he did include some basic criteria that would have to be met if someone were to propose some kind of Commercial Recreation. He stated the criteria he included basically deals with protecting any Residential Use in the Mixed-Use Development.

Mr. Kennedy noted Page 5 at the top which is the first place where they started to remove any references to any Bonus increase for impervious surface; and because of the nature of that, it had to be amended in numerous locations. He stated they did fix the maximum impervious surface at 65% which is the existing level in the O/R District right now.

He stated further down that page they added a requirement for Retail Store Large which is maximum net floor area of 20,000 square feet except for supermarkets which may exceed 20,000 square feet. He stated that was based

on comments made to insure that they would not end up with a development that had three large boxes. He stated you could really only have a supermarket, and then other than that everything else cannot be larger than 20,000 square feet.

Mr. Kennedy noted Page 6 at the top. He stated based on their last discussion, they agreed to add a procedure where for the historic buildings that would be preserved, they would work with HARB; and they have added that language in.

Mr. Kennedy stated in the Bonus Provisions Section, they have stricken out the increase for impervious coverage; and now the Bonuses only apply to woodland clearing and density. He stated the maximum woodland clearing has also been reduced from 60% to 50% per the prior discussion, and the maximum density increase when using Bonuses has been decreased slightly from an additional 3.5 DU per acre to an additional 2.5 DU per acre.

Mr. Kennedy stated they also re-ordered the Bonuses. He stated typically with this method of encouraging standards in an Ordinance, they try to rate them according to cost or degree of difficulty. He stated they have removed the references to increasing impervious coverage. He stated they changed the Bonus for woodland disturbance. He stated the Bonus for significant off-site pedestrian connections was decreased slightly from 3.0 to 2.5 DU per acre. Mr. Kennedy stated they removed completely the alternative energy sources as that did not seem to have a lot of support. He stated with regard to green roofs, they removed the impervious coverage reference. He stated they did the same for inter-connections for vehicular/pedestrian connections. He stated they also slightly changed the woodland disturbance from 10% to 5%. He stated they moved the other two Bonuses down to the bottom since they are something that is fairly simple, but they still felt it was good to encourage these types of improvements. He stated they have had their Bonus also reduced to 5% additional disturbance each.

Mr. Kennedy noted Page 9 is the last change, and that is just a housekeeping issue. He stated in working with Mr. Majewski they discovered there was a typo in the existing definition in the Use Section of Retail Store Large, and that has been fixed.

Dr. Weiss asked for a Motion to bring the original Motion back to the Table. Ms. Blundi moved and Mr. Grenier seconded to bring the original Motion back to the Table.

Mr. Grenier stated at this point the Board is only looking at an Overlay District to an existing Zone; and at some point in time, if need be, the Board can still change it or remove it. He stated he has read social media comments about the extent of the Overlay. He stated this Overlay does not go out any more than a quarter mile, and he has seen comments that it goes out a mile and a half and out to other farms in the general area outside of the O/R District which is not the case.

Mr. Majewski showed the map showing the extent of the area that would be under the Overlay.

Mr. Grenier stated he provided a list of his questions ahead of time to Mr. Majewski. Mr. Grenier noted Page 3 in the red-line section toward the end - Item B2 under Commercial Recreation. He stated he wants to make sure this is consistent with other parts of the Code. He stated he understands most of the details will be handled through the SALDO process, but he wants to make sure what is written here for landscape buffer, lighting, and noise impact are consistent with other Zones. Mr. Majewski stated he has looked into this, and the landscape buffer is fairly consistent with a number of other buffers that are between Residential and Institutional, and Residential and other types of Uses. He stated typically there is the actual planted buffer which varies in size up to 15', which is what is in this Ordinance. Mr. Majewski stated lighting is required to be shielded from adjoining Uses and properties, and this makes sure that is demonstrated in order to get the Conditional Use; and they cannot just wait until they get to Subdivision and Land Development. Mr. Majewski stated it is the same with the noise impact. He stated the Applicant needs to tell the Township what type of Commercial Recreation they are going to have especially if it is outdoors; and if it is something that is going to be noisy, it should obviously not be located in close proximity to the residences, and it should be located in another part of the site or something needs to be done to make sure that the noise will not have an impact. He stated they could not have very loud outdoor recreation up against the Residential portion, and it would probably need to be on the other side of the whole project.

Mr. Grenier noted Item 3 – Restaurant with drive-through service looks a lot like Item 1A. Mr. Grenier asked if it is felt that is redundant. Mr. Majewski stated Sub-Section 3 does need to be included. He stated our Ordinance differentiates between a Restaurant Use and a Restaurant with a drive-through Use. He stated under Item 1A, they could strike the words “and restaurants,” which would eliminate the duplication of the drive-through requirement.

Mr. Grenier stated he just wanted to make sure that there was no confusion between the two Sections. Mr. Majewski stated while it is redundant, it does not hurt either way.

Mr. Grenier noted a typo on Page 5.

Mr. Grenier stated while this item may have been considered on Page 9 under “Requirements for Retail Store Large,” he asked how they define the word “supermarket” in the Code. He asked if a supermarket could also include a large Target, Walmart, or Costco where there are large grocery sections although that is not all they sell. He asked if supermarket is specific to grocery or is it more inclusive than that. Mr. Majewski stated they do not define “supermarkets” in the Ordinance. He stated he has checked a number of other Ordinances which also do not define supermarket. He stated in his mind he feels a supermarket would be something that would primarily deal with groceries and household supplies. He stated at the other stores. Mr. Grenier mentioned they sell clothing, furniture, etc. He stated while he feels they are different, a definition may be in order.

Mr. Grenier asked Ms. Kirk how they might define supermarket. Ms. Kirk stated she feels they should keep it consistent with the way the current Code is since if it is changed here, they will have to change it throughout the Zoning Code. She stated if it is not already specifically defined, she feels they could create more confusion by trying to define it here.

Mr. Grenier asked if they do not define it, would that open the Township up to other types of developments that are not just grocery stores; and Ms. Kirk stated it possibly could. She stated it should be remembered that the process is such that if someone were to come in for a “supermarket,” and it is determined by the Zoning Department that it does not meet that definition, the next course of action would be going to the Zoning Hearing Board which stands as the basis for interpreting the Zoning Ordinance. She stated it could open up litigation, but she feels the Township would be better off keeping it consistent rather than trying to “bootstrap” something at this point.

Mr. Grenier noted Page 6 after No. 3 and the first part of the Table under 200-50.10, they use the term “historically-significant buildings.” He stated that may occur elsewhere as well. He stated he feels that term would refer to National Register Listed or Eligible status; however, he also believes there is a Township document that has a list that was created a number of years ago that might serve as our reference document as a starting point.

Mr. Grenier asked Mr. Majewski if he could recommend language to address that. Mr. Majewski stated he did look into this, and after the words, “historically-significant buildings,” they could add the phrase: “listed in the Survey of Historic Resources in Lower Makefield, 2000/2008 as amended from time to time.” Mr. Majewski stated back in that time period, the Historical Commission did an inventory of as many of the homes that they thought had historic value in the Township; and he believes that would be a good starting point. Mr. Majewski stated it should also be noted that the buildings that are on this property were deemed to be eligible for possible consideration on the National Register of Historic Places when they did the I-95 work in the area. Mr. Majewski stated he feels tying this into the Township’s Inventory of Historic Structures would be appropriate.

Mr. Grenier noted Page 7 with regard to the Bonuses. He stated he was part of the Bucks County Energy and Environment Sub-Committee looking at County policies, and one of the policies that they discussed was encouraging sustainable design and Ordinances. He stated he feels there is a justification to maintain some of these Bonuses. He stated for consistency purposes, looking at the Bonus percentage for woodlands and some of the DUs per acre across the last three or four Bonuses called out, he asked that they consider reducing in the green group additional woodland disturbance from 10% to 5%; and under green roof as well it is 1.5 DU per acre and he would like to reduce that to 0.5 DU per acre. He stated similarly under Stormwater Infrastructure he would recommend reducing the 10% additional woodland disturbance to 5%.

Mr. Grenier noted a typo on Page 8 where the list at the top has “D” twice. He noted the second “D” discusses parking space sizes which are not 10’ by 20’. He stated he was thinking about having spaces for compact electric cars set aside; however, with the sizes shown they are not much different from a compact car size so he would not recommend that at this point.

Mr. McCartney asked with regard to the term “supermarket,” could they label that as a Conditional Use so that they can dictate what would be within the square footage. Mr. McCartney stated he would like to make sure that the actual use within the larger space does not turn into something that is not necessarily what the Board is looking for. Ms. Kirk stated the way to enumerate the Uses can be By Right, Special/Exception, which is a Use subject to Conditions that would go in front of the Zoning Hearing Board, or a Conditional Use, which is a permitted Use subject to Conditions that are delegated and heard by the Board of Supervisors. She stated it is a matter of who they want to give the authority to for reviewing those types

of Applications. Mr. McCartney asked Mr. Grenier if he feels it would make sense for that to be a Conditional Use similar to what they were looking at for the drive-throughs. Mr. Grenier stated he does not believe so since he feels drive-throughs are something they want to maintain a lot of control over based on the nature of this type of Overlay. He stated they want it to be walkable, and drive-throughs are potentially counter to that concept.

Mr. Grenier noted Page 9 under 200-68 – Principal Uses – Retail Store Large. He asked if this puts some limits on what a Large Retail Store is or would this be the place to put something like that in. Mr. Majewski stated this does define a Large Retail Store which is actually slightly different than a supermarket. He stated a supermarket is classified more as a Retail or Personal Service Store. He stated that is defined as: “Establishments engaged in selling or renting goods or merchandise to the general public for personal or household consumption or use including grocery supermarkets and rendering services incidental to the sale and repair of those goods.” Mr. Majewski stated a supermarket is different from a Large Retail Store, and he feels “you know it when you see it.” He stated a Target is basically a variety store or department store mixed in with the supermarket; however, the supermarket is clearly subordinate to all of the other uses for the Target, a Walmart, or a Costco which have groceries. He stated most supermarkets primarily have groceries and the other variety-type things are a much smaller portion of the Use. He stated he does not know about a percentage, but he feels it is fairly clear the difference between what a supermarket is and what a variety/department store would be.

Mr. McCartney asked Mr. Majewski if he feels it would be appropriate to include what the percentage would be rather than leaving that up for interpretation in the future. Mr. Majewski stated he is not sure what that percentage would be, and he asked if they feel 50% would work. Mr. McCartney stated if it is felt that the primary purpose of a supermarket is for food, he feels the percentage should be higher. He stated he is not sure if it is appropriate to include a percentage which is why he was asking if it should be a Conditional Use so that the Board of Supervisors could determine whether it fits. He stated they could put some general verbiage indicating that the intent of the use is a supermarket/grocery and not mixed grocery/department store.

Mr. Grenier stated he believes that they agree in concept to what they are trying to do, although he is not sure as to the best way to do it.

Dr. Weiss asked Mr. Majewski to read the definition of a supermarket. Mr. Majewski stated there are two categories in the Ordinance – Retail or Personal Service Store and Retail Store Large. He stated the definition of

Retail Store Large is shown on the slide before the Board. He stated the definition of a Retail or Personal Service Store is: “Retail Stores are establishments engaged in selling or renting goods or merchandise to the general public for personal or household consumption or use including grocery supermarkets, and rendering services incidental to the sale or repair of those goods.” Dr. Weiss asked when it states “incidental to the sale or repair of those goods,” is that speaking specifically to groceries; and Mr. Majewski stated he feels it would be groceries and other household items.

Mr. Majewski stated with regard to a percentage, he feels it would be primarily groceries, so they could put in a number of at least 50%; and he does not feel any of the other types of Uses that they do not want would ever reach that threshold. Dr. Weiss asked if it would be appropriate to define supermarket as a Retail establishment that sells 50% or more in groceries. Mr. Majewski stated he feels that would work.

Mr. Lewis stated he would suggest an alternative that would be a self-service store selling food and household goods, and he feels 80% should be the threshold. He stated if it was 50/50, they could have a “hypermarche” which would be a discount store and grocery store together. He stated he feels the intent is specifically that they were not looking for that type of Use here. He stated if they were to require 80% that would allow them to have multiple aisles of seasonal goods, etc. that are not food or household goods.

Mr. McCartney stated this is why he was suggesting that it be labeled as a Conditional Use. Mr. Lewis stated the challenge is that the Applicant would have to get that Conditional approval for their current proposal.

Dr. Weiss stated he feels 80% may be too high. He stated he would suggest that it be over 50%. He stated they know what is going to go in the one large box; but he does not know what their mix is as far as grocery/non-grocery percentages. He stated he does understand what they are trying to do, but is not sure how to go forward with it.

Ms. Kirk stated after the Board makes the Decision as to whether to go forward, once this Ordinance is in its “final” version that the Board is putting through, she understands that it would have to go to the Planning Commission again for review, and possibly the Planning Commission would be a good place to come up with a definition for Supermarket that they would like to have included in the Ordinance.

Mr. Lewis asked if they could have it go to the Planning Commission before the Ordinance is published to get something from them that would work. Ms. Kirk asked if they would be sending it to them again for an informal review; and Mr. Lewis agreed added they could also reach out to the Bucks County Planning Commission. Ms. Blundi asked if they can do it as part of the process Ms. Kirk has indicated, what would be the purpose of “adding another loop to the process,” and why would they not have it follow the natural order. Mr. Lewis stated he felt his approach would be a faster review. Ms. Kirk stated she does not think that would make it faster since they have to go in for a formal review or they will be “back-tracking again.”

Mr. Ferguson stated with regard to the percentages they could change it to 60% so that it is primarily a supermarket as we think of one. He stated he does not feel a Target would not meet that percentage.

Mr. Majewski stated he would suggest a definition of a grocery supermarket as follows: “A Retail store that primarily sells food including canned and frozen foods, fresh fruits and vegetables, fresh raw and prepared meats, fish and poultry and personal or household goods for consumption.” Dr. Weiss stated that sounds like what they want which is a grocery/supermarket.

Mr. Kennedy stated on Page 5 where they have added the limitation, they could state: “Maximum net floor area for Retail Store Large to be 20,000 square feet except for supermarkets which may exceed 20,000 square feet provided that the floor area is comprised of at least 60% of grocery and prepared food sales.” He stated that way they are not getting involved with the Definitions in the Use Section of the Ordinance. He stated he feels what he is suggesting may be easier.

Ms. Kirk stated that would make more sense since we would not want to create a definition for this Overlay Ordinance that would conflict with what is or is not in the Zoning.

Mr. Lewis asked what would be the definition of “primarily,” and it was noted it would be more than half. Mr. Kennedy stated they could indicate that it must be comprised of at least 60%. Mr. Lewis stated a lot of the “hyper markets that you see in Europe” come in at the 100,000 square foot level now. He stated a Super Walmart would be about 180,000 square feet. He stated that is what we want to guard against. Mr. Kennedy suggested that instead of saying “net floor area,” it should be “sales floor area.” This was acceptable to the Board.

Mr. Majewski stated he feels they should also add that this includes household supplies like paper products.

Dr. Weiss asked that they add the language about the historically-significant structures that Mr. Majewski suggested. Mr. Kennedy stated they would be fine with that. Mr. Majewski changed the language on the document and showed it to the Board, and the language as shown was acceptable to the Board.

Mr. Lewis noted a number of typographical errors throughout the document. He stated he will send them to Mr. Majewski, and he asked if they could be fixed before publication without triggering another meeting. Ms. Kirk stated if the revisions suggested do not alter the intent or the plain meaning of the words, they can be considered typographical. She stated if the revisions are construed to be changing the meaning, it would become an issue. Mr. Lewis stated he will send them to Mr. Majewski now.

Mr. Lewis stated he has difficulty with the concept of any drive-throughs in a Mixed-Use area. He stated the Bucks County Planning Commission was opposed to the use of drive-throughs. Mr. Lewis stated he would not want them to even be an option. He stated if we are truly going to have a Mixed-Use area, there should not be drive-throughs, and it should be pedestrian-friendly, and primarily pedestrian.

Mr. Lewis moved to amend to remove B1 and B3 on the top of Page 3.

Mr. McCartney asked Mr. Lewis if he is not comfortable with it being a Conditional Use, and wants it removed altogether; and Mr. Lewis stated he wants it removed altogether, and that there be no drive-throughs or drive-in windows. Ms. Blundi asked if that would be for banks and drug stores as well, and Mr. Lewis stated he does not want it even for banks or drug stores. Dr. Weiss stated he would be against that since in the “new normal” drive-throughs are vital for business.

Mr. Lewis moved that Provision Section 200-50.7 Item B1 be struck and Item 3 be struck.

Motion died for lack of a Second.

Mr. Lewis stated he would like to remove the opportunity for warehouses to be placed in the O/R District overall in general.

Mr. Lewis moved to add language in the Use regulations related to the O/R District to remove warehouses.

Dr. Weiss asked Ms. Kirk if that is germane to this issue. Ms. Kirk stated it is not because that would open up an entirely different type of Amendment to the Zoning Ordinance. She stated at this time, the Board is just looking at an Ordinance creating an Overlay. She stated what Mr. Lewis is suggesting is actually an Amendment to the existing Ordinance which has to go through an independent process itself.

Mr. Lewis asked if there are warehouses permitted in the Mixed-Use area, and it was noted that there are not.

Mr. Majewski stated all of the O/R District underlying Zoning should be looked at to see which ones, such as a warehouse, may need to be considered to come out.

The Motion died for lack of a Second.

Dr. Weiss stated they could re-visit this as an Agenda item in the future to consider the O/R Zoning. Ms. Blundi stated she understands from Ms. Kirk that it is inappropriate in this context, but she would be willing to second the Motion in the appropriate setting.

Mr. Lewis stated he is not “a fan” of the Bonus structure, and he feels those should be requirements not Bonuses, but he feels he has “lost that battle many times over.”

Mr. Grenier asked if they want to consider the other changes he noted earlier for the Bonuses for green roofs and stormwater infrastructure by reducing the percent from 10% to 5% on the woodlands for each one and for green roofs also reducing from 1.5 DUs per acre to 0.5 DUs per acre to be consistent with other Sections. Mr. Lewis stated he would second that.

Mr. Majewski stated that would prioritize the Bonuses that the Board has been unanimous on as being the most important – those being the historic building preservation and the significant off-site pedestrian connections.

Mr. Grenier moved to amend the part of the Ordinance he just noted, and Mr. Lewis seconded.

Mr. Grenier stated he received a question from a member of the public asking what is a Conditional Use. Mr. Majewski read the following: “Conditional Use is a Use permitted by the Board of Supervisors in accordance with specific standards set forth in this Chapter and pursuant to the Revisions of Article 6 of the Pennsylvania Municipalities Planning Code Act 247 1968 as Amended.” Mr. Majewski stated it is a Use that is permitted “and you add a few extra items onto it to make sure that you are getting what you want out of it.” He noted with regard to drive-through windows, there would be specific standards that are outlined in Section B.1 a through d; and the Applicant would have to meet these criteria to have a drive-through window. He stated for the Commercial Recreation, they have added a through c that has landscape buffer, lighting, and noise impact so that there are expressed standards on that to go through. He stated with regard to a restaurant with drive-through service, the “standards loop back around to Item B.1 a through d in that if they are doing that, they would have to justify that they have enough stacking lanes, they are not going to conflict with circulation and parking, and that they are consistent with the intent of the Ordinance so that not they do put these near the congregating areas. He stated it would have to be off to the side so that it does not impact the overall intent of getting people to walk in and out to the open space including the Residential, Commercial, and to the off-site pedestrian connection.

Ms. Kirk stated she would like to clarify that the Motion made and Seconded dealt only with the Bonus features of the green roof and stormwater infrastructure to reduce the woodland disturbance from 10% to 5%.

Mr. Grenier stated also under green roof they would go from 1.5 DUs per acre to 0.5 DUs per acre.

Mr. Majewski asked if under stormwater infrastructure was that Bonus reduced from 10% to 5%, and Mr. Grenier agreed.

Mr. McCartney asked with regard to the Conditional Uses on the drive-throughs, if there is a way to limit the number of Conditional Uses that are issued. Mr. Lewis stated alternatively, they could charge for them.

Ms. Kirk stated a Conditional Use is no different from a Special Exception; and it is basically a Use that is permitted by right except it is subject to certain Conditions. She stated the difference between a Special Exception and a Conditional Use is which body hears the request. She stated a Special Exception goes in front of the Zoning Hearing Board and a Conditional Use is heard by the Governing body, which

would be the Board of Supervisors. She stated they are Uses that are otherwise normally permitted but subject to Conditions such as traffic, stormwater management, or anything of major significance.

Mr. McCartney stated what they are trying to avoid is having several drive-through situations, and they would like to see how they could avoid taking away from the look and feel of what the project is supposed to be and potentially having more than two or three drive-throughs.

Mr. Grenier stated looking at 1 D, it indicates: “Establishments with drive-in or drive-through services shall be in a suitable location consistent with the intent of the Ordinance as stated on the first page and shall not interfere with pedestrian circulation and the use of Neighborhood Open Space,” and he feels that statement would allow the Board of Supervisors to some extent either objectively or subjectively to review the potential drive-through establishments with respect to the overall intent of the Overlay versus limiting it to one, two, or three. He stated the Board could look at the placement to insure that it does not conflict with what they are trying to do. Ms. Kirk stated she agrees; and that is why it would become a Conditional Use because of those types of concerns, and it would come before the Board of Supervisors for approval.

Mr. Grenier stated he feels because of the way the phrase is written, it protects the Township enough that they can address everyone’s concerns. He stated there may be very specific situations or circumstances where a drive-through may be appropriate if located properly and not impact the overall site.

Mr. Lewis noted an area of Retail/Restaurants between Durham Road and Eagle Road, where there is a circumstance where there is a bank with a drive-through right next to a restaurant with a drive-through which makes it very unsafe when trying to walk. He stated he believes that there are seven to eight drive-through facilities within a couple block radius in that area which makes pedestrian traffic de-emphasized dramatically. He stated this is his primary concern. He stated looking at types of restaurants, while he is not against quick-serve restaurants or fast food, he would want a more “upscale QSR” as opposed to some others that could potentially come through.

Dr. Weiss stated he feels that 1 D is very important and provides the Board the ability to control the design of a drive-in or drive-through. He stated with it being a Conditional Use, it would be up to the Board of Supervisors to determine how it is going to be. He stated he feels much more comfortable doing this having that clause in the Ordinance as it gives the Board even more control to prevent what Mr. Lewis is concerned about.

Mr. McCartney stated he is familiar with the development that Mr. Lewis was referring to, and he feels there is “zero walkability” in that complex.

Mr. Lewis stated he still would not want any drive-throughs. Mr. Lewis asked the developer if they have secured potential tenants that have drive-through aspirations since it would be better for the Township to know that now.

Mr. Kennedy stated they have not to his knowledge, and the only tenant he is aware of is Wegmans. Mr. Harris stated Mr. Kennedy is correct, and the only tenant that is currently “enrolled” is Wegmans.

Mr. Lewis asked if they intend to build all of the buildings at once or build as they receive tenants. Mr. Vince DeLuca stated their intent is to construct the infrastructure for the entire site, build Wegmans, and build any other Retail operations that they have commitments for. He stated it is their hope that during the process, which will take a couple of years, they will be able to secure tenants. He stated during the last ninety days, most of the Retail operations that they could talk to were not available due to the Pandemic.

He stated the only tenant they currently have is Wegmans, and their intention is to construct the entire 155,000 square foot Wegmans plus an additional 55,000 square feet while they are developing the Wegmans site.

Mr. Lewis asked if they would build even though they do not have tenants.

Mr. DeLuca stated they have no other tenant committed other than Wegmans. He stated they would build the infrastructure and work on the existing house which is only a couple thousand square feet. He stated over the course of time they had talked to a restaurateur who has ten to twelve facilities in the Philadelphia area who was interested in the barn; however, they have gone silent at this time. He stated they had also talked to other Retail operators including a breakfast/lunch facility that did not have a drive-through; however, they too have gone silent. He stated they are working with potential clients, but they have no firm commitments other than Wegmans.

Mr. Lewis stated his question is about “absorption.” He stated he does not know where the economy will be as it relates to Retail as this is a difficult time; however, if it is still a challenging time and they were to build 55,000 square feet of unfilled Retail, that would be a concern. Mr. DeLuca stated they would not do that. He noted that the Plan does not have a 55,000 square foot building, rather they have six or seven other buildings of varying sizes; and as they obtain an appropriate use for a building, they would build that building. He stated they may spec a 10,000 square foot multi-use building, but that would be the extent of the speculation for the Retail.

Mr. McCartney asked the anticipated build time. Mr. DeLuca stated with regard to Wegmans, they will deliver a pad site to them six to nine months after obtaining all approvals and Permits from Lower Makefield and the other State agencies. He stated Wegmans then has a one-year build time for their building. Mr. DeLuca stated during that one and a half to two-year period, they would construct the other buildings if they had tenants.

Dr. Weiss opened up the meeting for Public Comment.

Mr. Eric Goldberg, attorney from Stark and Stark, stated he is calling on behalf of Larry Borda, 508 Heritage Oak Drive, and Dobby Dobson, 1776 Cypress Way. Mr. Goldberg stated this is a very important matter and perhaps one of the most, if not the single most, significant undeveloped parcels in Lower Makefield which is the subject of this Overlay District or the amendment to the Overlay District. He stated there is one “shot” for the Supervisors to get this right, and whatever decision the Board makes is going to help define Lower Makefield for decades to come so it is essential to get this correct. He stated from a due process standard, they are doing virtual Hearings as a result of the Pandemic. He stated he believes the purpose of the Act which allows virtual Hearings is to prevent deemed approvals, and that is not what is the case in this matter.

Ms. Blundi asked Mr. Goldberg if he is retained Counsel on behalf of someone, and Mr. Goldberg agreed.

Mr. Goldberg stated the purpose of the Virtual Hearings Act was to prevent Municipalities from being put in the position of having a developer submit an Application for a Variance, Land Development, or something with a “definite clock;” and be faced with deemed-approval decisions. He stated that is not really what is going on in this instance. He stated even presuming amending the Zoning Ordinance is appropriate for a remote Hearing, there are problems with it from a due process standpoint. Mr. Goldberg stated it is very hard for people to see, and he could not really see what was on the screen for most of the night. He stated it has also been difficult with regard to the Exhibits such as Plans and Reports trying to go back and forth on the computer, and it is a difficult process for people trying to follow along. Mr. Goldberg stated as Supervisors, they clearly want to hear and address all of the thoughts of the citizens, and he is not sure that those thoughts can be articulated at such a Hearing. He stated the Board also wants to be able to gauge the room and understand what the citizens and constituents feel, and he is not sure the

Board can really effectively do that when everything is remote and people are calling in from their homes. He stated that is one of the problems with not doing this live. He stated he does not feel people are effectively being heard.

Mr. Goldberg stated the biggest issue is what exactly is getting approved. He stated at this time “you have a floating target with this Overlay District.” He stated there is no definitive Development Plan or Application. He stated no one really knows what is getting built, although he knows that there has been talk about a Wegmans. He stated there was also talk about 55,000 square feet of Retail and Residential homes; however, they do not know what ultimately will come before this Board if this Overlay District is approved. Mr. Goldberg stated the Overlay District spans multiple properties, and the ramifications are unknown.

Mr. Goldberg stated as Supervisors, they are rightfully concerned about the impact that any development has from a traffic standpoint, an aesthetic standpoint, and an economic standpoint; and he asked how the Board can effectively gauge the impact to Lower Makefield Township when they are “dealing with a floating target.” He stated they are creating the Overlay District, and no one knows what will be built or what the scope of what will be built will be.

Mr. Goldberg stated he is curious as to whether anyone has reached out to the Township regarding different potential uses for this property, and perhaps there could be something more concrete. Mr. Goldberg stated the Board has “one shot” to get this right for such a significant parcel. He stated if they are going to decide the fate of perhaps the single most significant undeveloped parcel of land in the Township, and altering the Zoning Ordinance to do that, it is incumbent to know exactly what they are getting and to understand the ramifications on the traffic, economics, and aesthetics from whatever is ultimately going to be constructed here.

Ms. Lisa Tenney, 156 Pinnacle Circle, stated she has been following this Zoning change for almost a year. She stated nothing they are discussing addresses the what she feels is the root of the problem which is to prevent the new Zoning changes. She stated as she has noted before there will be excessive traffic, business closures, potential pollution, and sewer problems, all the while further eroding and taxing current LMT resources. Ms. Tenney stated she feels that if they allow this Zoning change, for the duration of their tenure, the Board will be bound to holding additional meetings like these for the many adjacent properties seeking the same consideration for Zoning changes, all the while neglecting the tax-paying, LMT citizens, the LMT businesses, and the LMT volunteers who need the Board’s attention.

Ms. Mel Hall, 1094 Drew Drive, stated she started a Petition over a year ago for this project, and she believes most of the Board has seen it or heard about it. She stated she has lived in the Township for over twenty-two years and many people have asked why there was not a Whole Foods or a Wegmans in the Township. She stated she felt that there were a lot of people in the community who would want something like that; and she had contacted one of the Township Supervisors years ago if there was anything she could do as a resident since she felt there were a lot of people who wanted this, but were not being heard. She stated she currently drives to Princeton to Wegmans or Whole Foods, and she often sees people from this area there. She stated she has received a lot of e-mails and seen comments on Facebook where people say that we do not need more grocery stores; however, she feels that Wegmans is different from the grocery stores that we have now, and it would bring in something different. She stated she feels there is more support for this than what the Board is aware of since from what she hears at these meetings is that there are several people who are “very loud and very intimidating;” and she feels it is probably intimidating for people to say that they are for this.

Ms. Hall stated she believes her Petition is up to approximately 1,600 signatures. She stated she re-posted it today, and in twenty-four hours approximately 100 more people signed it. She stated she has received negative comments; but when those comments are seen, the numbers on her Petition go up. She stated she feels there is more support for this, but people are intimidated because of the environment. She stated she knows that the attorney who called in stated that he did not feel that people were being heard because of this forum; however, she feels it is just the opposite. She stated at the in-person meeting she attended it was very intimidating for people to speak especially if you were someone who was in support of the proposal. She stated even the comments she is seeing now on Facebook Live are “nasty.” She stated she would be happy to speak to the Board and get more signatures.

Ms. Hall stated she hears people talking about traffic, and she understands that a 500 plus page Traffic Study was done to address the traffic issues that we already have and to accommodate this development, so she feels the traffic will be addressed. She stated she also hears that “if they do it for one, they do it forever;” however, she feels each situation would be heard individually, and the Board would make a decision based on that situation. Ms. Hall stated when they were discussing the DeLorenzo’s Plan, there was a “big uproar,” and people were saying traffic was going to be horrendous. She stated she lives very close to there; and while it was difficult when they first opened, it is now no different than it was before that development.

She stated she does not feel Shady Brook will go out of business. She stated she feels there are a lot of residents who are in support of the proposed development, but you do not hear from them as much because it is intimidating.

Mr. Larry Borda, 508 Heritage Oak Drive, stated he tries to be as “gentlemanly as possible” and hopes he is not intimidating.

Ms. Blundi asked Mr. Borda to confirm that Mr. Goldberg spoke as his retained counsel, and Mr. Borda agreed. Mr. Borda stated Mr. Goldberg made the point that there is really no rush to get this development through; and he feels that this is a very difficult venue where it is hard to hear people, hard to look at documents, and hard to consult with others who have an interest in what is going on. He stated in order to properly do this, they should put off the Hearing until the limitations are lifted and there can be a dialogue face-to-face with the experts in the room and the documents in the room on a screen that is legible to people participating in the meeting. Mr. Borda stated he does not understand what the rush is to get this done. He stated there is no huge benefit to the Township from a tax standpoint, and it does not make sense that this is rushed through at the expense of not having an appropriate venue to properly consider what is a very large and complex project which will have a major impact on the Township.

Mr. Borda stated Mr. Grenier stated “something about the Supervisors would be free to edit what is going on downstream,” and Mr. Borda was not clear what he meant by that. Mr. Borda stated once the Overlay is in, there will be specific criteria that a developer will be allowed to follow; and if they are “turned back because the Township decided it doesn’t like it, that is not a good enough standard.” Mr. Borda stated once they have established specifics, the developers are allowed to say that they have met the specifics and the Board does not have latitude to change their minds and make changes as they go along.

Ms. Blundi stated it is her understanding that once someone indicates that they have counsel, and counsel has spoken for them, it changes the rules. She stated she has never experienced having a resident bring their lawyer to speak for them, and she asked Ms. Kirk how they should move forward. Ms. Kirk stated this is the not first time this has arisen; and even though Mr. Borda has counsel, he is a member of the public, and she would recommend that the Board listen to his comments and move forward accordingly.

Ms. Kirk stated with regard to Mr. Borda's comment about Mr. Grenier's statements, she believes that Mr. Grenier was referencing that this is just a general discussion about the format of the Ordinance that the Supervisors are looking to have advertised for a formal review by the Lower Makefield Township Planning Commission and the Bucks County Planning Commission, and have it set for a formal Hearing before the Board of Supervisors. Ms. Kirk stated people tend to overlook that this process started a year ago based upon a Petition that was filed by the Prickett team. She stated that Petition has been pending for over a year, and they have graciously waited especially given COVID-19. Ms. Kirk stated that while the MPC does not specifically dictate that a deemed approval could occur, the developer could by all right file a Writ of Mandamus with the Court of Common Pleas of Bucks County to direct the Board of Supervisors to hear the Petition. She stated she feels that it is appropriate moving this along in the format that it has been under the circumstances.

Ms. Kirk again stated that there is a more formal process that is going to occur so members of the public will be afforded an opportunity for a full Hearing. She stated when the Petition was first filed, the Township Planning Commission began hearing the matter on a preliminary basis and there were at least two to three Public Hearings held in a large forum to accommodate the number of people; and she is sure that will be a similar case here. She stated she believes this is what Mr. Grenier was referring to when he said that the Board gets a "second bite at the apple," because they will be going through a more formal review process and having a formal Hearing on the actual proposed Ordinance.

Mr. Borda stated when and if a Writ of Mandamus is filed, the Township can lay some of the groundwork like it is doing during these last two meetings and getting to all of the "nuts and bolts" of the Ordinance. He stated these meetings are not about scheduling the Hearing, and it is largely about dealing with the "nuts and bolts." He stated if the developer decided ultimately to file a Writ "which he feels would be stupid from a PR standpoint on their part," the Township could then expedite a Hearing to deal with the Ordinance. He stated he does not see what the rush is. He stated the Township is assuming, which he does not feel is appropriate, that they are going to have a Hearing with physical bodies in the room. He stated with the limitations on the number of people at gatherings, there is no guarantee that when the Hearing is scheduled, they will be able to do that. Mr. Borda stated he does not have a problem with scheduling the Hearing with the hope that the limitations will be opened up; however, if they are not opened up, he does not feel the Hearing should go ahead.

Mr. Borda asked if anyone else has expressed an interest in this site to the Township, and Ms. Kirk stated a portion of the property that is along Stony Hill and Township Line Road was approved by the Zoning Hearing Board for warehouses as a Special Exception. Mr. Borda stated the developer advised earlier that there were some people who had expressed an interest in doing something else on the site. Mr. Borda again asked if anyone within the Township has been approached by anybody with respect to an alternative type of project to be developed on this site similar to a hotel or otherwise. Mr. Majewski stated they have had inquiries over the years about almost every piece of vacant land in the Township. He stated for this group of properties, they have had inquiries about warehousing, self-storage warehousing, assisted living facilities, a hotel, and marijuana manufacturing.

Mr. Ferguson stated on occasion the Township gets calls about various uses, and he gets calls from residents telling him they should put a certain use at a certain location where they feel it would be more appropriate. He stated that would still require a developer having control of the site and proposing something that someone is suggesting. He stated while the Township/residents may feel certain uses would be more ideal at certain locations, there are property owners who have control of properties; and they have the right to make requests for use of their property.

Mr. Borda asked if “the deal whereby the developer is supposed to pay 100% of the traffic improvements” has been reduced to writing and has it been “produced anywhere.” Mr. Ferguson stated part of this involves the restriction put on the property that would require that as part of the project. He stated while it would not be a specific agreement of the Township, that would be something that would be put on the property itself. Ms. Kirk stated as she understands it, when the discussion about the Traffic Studies was brought up by the developer to the potential tenant, Wegmans, Wegmans was very adamant as part of being a good neighbor to have certain traffic improvements. She stated she understands that Wegmans was insisting that there be a Declaration of Restrictions imposed on the property that should the Ordinance be moved forward and approved, Wegmans was restricting the developer to do certain things as far as traffic improvements. She stated she believes that has been signed, although she is not positive.

Mr. Borda asked if approval by the Township would be Conditioned upon that understanding. Ms. Kirk stated the approval would be Conditioned on the Declaration of Restrictions remaining in effect and that it could not be removed without the Township’s written consent as long as the Overlay District is being utilized for that parcel. Mr. Borda stated he understands it would be binding, and Ms. Kirk agreed.

Mr. Borda stated at the last meeting he had suggested that they give some consideration to the impact of traffic on the intersection of “Oxford Valley and Township or Stony,” and he does not know that is mandated by the PennDOT requirements; however, he does anticipate a lot of traffic coming over from the side where the Oxford Valley Mall is. He stated the way to reach that would be to come across Route 1 on “the constricted bridge which is not susceptible to getting larger,” and he anticipates that there will be some traffic impact in that area. Mr. Borda asked if anyone has asked the developer’s traffic engineer to look at that.

Mr. Harris stated they have not studied those two intersections because they are not required to under the terms of the Township Zoning Ordinance or PennDOT’s regulations. He stated with regard to the bridge over I-295, there are improvements proposed to that bridge to accommodate a multi-use trail across the bridge to connect up with Edgewood Village.

Mr. Borda stated he is asking about the bridge over Route 1 which is a major intersection which backs up currently especially during the holidays. He asked if the developer is willing to expand the traffic analysis to look at that intersection as a “gesture to the Township.” Mr. Harris stated they do not believe that there will be that impact, but they are committed to spending \$6.5 million to make a major improvement not only along their frontage but on the By-Pass and the intersection at 295 which they feel is more than sufficient to deal with not only the traffic impacts that will be generated by the proposed development but the also massive traffic impacts that currently exist. He stated what they have committed to doing with the improvements will make the situation better after development than it is today. He stated two weeks ago Mr. Williams, the traffic engineer, went through all of those improvements; and they believe that the developers are making a major contribution to improving traffic conditions in Lower Makefield.

Mr. Borda stated while he appreciates that, he does not feel they have a foundation for saying that there is going to be no impact on the intersection where Route 1 is crossed. He stated as opposed to limiting themselves to what is required for a Permit, if they acknowledge that there is the potential for that intersection to be more of a bottleneck than it is today, and since it a main access point for the Township, he feels that it is an item that should be looked at by the traffic engineer. Mr. Borda added that he does not feel it would cost the developer a lot of money, time, or effort to do that; and it would be a good gesture to the Township and the people who go through that intersection every day especially during rush hours.

Mr. Harris stated they would not be able to satisfy the request because no matter how far you go, there are sections beyond that people want you to look at. He stated they believe that they have addressed the significant intersections, and they have proposed significant improvements that will improve traffic after the development that is there today.

Mr. Borda stated now that liquor has been passed in Lower Makefield, he does not want this “strip to turn into something like Street Road with a series of Applebee’s, TGIFs, and drive-through liquor stores and the abomination visually that goes with it.” He stated he does not know the extent to which the Board is considering in the Ordinance a mandate that talks about some kind of planning similar to what is seen “in Hilton Head and Peddler’s Village,” where there is limited signage on the road; and the Commercial establishments are set back from the road and largely hidden by foliage. He asked that if they have not thought about this, he would ask that they think hard about taking what is currently “a fairly lovely place with open fields and a lot of greenery,” and trying to preserve that as best as possible while they are developing “95% of the ground in that area so that it does not look like Street Road.”

Peruse Abear, 1510 Brayling, stated he is in favor of free enterprise. He asked if there is a Website or a document to show on a map where they are looking to develop. He stated he does know that there is a potential for a Wegmans. Dr. Weiss stated information can be found on the Township’s Website under the name Prickett Preserve. A slide was shown from the Township’s Website showing the Conceptual Plan for the 36-acre site. Mr. Abear stated he is neither opposed nor for this, and he would like to see the full Plans, and then come back and comment.

Mr. Thomas Kearney, 1473 Merrick Road, stated he has been a resident of Lower Makefield for twenty-three years. He stated contrary to prior comments he can hear everyone clearly, had no issues seeing everyone on the TV, and was able to follow along with everything that has been discussed. He stated he is in support of the Mixed-Use Overlay Ordinance in the O/R District. He stated progress, development, and change are inevitable and should be done in an intelligent, pragmatic, and responsible manner. He stated he believes that there is a tax benefit with this Mixed-Use, and it will help keep the taxes down once the development is fully completed. He stated he feels a Mixed-Use development is desirable over another Office building or a warehouse development. He stated he and his family are in full support as are all his neighbors that he has talked to.

Mr. Kearney asked that they get the Mixed-Use done and move it forward from concept to reality so they can enjoy and benefit from it. He thanked the Board for their service to the Township.

Ms. Anna Lawler, 973 Edgewood, stated she is not happy with the idea of developing this property; and she would like to reinforce some of the things that have been stated previously about due process and lack of access to these proceedings. She stated there are many elderly people in our area who are not “very tech savvy,” and this could be a big obstacle for them. She stated she feels having in-person Hearings are necessary. She stated she is worried about when further meetings are scheduled going forward, and they will still be doing it remotely; and she has concerns about that. Ms. Lawler stated while she is a lover of Wegmans, she has talked to people who would love a Wegmans in the area; however, when you tell them where it will be and the consequences, “then it is not so much fun.” She stated this will effect the daily life of anyone who goes on the By-Pass, and she has serious concerns about the traffic. Ms. Lawler stated the individual who started the Petition had indicated that people have often thought about a Wegmans; but we do not know what the climate may be ten years from now, and they will have “desecrated that section of our Township.” Ms. Lawler asked why this has to be built here, and could it not be built in another area that is more suitable or an area that has already been developed. She stated signing a “Petition is one thing, but showing up for the meetings and thinking through what this means is a bigger commitment; and she does not think anyone is intimidated, and people just do not care enough to do so.”

Mr. Lee Pedowicz, 247 Truman Way, stated he is not a “fan of development and over-development, but if that property has to get developed, Wegmans would be a nice choice.” He stated he knows that a lot of people from this area go to New Jersey to go to Wegmans. He stated he was an engineer and most times he had to correct what the engineering reports and studies said “to make them conform to realities.” Mr. Pedowicz stated they were talking about the parking spaces per dwelling unit, and he saw it was 1.5 for single units and 2 for multiple units. He stated he feels “1.5 parking spaces seems odd.” Mr. Pedowicz stated the developer indicated that he would not build the entire project until the land was “spoken for,” and he finds that disturbing. He stated he would not have a problem if they put up all of the infrastructure and the structures; and then if someone wants to come in, they would not have to shut off part of the parking lot or have heavy earth-moving equipment in there.

Mr. Robert Abrams, 652 Teich Drive, stated an individual indicated that she had 1,600 signatures on a Petition; and he believes the population is 32,000 which means she has one half of one percent of people favoring this, and he would like to see another 51% of signatures. Mr. Abrams stated Mr. Borda indicated that there is no rush to move this; however, he does not believe that is true. He stated under the circumstances, "Dr. Weiss needs to recuse and resign himself from this situation." Mr. Abrams stated what is going on here is a long-term commitment and a complete change of what the Township is going to be and look like. He stated he believes that Dr. Weiss is renting his house and has property in another State, and he does not believe Dr. Weiss has any "position to make any vote on anything long-term to the 32,000 residents of the community." Mr. Abrams stated "if it happens that way, we need to go outside and do some investigations." Mr. Abrams stated if Dr. Weiss "cares to stay here as a resident, long-term, full-time that is fine;" however, apparently he is renting his house and no longer has property here.

Mr. Abrams stated looking at the map of what this will look like, he believes that Mr. DeLuca and his development company had "issues with another property almost identical to this that they built." He stated the issue was that the residents claimed that the roadway into the Residential section was private property, and that they were paying rent to only use that property; and that anyone who was interested in the Retail section would have to enter at a different place. Mr. Abrams stated that would leave only one other road which would be on the "back side of the proposed Wegmans away from the parking lot." Mr. Abrams stated one entrance to a Retail operation is as "bad as only one entrance into the garbage you want by Marrazzo's at two blind intersections that they want to make an emergency-exit for." Mr. Abrams stated there is no planning here and no development. He stated he has sat for another hour and a half, and they cannot define what a supermarket is, the Public cannot face the people that are going to change the "venue of the Township forever, and they are calling this Democracy." Mr. Abrams stated this is a hardship. He stated Mr. Borda brought up an issue with the Route 1 intersection, and the developer stated that he "was not putting up \$6.5 million to go check it out." Mr. Abrams stated if that is "the type of partner he is in this community, I am drop-kicking him out right now." Mr. Abrams stated he will be as "bad as a partner at that end of the Township, as they are across the street from Chairman Weiss' house where all the accidents are going to occur."

Mr. Abrams stated he wants to see all of the Traffic Studies. He stated something needs to be written that the “residents cannot claim that is their access and no other people can use it.” Mr. Abrams stated this project should be put on hold. He stated it should be face-to-face, and they need to present something concrete to the 32,000 residents of the community. He stated this was a good, safe, “happy community until recently until it became for sale.” Mr. Abrams stated if the Board cannot produce that for the residents, “none of you belong up there.”

Mr. Majewski stated a lot of the information for this project is available on the Township Website, and he showed on the slide how to get to the information. Mr. Ferguson stated he did receive an Open Records Request from Mr. Abrams; and while he did not review the entire request, a number of the items that Mr. Abrams has talked about including information from the Zoning Hearing Board can be found in the Minutes on the Township Website as well. Mr. Abrams stated if the Traffic Studies are there, they should just answer the request that it is on Website and provide him with the address.

Mr. Abrams stated if he had not gone on the Facebook page, he would not have known about this meeting because he did not see anything on the Board of Supervisors page about tonight’s meeting.

Mr. Abrams stated they are only “hearing half” and Mr. Ferguson and Mr. Grenier’s voices were interrupted. He stated for the taxes they pay, they deserve better than “getting half of the information because of technical difficulties.” He stated “they need to back off, get their ducks in a row, and put something up to the public in a public venue not a virtual venue” so that everyone has the option to participate. He stated he knows that the School Board has a limit of 100, and he questions if the Township has the same limit of 100 participants. He stated if they cannot let everyone participate in this, then no one should participate in this. He stated they should “rent Lincoln Financial Field and have the meeting down there where there will be plenty of room for anybody who wants to go.” Mr. Ferguson stated the system the Township has does allow 250 callers in the queue; and if there were more than 250 callers, as that cleared out, there would be more people that it would hold.

Dr. Weiss stated he understands that even in the green phase, they cannot go to more than 75% occupancy. Mr. Ferguson stated the occupancy for the Township meeting room is approximately 125; and they are allowed to be at 75% occupancy by observing CDC Guidelines as far as spacing people out. He stated they have measured the room, and that would put participation at approximately 40 people. He stated including the Board and the staff at the

front, the way they would have to be spaced out, they could put five people up front. Mr. Ferguson stated the question separate from the numbers which is a situation a lot of Townships are struggling with is if you have a Public Meeting of that sort and 200 people show up, you cannot just take the first 45 people that come out and tell the others that they cannot come in.

Mr. Ferguson stated there are Townships that are looking at keeping everyone outside where they bring them in one or two at a time for Public Comment, but there are legal questions as to whether or not that is a violation of the Sunshine Act because you would be limiting their ability to hear the meeting if the people were standing outside waiting to comment. He stated the goal has been to put this on the television recognizing that there are these limitations that could go on for quite some time. He stated while they could put 40 people in the room, if three times that many came, they would not have the ability under the Sunshine Law to restrict others from coming in. He stated this is a dilemma, and they are doing the best they can to serve the public.

Dr. Weiss asked if there have been any restrictions on virtual meetings as far as the business allowed, and Mr. Ferguson stated there has not that he is aware of. Ms. Kirk stated she is not aware of any restrictions at this point either; and in fact, the ability to allow Municipalities to hold meetings virtually was something that was rushed through the Legislature in order to deal with the COVID-19 restrictions that were imposed by the CDC and the State.

Mr. Frank Gallo, 1252 Dickinson Drive, stated he feels this is an ineffective way to look at something that is so “consequential;” and he had a difficult time to find the codes and then was disconnected and had to call back in. He stated he does not see the need to rush this through, and he feels it is important to give it the time necessary to have a face-to-face meeting. He stated with regard to the issue itself, he is totally in disagreement with it. He stated the “foundational principles of why this is being done do not seem to have any need for the residents of the community.” He stated they want to change this “substantially to be more of something of a Commercial/Industrial establishment.” He stated he is very upset with the fact that they spent the majority of the time “looking at the nuts and bolts to tailor this to insure that Wegmans can have a place at the table.” He stated we have “very fine markets in the town that have been very philanthropic and charitable with their profits, particularly McCaffrey’s.” Mr. Gallo stated you can easily go to Wegmans in Princeton, and it is not needed here. He stated there is not “need to degrade our community

with this entire Overlay for something the community does not need.” He noted all the empty stores on Business Route 1 in Fairless Hills as well as Oxford Valley even before COVID where the stores cannot open. He stated that is not going to get better.

Mr. Gallo stated he now understands that there is a Bonus structure in the Ordinance “for the contractor.” Mr. Gallo stated “it is absolutely ridiculous that they are going to give my tax-paying money to a contractor that is going to make more money from the community for businesses that are not even identified yet.” He stated they are working through an Ordinance and giving Bonuses for nothing that is needed.

Mr. Ferguson stated it is not a financial Bonus that they are getting. He stated the Bonuses are given in exchange for things like preserving historic buildings, and there is not cash given to the developer or tax credits.

Ms. Kirk stated the Bonus allows the developer to do additional things such as additional woodland disturbance if a historic building is preserved. Mr. Gallo stated “that is even worse.” He stated the Board is supposed to work for the residents, and he asked “who are you working for.” Dr. Weiss asked that Mr. Gallo remain civil.

Mr. Ferguson stated he has received calls like this. He stated under the current regulations, the developer is not required to save the two structures. He stated during this process, the historic group talked about their hope that even though they were not required to, that the developer would take on the expense to save those two structures. He stated as a result of discussions at the meetings, the Township indicated that they wanted to save the barn and the house as part of any project on the site.

Mr. Grenier stated the concept behind the Bonuses is to promote conservation, sustainability, historic preservation, etc. by incentivizing activities and approaches that otherwise do not need to be adhered to under the current Ordinance. He noted specifically the historic structure preservation that Mr. Ferguson just discussed. He stated it is a common approach to incentivize approaches that they cannot otherwise force the developer to do under a normal Ordinance.

Mr. Gallo stated he “has been around a long time and lived through a lot of community developments where we were promised all kinds of things, and the bottom line is the citizens suffer.” He stated we do not need anything

that this project is offering as it is all in the surrounding communities. He stated they are rushing this through, and it is very difficult to even completely understand what the project is about. He stated he is totally against it.

Mr. Mark Cercone, 2150 W. Wellington Road, thanked the Board for the opportunity to address them with regard to this decision which he supports whole-heartedly. He stated he has listened to a number of meetings and it seems that it is a lot of the same people who get into the meetings and have the same types of objections. He stated at the last meeting the traffic engineer made a presentation; and the traffic issue, which was the major opposition, has been addressed. He stated if this development and those traffic improvements do not go in, we will have a much-worsening situation over time with traffic. He stated he would not be in favor of another Office building which, as was noted at the Zoning meeting, would significantly increase traffic. He stated he understands that there are traffic situations in other areas of the Township, but he also understands the answer that was given that at some point they “need to draw the line.”

Mr. Cercone stated with regard to having this forum on Zoom and the comment that this was not Democracy, he feels that this is “modern Democracy.” He thanked the Township for giving the residents this forum to keep the Township business moving forward. He stated he has spoken to many residents who want to see this go through. He stated he feels that we not only need this, but we deserve it. He stated Wegmans is a superior shopping experience when it comes to supermarkets, and it is about time that we had this type of option in Lower Makefield. He stated with regard to the comment made that one of the other businesses may go out of business, he feels that if that happens, something else will come in and take its place. He stated if we get a Whole Foods or a Trader Joe’s which many people would like to see that would be “terrific.” He stated he feels this development will increase the value of living in Lower Makefield Township.

Mr. Cercone stated he recognizes that this is a difficult situation for the Board as some people do not like to see change; however, he feels progress is important. He stated there are many people in the Township who want to see this go through, and he urged the Board to vote in favor of this when it comes to a vote, which he hopes will be relatively soon.

Dr. Weiss stated this is a discussion on the possibility of advertising a proposed Ordinance, and they are not approving an Ordinance today. He stated if the Board decides to approve the advertisement of the Ordinance, there is a mandated forty-five day waiting period so that the Public, neighboring Municipalities, and the Bucks County Planning Commission can give formal comments on the proposed Ordinance. He stated forty-five days from the advertisement, they will hold a Public Hearing at which time they will have a discussion on passing or rejecting the Ordinance Overly.

Ms. Janet Smith, 15 Ivy Lane, stated she has lived in the Township since 1965, and she has seen many changes. She stated she was not sure what was going to happen. She asked why there is a rush to do this at this time since we have all been adhering to the laws for months. She stated even though she is a Senior Citizen, she has “some objectivity in terms of using the television and Zoom” but she found it very difficult to go through all of the printed information on the TV even though she has a large screen. She stated she is not in favor of this big development. She stated she is concerned with the traffic, and she has neighbors who work in Newtown who are extremely concerned about the traffic conditions. She stated it is not good now, and it will be far worse once this whole area is developed. Ms. Smith stated after we have been in our homes isolated for this length of time and have not been able to join together as a community, she feels we need an open Hearing, and she does not feel we are getting that tonight. She stated she hopes that we will be able to get together and view this entire proposal. She stated she is concerned about the roads and the cost. She asked if some of the cost from the roads is going to be put onto the taxpayers. She stated she is also concerned about the sewers. She stated she is concerned about what is going to happen to the sewers and the taxes as they keep going up particularly for Senior Citizens and people who have been unemployed. She thanked the Board for their service, and asked them to keep everyone in their thoughts when they make these major decisions and to listen to all of their concerns.

Mr. Carl Weigand, 4 N. Homestead Drive, stated he has lived here since 1980. He stated he does not know the specifics of what is being discussed; however, he sees an “intrusion of commercialism, an intrusion of more people coming into Lower Makefield Township, and more traffic.” He asked what is the benefit to himself and his family. He asked if he would receive lower taxes. Mr. Ferguson stated he does not feel anyone would suggest that just by the nature of this project going in that taxes would be reduced. He stated it will expand the tax base, but he does not feel that it would be to the extent that there would be a measurable direct reduction in taxes.

Mr. Weigand stated he understands that they will have the intrusion of commercialism, the intrusion of more people living in the Township, and more traffic congestion, and the only benefit to him as a citizen of the Township is “nothing really except for perhaps another supermarket.”

Dr. Weiss stated they know that if the development is built the traffic will actually improve, which would be a tremendous benefit to the residents of the Township and surrounding area. He stated a diversity of Commercial and Residential options in the Township would give more options to those who would consider moving here or staying here. He stated these are qualitative issues that some people may or may not agree with.

Mr. Weigand stated while he appreciates that, what Dr. Weiss is saying is really not a benefit to him as he does not really care if more people move here, and he is happy with 32,000 people living in Lower Makefield. He stated in terms of commercialism, that could increase to more than Wegmans.

Mr. Bryan McNamara, 1412 Heather Circle, stated he does not feel that traffic will improve although that is what the developer believes. He stated the Aria Hospital traffic engineer would have stated the same thing, but the Township hired an independent traffic engineer who said the exact opposite; and that the improvements would not improve the congestion in the area. Mr. McNamara stated he does not feel that they should believe everything that the developer’s traffic engineer stated because “you can pay an engineer to say just about anything to get your project through.”

Dr. Weiss stated the Township does have a traffic engineer, and he asked Mr. Fiocco to comment on the traffic study from the developers. Mr. Fiocco stated they reviewed the developer’s Traffic Studies in detail; and they are confident that unlike most Traffic Studies for new developments, rather than having an acceptable delay that PennDOT is willing to accept, this developer has proposed a Plan that will actually improve conditions better than they are today. He stated there are extensive improvements which were discussed at the last meeting including lanes added onto 332 and additional turning lanes at the intersection of Stony Hill and 332. He stated he is confident that in the end with regard to the traffic conditions which have been demonstrated to be a problem for thirty years, this development will make significant improvements assuming they build the improvements identified.

Mr. McNamara asked Mr. Fiocco about Mr. Borda's question about looking at traffic further up Township Line Road since Wegmans will be a destination and people will be coming from all around the area. He stated people could be coming from Route 1 as well. Mr. Fiocco stated he understood that the intersection Mr. Borda was referring to was Big Oak and Oxford Valley, and Mr. McNamara agreed. Mr. Fiocco stated you would have to go through a number of other intersections to get that far, and he feels it would be excessive to ask the developer to analyze intersections that far removed. He stated Act 209 is a way of assessing what a fair share would be for a developer to make off-site improvements, and what the developer is proposing is more than double what would be a fair share. He added that it actually significantly improves those intersections. He stated he does not feel it would be fair to ask this developer to go "that remotely."

Mr. Lewis stated he agrees that the Big Oak/Route 1 bridge area is a far distance since there are alternative ways to get to the proposed development. He stated he does not however believe that "everyone wins" with the traffic improvements. He stated there are Monday through Friday a.m. and p.m. improvements which are significant and important; but it is also important to know that there are issues on weekends, and it does not improve on the weekends for drivers compared to what they are used to now versus what will be in the future. He stated there is a balance.

Mr. Fiocco stated it is important to note that the alternative was an Office Park or Office/Research, and that traffic would be highly concentrated during the peak hours which is when they have the most problems. He stated this Mixed-Use spreads out the traffic more. He stated they will see more traffic on Saturday, but they would rather see more traffic on Saturday than during the commuter peak hour when "people are suffering already."

Dr. Weiss stated he understood that the drop from B to D is still acceptable for traffic flow. Mr. Fiocco stated they were comparing today to future background growth with the development and the improvements. He stated if this site remains undeveloped, the congestion they are seeing today will just get worse. He stated the developer is proposing improvements that will actually make it significantly better than what it is today.

Mr. McNamara stated with regard to the Bonuses, he feels that the whole Overlay is a bonus to the developer. He stated they are giving the developer a bonus by allowing them to potentially build this, but the developer also wants more Bonuses than any of the existing Zoning allows. He stated they

want to go from twelve apartments per acre to fifteen apartments per acre. He stated they also want to go from 50% open space down to 15% open space by meeting certain “pretty-easily obtained Bonuses.” Mr. McNamara stated he is opposed to apartments at this location. He stated the developer on the Equus side has been asking for two hundred apartments for years “to get his money back.” Mr. McNamara stated he feels the Board could state that they can only have one hundred apartments; and the Board could also state that they could not have a 100,000 square foot big box store, and could only have a 50,000 square foot big box store. Mr. McNamara stated the developer is maxing out every square inch of this property.

Mr. McNamara stated Mr. Majewski had alluded to bonuses the Township has given developers in the past in the northern part of the Township, but in that case we got farmland back. He stated they were able to increase the closeness of the houses in the northern part of the Township, but in return the Township got hundreds of acres of farmland back that is now being farmed in that area which is a real bonus to the Township. Mr. McNamara stated the developer has done a great job of marketing stating that we are getting a Wegmans; however, it is a “wholesale Zoning change.” He stated he does not feel it is a “great bonus for us to have a McDonald’s drive-through.”

Mr. McNamara stated the Board has stated that this is just the beginning; however, the Board went through the Ordinance and has already indicated what they like and what they do not like, and seem “okay with the drive-through.”

Mr. McNamara stated he feels that instead of giving the developer the Bonuses, the Township should get the Bonus and tell the developer that they could put up 50,000 square feet of Retail or 100,000 square of Retail, but they do not get the other five establishments, the drive-through, and only get one hundred apartments. He stated that would reduce the density than our current Zoning allows instead of the “developer pushing the envelope even more to allow more density, which is what this is.”

Mr. McNamara stated the other problem is that this is a Spot Zoning case. He quoted Ms. Judi Reis who had stated, “Once we give this developer special treatment, and they are successful in Court, we will have to let all of the developers have this; and we will be stuck years in Court fighting this for the other parcels of land in the O/R.” Mr. McNamara stated he agrees with Ms. Reis that this is not a good spot for this, and why this Ordinance is not good in that area because of how it is going to affect “the rest of it.”

Mr. McNamara stated the developer is saying “this is just about the Wegmans;” but in reality it is not, and it is about a major Zoning change and what else can come in.

Mr. McNamara stated Mr. Grenier had stated that it is common for Bonuses to be given, and he asked Mr. Grenier if it is common that the Bonuses increase the density or is it more common like in the northern end of the Township where the Bonus actually benefits the Township by having more open space. He stated maybe if we give the developer this, they could put in a field that we need. He stated those would be bonuses that would work for the Township and be more palatable than fifteen units per acre versus twelve units per acre. Mr. McNamara stated the developer is writing his own Bonus, and he asked if the Township should not get something back or should the developer get more.

Mr. Ferguson stated while he is not making the case for this particular project, it is not uncommon for a developer to get Bonuses in exchange for other things that the Township is asking for. He stated as has already been noted the Township is asking for the rehabilitation of the historic structures. He stated the developer has put forth a project for consideration that they feel they need in order for it to be viable, and the Board will make a decision on that. He stated in terms of what the Township will get back, instead of getting \$2.4 million in the Traffic Impact Fee to go in this designated area that they would be restricted according to the designation of the 209 Zone that Mr. Fiocco discussed, the Township will get \$6.5 million of improvements outside of the project area. He stated that is a benefit to the Township.

Mr. Grenier stated the term “Bonus” is probably a misnomer in terms of how it is utilized in the “Land Development/Planning world.” He stated in this instance, the Bonuses that are enumerated in the Ordinance in the Table such as historic building preservation, off-site pedestrian connections, green roofs, stormwater infrastructure, inter-connections, alternative transportation infrastructure, energy-efficient buildings and construction are the “Bonuses” that they are considering. He stated those are to promote specific goals of the Township in Land Development that a developer in this Zone, O/R, would not have to do in a normal situation. He stated by right they would not have to preserve historic buildings, provide additional pedestrian inter-connections, green roofs, alternative energy, etc. He stated it is a common planning tool that Municipalities, Counties, etc. use to promote things that they otherwise could not enforce. He stated that is the point of a “Bonus” in this case, and it is not to provide the developer a Bonus where they would just get more.

Mr. McNamara stated he feels the developers are being very generous to themselves with the Bonuses as far as increasing impervious surface, decreasing the open space, and increasing the density for the apartments. He stated while Mr. Ferguson had stated that we are getting “all of these great Traffic Studies,” it is Wegmans that is requiring the developer to do them; and it is not a Bonus to the Township. Mr. McNamara stated with regard to pedestrian connections being a “Bonus,” he does not see the rest of Lower Makefield being able to use this pedestrian Bonus that the developer for the apartments “has been trying to sell to the Township for years by more or less re-painting the overpass over 295 to include a pedestrian/bike lane.” Mr. McNamara asked if the developer is proposing widening the Stony Hill overpass of 295 or is he just planning on re-painting the lines. Dr. Weiss stated he understands that they are planning to do a lot more, and this would be part of the Land Use process.

Dr. Weiss advised Mr. McNamara that he has exceeded his time limit for Public Comment. Mr. McNamara stated he was not done with his comments. He again asked how this does not “meet Spot Zoning.” Dr. Weiss stated if they decide to advertise this and they have the Public Hearing, that would be a question for that time.

Mr. Tim Malloy, 1902 Makefield Road, stated he feels this meeting should be held in a public forum. He stated he attended the first Planning Commission meeting which was held at the Township Building, and they Moved to Continue it to the Pennwood auditorium. He stated he attended that meeting at Pennwood, and the auditorium was full. He stated at that time he was able to see the “pros and the cons from people he knew because he has lived in the Town for over twenty years, and was an Auditor in the Township for ten years.” He stated at that time he was persuaded by some people. He stated there was another meeting there, and that also had a large attendance. He stated he feels the best way to go is to have the most amount of people expressing their opinions both for and against. Mr. Malloy stated while people can call into these remote meetings, it is not easy. He stated he also has a very busy schedule and has children, and he does not think this way is conducive.

Mr. Malloy stated he was an Auditor, and he does not see any Revenue at all. He stated Dr. Weiss confirmed on Facebook today as well as at previous meetings that the Township is going to receive \$300,000 per year in Revenue. Mr. Malloy stated that will clearly be offset by additional Police, and additional Fire and Ambulance service. He stated if there are two hundred apartments, each apartment will have “knives, garbage disposals, washing machines, steps,

showers, and bathrooms; and they will clearly need more Ambulance, Fire, and Police support.” Mr. Malloy stated in Lower Makefield Township there is not a Sales Tax so we cannot tax the sales of the Retail. He stated we also cannot tax the workers’ wages or the wages of the residents in the apartments. He stated we really do not receive any substantial Revenue stream three, five, or ten years in the future. He stated all he sees is an increase in Expenses on the tax base to support the development. He stated there will also be road repairs. He stated the Revenue in increased taxes could be used for ball parks, lighting, improving the Library, a new Township Building or whatever else we need. He stated he feels “we are being put on the hook for five, ten, fifteen, twenty-five years to commit to Fire, Police, and Ambulance with this development and receiving no real Revenue stream.”

Mr. Ferguson stated while Chief Coluzzi is not available to participate this evening, if and when this goes to a Public Hearing, he will be present. Mr. Ferguson stated he has spoken extensively with Chief Coluzzi about this; and while he has “not drilled this all the way down,” his impression was that if he would need any additional Officers, it may be one. Mr. Ferguson stated they did get back up to full capacity with the Police Department over the last two years. Mr. Ferguson stated Chief Coluzzi is also part of the Ambulance Service, and his opinion was they would not need anyone additional there either. Mr. Ferguson stated there are Mutual-Aid Agreements with neighboring Townships where there are different Ambulance services such as the Newtown Ambulance Service, which provides service in Lower Makefield and we to them on occasion when needed. Mr. Ferguson stated with regard to Fire service, we have a volunteer Fire Company; and it is possible this may put a strain on them, but there are Commercial buildings that would be sprinklered. He stated he could not quantify that there would be a direct cost from this development to the Fire Company.

Mr. Ferguson stated he has been involved in developments elsewhere where it was deemed that additional Officers were necessary; and part of the discussions with the developer included discussion about the developer participating with those costs as part of the approval. He stated he feels if that was determined to be the case here, that would be brought up with the developer; however, at this point, he would say it is either marginal or not needed from his discussions with the Chief.

Mr. Malloy stated he agrees that the Chief is the professional, and the Chief would not ask the Township to budget in this year or next year a new Police Officer as that would not be responsible; however, he feels that if they bring in two hundred apartments, you are going to need more Police. He stated if the Chief is saying they may need one more Officer, that is an increased cost. Mr. Ferguson stated the Chief did not say it would be a given that he would need more Officers. He stated he could potentially see one additional Officer being needed, but he was not convinced that would be the case.

Mr. Malloy stated he does not want to speak for the Chief, but if you put in two hundred apartments, Retail, and develop the whole parcel, you will need more Police; and if you do not hire more Police, you will deduct from the services that the other residents currently receive. He stated Mr. Ferguson stated it would be “marginal” for Ambulance and Fire, but he feels that if they build apartments, they will need more Ambulance Service. Mr. Malloy stated the only way to offset that is with the Revenue stream. He stated his concern is that they will develop the whole parcel, “remove all the open space,” and the Township will only get \$300,000 a year. Mr. Malloy stated that is not a lot of money, and it “almost “laughable that we would be having these discussions, and the only Revenue we are going to get from this massive development is \$300,000.” He stated they know their Expenses are going to go up. He stated if a development generated Revenue like in other Cities which have a Sales Tax or an Income Tax, you “could make the case.” He stated we have no Revenue stream coming from this development.

Mr. Ferguson stated he has been involved in developments in a lot of different places. He stated if you are comparing us to big Cities, he understands the point; however, with regard to neighboring Municipalities, there are not any other Towns in Bucks County that he is aware of, except for Middletown, that have a Mercantile Tax or a Business Privilege Tax because it was done away with, but grandfathered into those Towns that had it. Mr. Ferguson stated if people work in Lower Makefield, there is a Local Services Tax of \$52, although he recognizes that is not an “enormous amount of money. Mr. Ferguson stated even if Lower Makefield had an Earned Income Tax, which it does not, the only time you would collect money on that would be if the person who was working in the Township also lived in the Township. He stated if someone worked in one of these stores, but lived in Newtown, they would pay their Earned Income Tax to Newtown. He stated as far as Revenue streams go for Commercial properties, everywhere in Bucks County for the most part the Revenue stream is primarily going to be restricted to Property Taxes unless a Township has an Earned Income Tax, and the person working in the store also lives in the Township.

Mr. Ferguson stated with regard to the infrastructure, they have looked into this with respect to this project. He stated the roads coming in and out of there are State roads so the immediate impact with regard to infrastructure would not be a direct cost to the Township taxpayers. He stated the roads internal to the development would be private. He stated any sewage costs would be borne entirely by the developer.

Mr. Malloy stated he feels that is fair. He stated with regard to an Earned Income Tax, if Lower Makefield Township residents worked for Wegmans we could tax their earned income if we had an Earned Income Tax, which we do not. He asked if they could tax the residents living in the apartments if we had an Earned Income Tax; and Mr. Ferguson stated we could if we had an Earned Income Tax, but the Township does not have that Tax. Mr. Malloy stated since we do not have an Earned Income Tax, we are receiving little Revenue. Dr. Weiss stated he rents, and the complex that he lives in pays a very substantial Real Estate Tax every year which is derived from the income from the rents that they receive so indirectly the apartments do pay their fair share of Real Estate taxes. Mr. Malloy stated they do not pay much to the Township. Dr. Weiss stated the Revenues derived from the rental goes toward paying the Township share of the Real Estate Taxes.

Mr. Barry Kritz, 1451 Heather Circle, stated he is a twenty-seven year resident of the Township and agrees with a lot of the comments that the Board has heard tonight; and he does not feel this format is conducive or was well publicized. He stated this is not a minor issue impacting one property owner, and it impacts the whole Township and should have been well publicized and easy to join. He stated he is very familiar with technology, and this is not conducive. He stated he does not feel that we need this. He stated he bought into the Township for the Zoning that we have. He stated “we have room and need the space for what it is Zoned for today.” He stated he is not interested in a change to the Zoning. He stated he feels that post-COVID there is going to be a huge drop in Commercial Real Estate, and there will be “massive re-use of existing malls and existing Commercial space for other uses.” He stated they do not need to build and re-Zone to enable this here. Mr. Kritz stated he agrees with comments made earlier that there are existing local, philanthropic businesses such as McCaffrey’s and Cramer’s which will be negatively impacted, and there is no need to bring this into the Township. Mr. Kritz stated it was stated that the traffic will be improved by this development, but he does not agree.

Mr. Kritz stated this was designed to be Public Comment, and “instead it seems to be Public discussion; and any of the negative feedback, concerns from the Township residents who do not want this to be built is met with an argument from the Supervisors on why they are wrong rather than simply listening and accepting the comments.”

Mr. Paul Anthony, 1841 Windflower, stated he found it easy to access this system. He stated there seems to be a lot of “push-back from the mid-thirty plus age in the community.” He stated he works for a construction company, and he has reviewed the Plans, and he likes the Plans. He stated he lives in a DeLuca house, and he watched the home be built. He stated he hopes that the Board will vote to advertise this. Mr. Anthony stated this type of forum is a great way for everyone to stay safe, voice their comments, and help put this forward since it has been discussed for quite some time. He stated he does not feel this has been rushed, since he has been hearing about it for a year. Mr. Anthony stated in this forum, people are able to voice their concerns, and others can hear the comments. Mr. Anthony stated he feels the community should be looking forward. He stated this is privately-owned land, and the Township does not own the land. He stated those who are very concerned about this could purchase the property if they wish and “watch the grass grow.” He stated he feels they should advertise and have the discussion move forward.

Mr. Ferguson stated if someone calls, whether they are in favor or opposed, and brings out a point that is inaccurate, he wants to make sure that he or his staff addresses that so that they can clarify it and make sure that the public is aware of the details.

There was no more Public Comment.

Mr. Grenier stated Mr. Majewski has been trying to address the comments/ edits within the document, and he believes that they have captured everything that they were interested in as a group. Mr. Grenier stated there is a Motion on the floor that has been Seconded, and he believes that they will probably want to Amend that to address the edits that have been made. Dr. Weiss stated they could look at the red-line version with the most-recent changes.

Mr. Majewski stated working with the draft from June 17, 2020, which was posted on the Website and also available at the Township Building in the front windows, corrections will be made as noted by Mr. Grenier and Mr. Lewis with regard to typos, grammatical changes, and formatting changes.

Mr. Majewski stated on Page 5, they added the clarification on requirements for Retail Store Large that provided that the sales floor area would be comprised of at least 60% grocery, prepared food sales, and household supplies. He stated this is the change highlighted in blue.

Mr. Majewski stated with regard to Sub-Section E3 after “historically-significant buildings,” they added in the phrase “listed in the Survey of Historic Resources in Lower Makefield 2007/2018 as amended from time-to-time.”

Mr. Majewski stated with regard to the Bonuses for the green roof the change was made to reduce the additional woodlands disturbance from 10% to 5%, and the additional dwelling units per acre from 1.5 to 0.5. He stated for the stormwater infrastructure Bonus, the change was made to reduce the additional woodlands disturbance from 10% to 5%.

Mr. Blundi moved and Mr. Grenier seconded to approve the Motion to advertise as amended to reflect the updated changes/revisions as discussed this evening.

Mr. Ferguson asked if there is a Motion to advertise, must part of that Motion include, or would it be separate, as far as the date given the forty-five days and those requirements. He asked if the Motion would have to include the date of the Public Hearing. Ms. Kirk stated she does not believe they would have to set the date as part of this Motion.

Dr. Weiss asked if they approve this Motion to advertise, when would the forty-five days start. Ms. Kirk stated she believes it would start from today's date to include the advertisement, submission for review to the Planning Commissions and then have a Hearing scheduled in front of the Board of Supervisors. Mr. Majewski stated he believes that the date it starts is the date that they actually advertise it in the newspaper. Dr. Weiss stated once they have the advertisement date, they can discuss scheduling a meeting for the Public Hearing.

Motion carried with Mr. Lewis opposed.

June 25, 2020

Board of Supervisors – page 40 of 40

There being no further business, the meeting was adjourned at 10:10 p.m.

Respectfully Submitted,

James McCartney, Secretary