

TOWNSHIP OF LOWER MAKEFIELD
BOARD OF SUPERVISORS
SPECIAL MEETING
MINUTES – AUGUST 31, 2020

A Special Meeting of the Board of Supervisors of the Township of Lower Makefield was held remotely on August 31, 2020. Dr. Weiss called the meeting to order at 6:37 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
Barbara Kirk, Township Solicitor
Andrew Pockl, Township Engineer
Joe Fiocco, Township Traffic Engineer
James Majewski, Director Planning & Zoning
Monica Tierney, Park & Recreation Director

PUBLIC COMMENT

Dr. Weiss stated this is the Continuation of the Special Meeting to consider the Overlay Ordinance. Dr. Weiss stated this Public Hearing is to consider the Overlay Ordinance which began on August 17, 2020. He stated after six hours of Testimony that evening, it was Recessed and Continued until tonight. He stated it was recognized that length of time did not allow for Public Comment, and this evening is dedicated solely to Public Comment. He stated everyone who calls in will have an opportunity to provide the Board with Public Comment, and Public Comment for this Hearing is strictly related to the Overly Ordinance. He stated those wishing to make a comment about any other Board or Township issue should call during the regularly-scheduled Board of Supervisors meeting which will be held Wednesday at 7:30 p.m.

Dr. Weiss stated in order to give everyone an opportunity to address the Board there will be a time limit which will be shown on the screen limiting each comment to three minutes per person. If it is determined that a particular comment requires more time, it will be up to the discretion of the Chair to allow up to an additional

two minutes. Dr. Weiss stated individuals “get one bite at the apple,” similar to the three-minute rule, in an effort to allow everyone to speak who wants to speak. He stated that after everyone has spoken, Ms. Tierney will read into the Record the write-in comments for the Board and the public to hear.

Mr. Joseph Sladkus, 1581 Applewood Circle, stated he is in favor of this new Zoning. He stated he is eighty-six years old and was the President of Elizabeth’s Merchants Association for twenty years, and he saw “people like Mr. Goldberg kill the Town.” He stated he sees a diverse group so there is a “chance to put this through.” He stated if they do not move forward it is “old-man thinking,” and in Elizabeth there were “twelve old men in the community that killed everything we did.” He stated it forced the lawyers and doctors out of town. He stated this project will not hurt the “people across the street” since people coming into Town will see what they do. He stated he has traveled on Stony Hill many times during the day; and on Sunday, there were over two hundred people in the parking lot across from where they are proposing the new Zoning. He stated this will provide more places for people to shop, and no one will get hurt by putting this in. He stated there is no traffic problem. Mr. Sladkus stated there was a letter from the economist that this would lower our property values; but if they are charging \$1,900 and \$2,600 for an apartment, it will not lower the property values. Mr. Sladkus stated he feels there are young people who will be able to afford these rents. Mr. Sladkus stated he does not want an “old man like Mr. Goldberg ruining our Town.” Mr. Sladkus stated he received a letter in the mail about this meeting which was not signed, but there were twenty-one people listed in the letter with no addresses so you do not know where they are from. Mr. Sladkus stated the Board should move forward and approve this Zoning and proceed because we could use the additional apartments which will bring people in and it will be a captive audience. He stated we should not stay in the “Dark Ages.”

Mr. Mark Cercone, 2150 W. Wellington, stated he is in complete support behind this “beautiful Plan.” He stated he has written all of the Supervisors on several occasions and challenged the organized opposition’s major points and their Studies against this Plan. He stated as a thirty-three year resident of the Township he wanted the Supervisors to hear his plea one more time and to address his fellow residents. He stated over the last year he has attended the meetings on this Plan in person and on-line because he believes the organized forces against it are primarily against it because they want to keep Wegmans out of the area, and do not care what goes into this space as long as it is not a Wegmans. He stated they have done this before and they are trying to do this again. He stated they have suggested less-desirable alternatives for our Township,

and those alternatives would go in without the proposed traffic improvements committed to by the developers of this current Plan. Mr. Cercone stated the misinformation and “scare-tactic campaign” raised by the organized opposition has been “deceitful and shameful in many ways.” He stated it is an attempt to scare people about the Plan and keep Wegmans out. Mr. Cercone stated all of those who want to see progress and additional choices to shop, dine, and live understand that some do not want to see development of any kind in Lower Makefield Township. He stated their opinions and emotions about this Plan should not be swayed by misinformation and scare tactics. He stated unlike what they have heard from the organized opposition about how this Plan “threatens life itself in Lower Makefield Township,” the Plan will provide quality fresh food, increased Tax Revenues, address the traffic problems, create greater Retail and dining options, and preserve the historic Prickett House and barn.

Mr. Cercone stated if the Overlay Zoning District is not approved and this Plan and the Wegmans do not go in, we will most “likely be saddled with a large warehouse,” and potentially another Office building. He stated those alternatives are approved for this property and Plans for the large warehouse have already been drawn up. Mr. Cercone stated we will not get the traffic improvements that were to be paid for by the developer, and we will end up with a substantial increase in truck traffic. He asked the Supervisors to do the right thing and improve this. He stated their job is to make life in Lower Makefield Township better for all residents and not a select few who are the vocal minority.

Mr. Larry Borda, 508 Heritage Oak Drive, stated a year ago when this idea was “first floated,” the Bucks County Courier Times stated this was a bad idea because we were putting too much into too small a space. Mr. Borda stated he indicated at that time that this was a bad idea, and he has heard nothing to change his mind; and in fact he has heard the opposite. He stated this project does not fit Lower Makefield on many levels, and for that reason the Board “should quit.” Mr. Borda stated the purpose of the project is “supposedly to make some money for the Township,” and by the developer’s own estimate it is \$250,000 a year before factoring in the cost of Police and Fire. He stated it is a de minimus return. He stated “supposedly a purpose is to improve traffic;” but if they let the area stay Zoned as it is currently, they could potentially have a warehouse, but there would be less traffic than a Wegman’s at “twice the size that Giant and McCaffrey’s would generate.” He stated there would also not be additional traffic during peak holiday hours when Shady Brook hosts its events and makes the traffic even worse.

Mr. Borda stated traffic improvements for this project do not include anticipating the impact of the Shady Brook development. He stated “for pennies,” we are going to put the Township through all of “this disruption and de minimus improvement while at the same time they picked up \$35 million from the sale of the Sewer.” Mr. Borda stated instead of spending some of that money on “some minimal traffic improvements and improving the traffic they are going ahead with this project and disrupt not only the character of the Township but also the mechanics of the Township.” He stated they are also “pushing other businesses into potential bankruptcy,” which businesses have been “good corporate citizens” in Lower Makefield.

Mr. Borda stated on the Sewer, they “left \$14 million on the table in the form of a higher Bid,” because they were concerned about litigation risk which should “not have existed if the Solicitor did his job and made sure that everything that was done by the Township did not expose the Township to a risk in the absence of a Supervisor vote agreeing to go ahead with the acceptance of an offer.” Mr. Borda stated “we threw away \$14 million, but for \$250,000 year, we are going to turn the Township upside down.”

Mr. Borda was advised that he had thirty seconds left to speak, and Mr. Borda advised others were given more time. Dr. Weiss asked Mr. Borda to make his point.

Mr. Borda stated the process was “flawed and the Planning Commission for the Township failed to look at the recommendations by the County Planning Commission.” Mr. Borda stated the Commission met on August 5. Mr. Borda stated “Tony Bush who attended the meeting in mid-August for the Planning Commission for the Township said that they ‘must not have had an interest in this process,’ but he failed to check the Website; and nobody made an inquiry.” Mr. Borda stated Mr. Bush should have recused himself from the process because he believes that Mr. Bush’s office had done work for Wegmans which is a conflict, but that was never raised.

Mr. Borda stated he feels this is a bad idea, and it is a “waste of money, time, and energy.” He stated they are taking away the uniqueness of Lower Makefield and what makes it special, and they are trying to make it look like every other place in the area “which is a parking and traffic nightmare,” for the “benefit of a big developer.”

Mr. Borda stated he understands that there is a PAC called “Keep LMT Blue;” and he would like to know whether or not this developer and/or its professionals contributed to that PAC and the extent to which that PAC contributed to the election efforts of the Supervisors on the Board.

Ms. Lisa Tenney, 156 Pinnacle Circle, stated she would like the Board of Supervisors to say “no” to the change requested for Zoning. She stated current Zoning allows for forty-nine different choices rather than the proposed three that we will get. She stated other choices may benefit LMT residents to a greater degree and complement the existing Town amenities such as a boutique hotel and outdoor wedding venue, a College Graduate School, a small manufacturing company, Government officers, and agriculture. Ms. Tenney stated “because of the greed of a few, we will not be able to see the full possibility.” She stated we will get more of what we already have, and LMT will become “anywhere USA.” Ms. Tenney stated with the “lawyer-submitted letters,” the Zoning change is having a domino effect on neighboring properties. She stated our Township will be taxed to support the “concrete jungle” as well as our resources – the Police, the all-volunteer Fire Company, infrastructure, Sewers, and Schools which will not be adequately compensated leaving LMT residents to pay the rest.

Ms. Tenney stated the LMT Master Plan of 2019 does not recommend a Wegmans, drive-throughs, or apartments; rather the Plan speaks to environmental sustainability using ride-sharing and alternate transportation with connectivity to mass transportation, preservation in entirety to historic and agricultural roots, development of programs to accommodate an aging demographic and increase in resident safety. Ms. Tenney stated the Zoning change in contrast will increase automobile traffic, emissions, and reduce safety. She stated the Stony Hill Road and Township Line Road intersection rated currently as a B in the a.m. and p.m. will decrease in safety to a B in the a.m. and a D in the p.m. on weekends due to 10,000 more cars added per day. Ms. Tenney stated if there are any casualties at this intersection whether it is a pedestrian, biker, or car she will “hold all of them responsible.” Ms. Tenney apologized in advance to “that family that is effected by this tragedy,” and she hopes they know that she did everything she could as a concerned citizen to stop it.

Ms. Tenney was advised that her time to comment was over. Ms. Tenney refused to stop speak adding she has been “listening for 6.5 hours and many more.” Ms. Tenney stated the “Stony Brook overpass will be \$10 million and exceed any amount contributed by the developer for safety.” Ms. Tenney stated this is only for Wegmans.

Dr. Weiss reminded the public to try to make their comments within three to five minutes and not to argue or be disrespectful to the Board or they will be cut off.

Mr. Bryan McNamara, 1412 Heather Circle, stated when this was first proposed for apartments, Mr. Bob Dwyer only wanted 192 apartments, and the purpose was to help Edgewood Village. He stated in 2016 Mr. Dwyer mentioned at numerous meetings that he did not feel that Retail was a good fit here because it would compete with the Village. Mr. McNamara stated Mr. Dwyer also stated he did not think this area was a good area for Mixed-Use because it would be an “island out by itself.” Mr. McNamara stated he does not know what has changed since 2016 to now. Mr. McNamara stated Mr. Dwyer had also stated that just from the apartments alone, Lower Makefield would be getting \$500,000 a year in taxes; and now we find out with 155,000 square feet of Commercial and the apartments, we are only getting \$250,000 in taxes. Mr. McNamara stated Mr. Dwyer also promised a pedestrian bridge over 295, and not just re-painting of lines.

Mr. McNamara stated it was stated by Mr. Truelove at a previous meeting that the Supervisors could not favor one business over another in the Township; but he feels the Board “is favoring this business by giving Wegmans potentially 100,000 square feet of Retail space where other grocery stores are half that size giving them a much bigger advantage.”

Mr. McNamara stated when Mr. McCartney and Ms. Blundi were running for Supervisor, they used “the catch phrase ‘Make Lower Makefield a better place to live, work, and play;’ which also happens to be the catch phrase of this developer.” He asked if Ms. Blundi and Mr. McCartney took any money from the developers for their campaigns directly or through other groups. Ms. Blundi stated she and Mr. McCartney were “sitting in McCaffrey’s upstairs when they came up with that slogan.” Mr. McNamara stated that slogan “was already out there for months from the developer;” however, Ms. Blundi disagreed.

Mr. McNamara stated according to the “Hilltown Comprehensive Plan, it states that Residential Uses are a drain on the Tax base.” Mr. McNamara asked with the existing shopping centers wanting to be re-Zoned now, “would they get the same exact Zoning as this so they could also put in apartments.” Dr. Weiss stated that is a question that will probably be answered once lawyers analyze the question.

Ms. Gail Friedman, 699 A Rose Hollow Drive, stated as a neighbor of the proposed Overlay District, she is one of the few residents who will daily experience the effect of the change as more than the inconvenience of added traffic. She stated one of the District’s stated purposes is to support the adjoining Office Park and the Edgewood Historic Commercial District. She stated in its present form, it promises to contribute to the “haphazard, over-intense development in and around the Village which is diminishing the quality of Residential life and historic character.” Ms. Friedman stated she does not oppose the concept of a true Mixed-Use Overlay in the O/R District.

Ms. Friedman stated the Overlay is a Zoning device intended to “open the way for Prickett Preserve.” She stated Township Officials have largely disregarded the advice of two reviewing agencies – the Bucks County Planning and the Township’s own EAC “as they scurry to enact the Overlay in exchange for \$2 plus million in road improvements and a Wegmans.” Ms. Friedman stated the enabling Legislation for Prickett Preserve will “be governed by the law of unintended consequences.” She stated even as revised “it cedes to developers all control over the nature of development, and grants leeway allowed nowhere else in the Township yielding a sky-high Residential density, a negligible amount of green open space, sidewalks, plazas, fountains, and roads counted as open space.” She stated there is no limit to the height of buildings, appendages, and a discretionary Retail/ Residential mix. Ms. Friedman stated if the Retail part does “not pan out,” the tract could be developed up to 40% Residential, and a Bonus density of 12.5 units per acre. She stated it permits a “potpourri of intensive uses like Large Retail Stores, hotels, shopping centers, and townhouses without the heightened scrutiny invited by Conditional Use or Special Exception.” Ms. Friedman stated also shown on the Plan is an amphitheater, and she asked why kind of entertainment venue is planned, and if that is a Permitted Use.

Ms. Friedman stated the developer “disingenuously called cement improved open space,” and she stated she feels it is “incomprehensible that Township Officials who profess support of environmental preservation and open space even as public parks are overwhelmed during the Pandemic, cannot at least bring themselves to require a reasonable amount of untrampled green space for use by residents and shoppers and as a community benefit.”

Ms. Friedman stated the parking space concessions that could be granted under this scenario are “another sore spot for someone who lives in the neighborhood where historic buildings are proposed for tear down to compensate for inadequate parking at new businesses and spill over parking from somewhere that is already a nightly occurrence in the small lots serving the Edgewood Village Center.”

Ms. Friedman stated an outside Traffic Study noted that the developer’s Traffic Impact Study neglected seasonal peaks of traffic counts on local roads likely to serve as cut-throughs. She stated the developer’s Fiscal Impact Study omitted the real cost of development in addition to Schools, which is roads, public safety, libraries, and parks yielding an “over-estimate of Net Revenue.” Ms. Friedman stated another independent Study pointed out that taxpayers could be “left in a lurch” if high-end Retail and rental occupancy of Prickett Preserve fall short in today’s uncertain economy.” Ms. Friedman asked what will happen if the high rent results in two to four roommates sharing the apartments. She asked if the Township has ever seen a market study justifying the proposal.

Ms. Friedman stated a “years’ long history of problematic decision-making spanning Boards of both stripes has resulted in high Debt Service on the Golf Course, the obstacle course along the Quiet Zone rail track, a defunct industrial greenhouse on preserved open space, the partial destruction of a National Registered Historic District, and a deteriorated Sewer system sold at fire sale.”

Dr. Weiss advised Ms. Friedman that she was well over her time, and asked her to complete her comments.

Ms. Friedman stated it is time for the Board to listen to residents, pursue due diligence, and do whatever needs to be done to craft an Overlay that works for the community and not just for developers. She stated the cost of “ad hoc developments elsewhere in the Overlay will also most certainly cause Use changes at Shady Brook and more construction at the Corporate Centers will be much higher.”

Mr. Anthony Romagnole, 1058 N. Kimbles, stated he recently lived in an apartment complex just like this. He stated he and his wife moved here two years ago; and in between houses, they stayed in a similar development just outside of Princeton which he thinks would have the same kind of draw as it was similar kinds of rents. He stated it was a very nice place, but they did not see the percentage of Seniors and young professionals that they are talking about here; and in fact when they did see some young professionals they were very transient in nature, and he believes that they were in Corporate housing “for kids out of College, and they were there just for a month or two.” He stated he was there a year, and there was a lot of turn-over. Mr. Romagnole stated there were a lot of people who he believes were very new to our Country as most of them were trying to learn how to drive, and this is what concerns him. He stated it was rare when he was driving out of there that he did not get into a possible accident, and there accidents there at least weekly, and near accidents every day. Mr. Romagnole stated he travels a lot and when he would come home late Thursday or Friday, it was very common to see Police cars in their parking lots. He stated there were a lot of families and “a lot of kids stuffed into many of the apartments that had only one or two bedrooms.”

Mr. Romagnole stated he is not sure that the benefits of this particular development will come close to what the costs are in terms of congestion, crime, “and other things.” Mr. Romagnole stated he voted for the “Liquor License not knowing that he was voting for a two-hundred unit apartment complex.”

Mr. Pirooz Abir, 1510 Bray Lane, stated he has been a resident since the early 1990s. He stated they were dealing with Shady Brook Farm trying to sell to Aria and Jefferson Hospital, and there were a lot of concerns; and they fought that because they did not want to bring all that traffic here. He asked if they go ahead with Wegmans and the apartments, what will prevent the other farms from selling, and that will change the character of the area they live in. He stated they moved here because they “did not want to live in Bensalem or Oxford Valley.” Mr. Abir stated he does not mind having additional stores or apartments, but he asked they are going to “prevent the crowding for other areas.” Dr. Weiss stated in the Office Research District, the only developable land left is this parcel and Shady Brook Farm. He stated it is possible that in the future Shady Brook Farm could apply for an Overlay as that is their right; and the Township would deal with that if and when it happens. He stated the area abutting the By-Pass next to Shady Brook is owned by Aria/Jefferson, and that is currently pending in Court. He stated they are probably waiting for the Board to make a decision on the Overlay, and that may determine how they proceed in Court. Dr. Weiss stated across the By-Pass there is the Torbert Farm and the Wright Farm.

He stated the Wright Farm has a Restrictive Easement so that Farm is basically preserved in perpetuity. He stated the Torbert Farm is Zoned R-1 which is low-density housing. He stated further down on Lindenhurst is the Grey Nun Academy which is also Zoned R-1. Dr. Weiss stated a future Board may decide to change the Zoning. He added that prior to 1970, Lower Makefield was a very small Township; and between 1970 and 1990, the population basically doubled. He stated it is difficult to predict the future. He stated after the Board hears all the Testimony and Public Comment, what the Board decides will impact this thirty-four to thirty-six acres.

Mr. Abir asked if there are alternative Plans for this property that could have a lower number of apartments or a slight variation. Dr. Weiss stated this Decision is for the Overlay Ordinance; and the project itself would have to go through the SALDO process. He stated what they are discussing tonight is just the start. He stated the Comprehensive Master Plan allows in the O/R District the possibility of a Mixed-Use Overlay, and that is what is being considered tonight.

Mr. Lou Merlini, stated he represents the North and South Campuses of the Corporate Center, 790 Township Line Road. He thanked the Board for all of the time and effort that has gone into this discussion. He stated the Corporate Center is the closest neighbor on two sides of the project, and they feel this Mixed-Use Overlay is a positive for the area. He stated they would not want to see a scenario where they would be putting their Capital at risk by seeing something that would have a negative impact on the Township or the performance of their Office buildings. He stated the Mixed-Use Overlay allows for the type of product they believe the market is looking for. He stated the traffic improvements that come with the project make a lot of sense and will result in a net benefit to the area overall. Mr. Merlini stated the developer has a great track record, and he feels good about having this type of project as a neighbor particularly when the alternative is one to two large warehouse projects which they feel would detract from the value. Mr. Merlini stated they have invested a lot of Capital into acquiring the Corporate Center and are now finalizing major renovations at both Campuses, and they feel this project will fit in with the level of quality they have been trying to deliver at the Corporate Center. He hopes the Board will approve the Overlay so that the developer can embark on the lengthy Land Development process.

Mr. Barry Kritz, 1451 Heather Circle, stated he is a thirty-year resident. He is not in favor of this re-Zoning. He stated he feels it will damage the existing businesses that have been here a long time and support “the good of our Township.”

Mr. Kritz stated he does not agree with the Traffic Studies or the Financial Studies, and he feels it will cost us more in Police and “other support” than we are going to yield from it. Mr. Kritz asked what will happen now that the Lower Makefield Shopping Center is seeking the same Zoning, and asked whether the Board would support their efforts to re-Zone and re-build so that those complexes are not empty when those businesses cannot compete with Wegmans. Dr. Weiss asked if he is referring to the shopping centers where McCaffrey’s and Giants are, and Mr. Kritz agreed adding that it is his understanding that they are seeking the same Zoning. Dr. Weiss stated they are not in the O/R District so the Overlay does not apply to them; however, they could make their own Application for re-development if they wish. Mr. Kritz asked if the Board would support that; and Dr. Weiss stated the Board would have to hear the Application, and then approve or disapprove it on its merits. He stated they have the right to re-develop the land if they wish.

Mr. Steve Nadel, 1388 Heller Drive, stated based on the “lack of information that has been provided,” he is against the Overlay. He stated he feels the information is incomplete; and when he hears the price of the apartments, there are no apartments going for those ranges that they stipulated they would get in Lower Makefield. He stated the highest rents he saw were at the Edge of Yardley and that was for a three-bedroom at \$2,400. Mr. Nadel stated he does not agree that they have been provided enough information to agree with the number of jobs that they say are going to be created which they stated would be 325 jobs created. He asked based on the number of supermarkets and shopping available at the Township, “how many residents will cover the additional shopping by Wegmans.” Mr. Nadel asked if the Township has five grocery stores with 500,000 square feet would that be 100,000 residents or 50,000 on average. He stated that information is in the public domain, and that would tell if “somebody will close.” He stated if it is Wegmans that opens, and they close, we would not get the Property Taxes. Mr. Nadel asked if the Retail is not rented since “Retail is dying,” how will we get the Property Taxes out of those places. He stated it was agreed at the last meeting that if the apartments do not rent at the rates they indicated, it would be lower-income people, with lower rents, and there will “be more kids in.” He stated if there are more kids, there will be more stress on the Township Schools and it will cost more taxpayer dollars; and he asked where those “funds will be made up of.”

Mr. Nadel stated this region from “Philadelphia forward and going backward” is very big in bio-technology; and he asked why we have not “gone after any of those companies, since there are quite a few in the

area.” He stated they should put in that type of space which would bring in “higher-salaried people than a Wegmans or Retail,” and they could take some of the other “places they are going to propose for houses.”

Mr. Nadel asked if “DeLuca and the other Party in this are so positive that they will rent this out for \$2,600, the Retail space will be filled in, and the Property Taxes will be met and no burden on the Township,” have we considered putting a “make-hold provision” into the Contract where if those conditions are not met they will make up the shortfall and not the residents. He stated this would be put into Escrow. Dr. Weiss stated the landowners are responsible for the Real Estate Taxes so whether it is occupied or not occupied, the Taxes will be paid. Mr. Nadel stated it is a higher ratable “if they are getting income from it.” He stated if there are fifteen kids versus sixty kids, it is a tax on the Township.

Mr. Nadel stated without all of that information, he is against this. He stated the Traffic Study did not give enough information.

Ms. Marilyn Huret, 484 Kings Road, stated the Board is aware that there is a large development of 600 apartments going in at Oxford Valley, and it has been approved by Falls Township. She stated it will be on the Oxford Valley “campus” where Boscov’s and the other stores used to be. Ms. Huret noted the number of power outages over the last months and years, and she asked if PECO has ever been consulted as to whether or not they can handle “this sort of thing” in our area. She stated currently we are “at the bottom end of the refinements that are needed.” Ms. Huret asked if the Water Company will have to build another tower to service this area so that we do not have loss of pressure. She stated when they put in ShopRite, they had to put in a water tower to help with the water pressure. Ms. Huret stated at a lesser rental than what is proposed by the developers, Oxford Valley is offering indoor garage space, an indoor pool for their rec center, and bus service to the Woodbourne Station. Ms. Huret stated they have to look at this if a large complex is going to be developed in that area.

Ms. Huret stated with regard to warehouses, if you drive along the Turnpike, you see rows of warehouses and “maybe only one or two bays are ever occupied.” She stated in warehousing each bay is for a different type of

supplier, and they do not all just go into one. She stated even if they were to put in 100 bays, “maybe only two or three would ever be active at any one time so that is not a deterrent to a warehouse being placed at this particular area.”

Ms. Huret stated she is more concerned with the electrical service and the water service. She stated if she were to move into an apartment, she would want a garage. She stated these are three-story buildings that they are planning to put in; and she asked how an emergency situation will be handled when EMTs have to carry people down three stories to get them to a hospital.

Dr. Weiss stated at this point they are considering the Overlay Ordinance, and the project itself will go through the Land Use process. Mr. Majewski stated the issues Ms. Huret has raised will be addressed during the Land Development process. He stated to his knowledge there is no capacity problem with PECO, rather it is problems with the distribution system and older equipment that needs to be replaced along with the fact that trees go down quite a bit taking out power. He stated with regard to Water, he is not aware of any operational issues with the Water Company with pressure in that area. He stated if there is something that needs to be done, the developer will need to address that with Pennsylvania American Water Company. Mr. Majewski stated with regard to the three-story buildings, the Edge at Yardley has three-story buildings; and he has not heard of any issues with emergency services having to go up three flights of step as the emergency services personnel are trained to do that.

Ms. Huret stated these issues have not been addressed by the developers.

Mr. Alan Dresser, 1907 Lynbrooke Drive, stated he feels it is important to realize that the Traffic Study submitted may have to be revised. He stated the Study which was submitted was based on a generalized “best guess” of what would be built at the site. He stated once the developer actually submits Preliminary Plans, there will be more details on what type of Retail stores and Residential development will go in; and that could change the number of vehicle trips generated by the site and the Levels of Service at the intersections. Mr. Dresser stated if the Development Plans propose more Retail and less Residential, the vehicle trips will increase. He stated the submitted Traffic Study had 60% Retail and 40% Residential; and the 60% of the site that was Retail generated 93% of the peak hour traffic, while the 40% that was Residential only produced 7% of the peak traffic. He stated the proposed Ordinance states that they can have between 10% and 40% of the site as Residential Use, and

the Traffic Study assumed the maximum at 40%. He stated if the Plan comes in with 10% or 20% Residential, there will be more Retail which will generate much more traffic from the site. Mr. Dresser also stated that the Traffic Study that was submitted used the Institute of Traffic Engineering (ITE) generic shopping center land use for trip generation of the 55,000 square feet of Retail. He stated all Retail is not equal when it comes to generating traffic. He stated the Institute of Traffic Engineering trip generation manual allows you to generate trips for specific types of Retail, and you do not have to use the generic value; and many times Retail generates more traffic than the generic shopping center value they used. He stated a prime example are the drive-throughs; and restaurants, pharmacies, and banks all generate a lot of traffic. He stated fast-food restaurants generate five times more traffic than the generic shopping center traffic generation that they used. He stated the Traffic analysis could therefore change once they submit detailed plans.

Mr. Dresser stated with regard to the Yardley-Langhorne/Stony Hill intersection it was one of the intersections added later on, and it is in Appendix N. He stated their analysis showed a current Level of Service F on Saturdays, but in 2023 even though you get 300 more vehicles per hour going through it at the peak, it improved from F to D. He stated they have suggested that there is going to be a traffic light improvement, but there is no detail given on it.

Mr. Fiocco stated he reviewed the Applicant's Traffic Study in detail, and he is comfortable with the estimated traffic that will be generated by the development. He stated the reason that the Levels of Service are better in the future is because of the approximately \$6.5 million in improvements that are being proposed to be committed by the developer with this development. Mr. Dresser stated nothing is proposed for the intersection he noted. Dr. Weiss stated he understands it is a light-timing issue.

Mr. Chris Williams stated there are three intersections along Stony Hill Road that they evaluated – Stony Hill Road and the By-Pass for which there is a major improvement program proposed, Stony Hill Road and Township Line Road which will be an improvement to traffic signal timing and phasing which will address the needs of that intersection, and Stony Hill Road further south with Yardley-Langhorne Road. Mr. Williams stated he is not sure what Mr. Dresser is referring to in Appendix N, but he would be happy to discuss this with Mr. Dresser during the Land Development process. He stated they do not have a

degradation at that intersection. He stated in most cases the Level of Service is unchanged at that location; although there is one instance where the Level of Service went from a C to a D, but it is only because they are up against the threshold, and it is a five second change which is a de minimus change in the eyes of PennDOT and most reviewing agencies. Mr. Dresser asked that Mr. Williams look into this since it goes from a Level of Service F on Saturdays to a D. He stated something had to improve, but he does not know what it is. Mr. Williams stated there is no improvement listed in the body of the Report; however, he will look into this and discuss it during Land Development. Mr. Williams stated he agrees with the comment Mr. Dresser made earlier that if during Land Development the nature of the development changes in some fashion, the Traffic Study will have to be updated to reflect the actual development that is proposed at that time.

Mr. Glen Reitmeier, 1124 S. Houston Road, stated he is strongly opposed to the Zoning change as proposed, and he urged the Supervisors to vote “no” on it. He stated as conceived the Overlay has too much “wobble room,” and they do not know if they are going to get 10% or 40% Residential. He stated they also not know what the rent will be or what the burden on the School system is. Mr. Reitmeier stated there are only three developable tracts left in Lower Makefield Township, and the Township could “get a better deal than this” which would bring more value to the Township and have more specificity. Mr. Reitmeier stated there could be major unintended consequences. He stated they should vote this down and do a more specific plan that has better benefits for the Township and its residents.

Mr. Robert Abrams, 652 Teich Drive, stated he had asked the developer what they were going to do since there is only one way out of the complex for between 1,000 and 2,000 people; and they stated they were satisfied with it. Mr. Abrams stated once the exit is blocked off, anyone who votes for this, until they come up with an emergency preparedness program to evacuate a lot of people, will be held personally liable.

Mr. Abrams stated at Public Comment when “Mr. Grenier was the President,” they were arguing whether “it would be LEED Gold or LEED Silver,” and Mr. Grenier stated they had to be Gold. Mr. Abrams stated he had noted “fifteen minutes after you build the Gold building, you are now Silver.” Mr. Abrams stated Mr. Grenier had the residents take on that expense. Mr. Abrams stated 70% of all carbon monoxide, one-third of all air pollution, and 28% of all greenhouse gas is caused by vehicles; and we will be “the greatest tree huggers in the World, that will bring up to 10,000 cars and trucks

per day into a beautiful piece of property like the Prickett Farm and Shady Brook.” Mr. Abrams stated Mr. Grenier and Dr. Weiss ran on open space, “and they are either liars or frauds if they vote for this.” He stated he understands that Dr. Weiss will “go get his Homestead so he pays less on his taxes.”

Dr. Weiss asked Mr. Abrams not to insult people. He added he may ask questions about the Overlay. Mr. Abrams stated he is “not asking, he is making Public Comment.” Mr. Abrams stated they are attempting to “environmentally destroy a beautiful area, and he has given the statistics for it.”

Mr. Abrams stated he is going to ask the same question that he asked at the last Public Comment if there is anybody who has either “primary, a friend, or a relative that has interest in this thing going through.”

Mr. Grenier stated as he indicated the last time Mr. Abrams asked this question, he has no personal nor does anyone in his family or anyone that he knows very well have any personal interest in any of the proposed development as part of the Overlay or any future Land Development process. Mr. Grenier stated in response to a question to the Board raised by Mr. McNamara, he has not directly received funding from any of the developers. He stated as he indicated previously on May 5, 2017 when asked by Mr. McNamara, during the Primary for the seat he eventually ran for, Mr. Dwyer donated \$500 to the Kelly-Weiss Campaign; and that was three months before he joined the Campaign when Ms. Kelly left. Mr. Grenier stated he did not solicit that donation, but he apologizes if it somehow funded his Campaign; however, he believes that Mr. McNamara also received a \$500 donation from Mr. Dwyer when he ran in 2015.

Mr. Grenier stated specific to Mr. Abrams’ comment about being a “tree hugger,” he stated he is an environmental scientist and a LEED AP and he studies green buildings and is very cognizant and knowledgeable in environmental issues. He stated this development is very much in line with very modern approaches to environmental green building as proposed. He stated he feels that some of the original items that were proposed as part of the Ordinance “over-stepped that a bit, but they pulled that back.” Mr. Grenier stated Lower Makefield historically is the “poster child for suburban sprawl development” with large homes on cul-de-sacs spread out on large lots that are car dependent; and that is

not at all environmentally friendly. Mr. Grenier stated that is a major component of greenhouse gas emissions which is a major component of climate change. Mr. Grenier stated when they promote a denser development in an area that is immediately adjacent to transportation, this is a modern planning mechanism used in environmental planning to reduce overall car trips when development occurs so that people can walk and have Mixed-Use approaches to Land Use versus having to drive twenty minutes/half an hour to everything that they do. He stated this Plan is actually much better from an environmental perspective than historic strip mall developments that are car dependent.

Mr. Grenier stated he is proud of the Green Building Ordinance, and he feels what they have done so far has made improvements to this Ordinance to promote a more environmentally-friendly development. He stated during the Land Development process, they will fine-tune it if it proceeds. He stated he hopes that any future development or re-development in Lower Makefield takes environmental issues into consideration.

Mr. Majewski stated there are in fact three entrances to this site, and not one as Mr. Abrams has indicated. Mr. Majewski stated there is the main one that is in between the Residential and the Retail, another one to the north of the historic house, and a service road up near the Corporate Center.

Ms. Catherine Calabria, 1500 Miller Place, stated she is an engineer and a member of the Citizens Traffic Commission and has been following the Planning Commission meetings for the proposed Mixed-Use Overlay. She stated she has been asked by the Chair of the Citizens Traffic Commission to convey their comments. She stated they share the Planning Commission's concern about the width of the parking spaces since the 9' wide space is not wide enough for the Wegmans. She stated for high turn-over parking spaces, 9' wide is not wide enough. She stated she measured a representative sample of the three supermarket parking lots in Lower Makefield. She stated at the ShopRite, there are 9' wide spaces, Giant has 9' wide spaces, and McCaffrey's has predominantly 10' wide spaces with the exception of the spaces that front Edgewood Road. She stated those are 9' spaces. Ms. Calabria stated Wegmans is an upscale supermarket, and they feel they can provide at least what McCaffrey's is providing.

Ms. Calabria stated with regard to the Traffic Study, they feel that the Traffic Study is not complete since they did not include the Shady Brook Farm holiday traffic. She stated even with all of the proposed traffic improvements, if they do not include the traffic from the Shady Brook Farm Holiday Light Show, they do not know what is the impact from that traffic.

Ms. Judy Hoechner, 1406 Silo Road, stated she has lived in Lower Makefield for twenty-six years and grew up in Newtown. She stated she is not in favor of approving this Mixed-Use Overlay Zoning change. She stated Zoning changes like this set a bad precedent for less-controlled development. She stated Lower Makefield does not need more Retail, more grocery stores, or more traffic especially at those intersections. She stated the anticipated Revenues for Lower Makefield of \$250,000 are not guaranteed to cover the future costs of Township services. Ms. Hoechner stated she takes exception to the comments of a prior speaker who stated that opposition to the Zoning is based on scare tactics and misinformation. She stated she has lived in this area for most of her life and knows what it looks like to have too-dense development, and it negatively changes the tenure and character of the Town. She stated the developers knew the Zoning for this land when they purchased it. She stated there are many other uses for this land that can be used with the existing Office/Research Zoning. She asked the Board to vote no.

Mr. Iqbal Khalid, 1505 Lynbrooke Drive, stated on behalf of his family and his extended family they say “no” to this project based on the Traffic Studies. He stated even with the current population in the morning peak hours and after 4 p.m. there is jammed traffic at the intersections even in the time of COVID. He stated there will be big vehicles day and night for twenty-four hours, and he does not know how they will use the small arteries and small intersections. He stated his family knows that when they come home it is a quiet nice neighborhood where they can relax and walk on the roadside, and they love the Township. He stated his family has been here for twenty years, and they have been talking about the “jammed traffic and the Shady Brook situation at the holiday season.” He stated even on the weekend, they struggle; and “they cannot go to their house sometimes under these normal circumstances.” He stated the project with Residential and Commercial, they are facilitating “minimum wage jobs to other Townships like Morrisville at the cost of Lower Makefield residents.” He asked how many “blue collar jobs they will be providing.” He stated the “Wegmans and apartment jobs are not meant for Lower Makefield Township residents over there.”

He stated these jobs will not benefit the Township population. He stated he and his extended family members “are professionals in the pharmaceutical and medical field and Commercial business who go to New York City, and they want to come back every day to live in Lower Makefield.”

Mr. George Dreier, 985 Garey Drive, stated he is a thirty-year Lower Makefield resident, and he is opposed to this Plan as proposed. He stated he feels Giant and McCaffrey’s will be at risk of going out of business as we have seen other food stores that have gone out of business, and he noted the Pathmark that went out and it stood vacant for years. He stated there was also an Acme where the ShopRite is now, and that went out and laid empty for several years. He stated he would hate to see Giant or McCaffrey’s lose out to the Wegmans and go out of business; and the whole strip that the store is in would suffer because they would not get traffic from the main anchor store and “cause a big hole that will look terrible.” Mr. Dreier stated he does not know how they could count on any new Retail going in especially in this COVID environment since Retail is “floundering” unless they can be backed up by on-line.

Mr. Dreier stated that he hopes that the Board has not already decided what the approach will be, as it seemed at the last meeting that there was only one person who had a point of view that was challenging the developer, and others seemed that they had already made up their mind that this was going to go forward. He stated he hopes that the Board listens to the residents of the Township and make a decision based on what the people of the Township want and what is good for the Township. Mr. Dreier asked if there will be a vote by the residents or will this just be determined by the “Council.” Dr. Weiss stated this will be decided by the Board of Supervisors most likely tonight for the Overlay Ordinance.

Ms. Deborah Waters, 389 Tall Meadow Lane, stated she has lived in Lower Makefield for over thirty years, and she is not in favor of this Commercial development project at this time. She stated she does not believe that the McMahan Traffic Study is a valid or complete Study since it did not take into account the regular Scudder Falls traffic because the Study was done during the time that the Bridge was under major repair. She stated it also did not take into account the peak season for Shady Brook, and she feels those are two important things to take into consideration if there is to be an approval of this project and “ample traffic developed for the amount of flow.” Ms. Waters stated she knows it has not been determined as to what Retail

would go in there; however, with the “current status and demise” of Retail she is not certain who would venture to go in there. She stated we do not need another bank, pizza place, nail salon, or drug store because we have them within walking distance of one another.

Ms. Waters stated in the letter that she received, it stated the volunteer Fire Department “is already at capacity, and there could be a need to add an additional Department dedicated for this area.” She stated that will mean an increase for the taxpayers. Ms. Waters stated she did not hear mention of additional cell towers to support the additional businesses and apartments; and at present it is a “huge problem,” and she asked what we would be faced with if this was to go through.

Ms. Debbie Krum, 1372 Heller Drive, stated she will defer her minutes to someone else at this time as “she is choosing to listen.” She stated she appreciates all of the comments made so far.

Ms. Joan Kritz, 1451 Heather Circle, stated she has lived here for twenty-seven years, and is totally against this for all of the reasons that have been expressed by previous callers. She stated she does not think the Board of Supervisors has been taking Township residents’ strong opposition seriously. She stated when callers are justifiably expressing their anger over this proposed development with very valid reasons, the Board of Supervisors “cannot seem to deal with that, and that is a shame.” She stated there are a lot of very valid reasons for opposition to this, and she feels the Board of Supervisors needs to be accountable to its residents.

Ms. Sarah Romagnole, 1058 N. Kimbles Road, stated she “implores the Board to vote against the proposed Plan.” She stated she would challenge that a \$1,900 one-bedroom apartment or a two-bedroom \$2,600 apartment will attract mostly young professionals and older couples. She stated she works with over twenty-five Millennials aged twenty-five to forty in Princeton. She stated they have Master Degrees and excellent work experience, and she knows what they are paying for their rent and what they are looking to pay for their rent. She stated many of them do live in Lower Makefield, and they cannot afford this kind of rent even as a couple. Ms. Romagnole stated she is a parent of a Millennial with a Master’s Degree, and she knows that \$1,900 for a one-bedroom “gives pause.” She stated very few young professionals will pay this kind of rent for long. Ms. Romagnole stated as an empty-nester she lived in a luxury apartment called Avalon outside of Princeton for a year while she was between homes, and most empty-nesters and Seniors will

not pay this kind of rent except if they are between homes; and that means that there will be a lot of people in transition. Ms. Romagnole stated most of the people in the apartments where she lived were families with multiple children. She stated if the plan does not include playgrounds, parks, and a place for “dogs to run around with children,” there will be children in the parking lot. She asked the Board to vote against this.

Dr. Anna Lawler, 973 Edgewood Road, thanked the Board for the opportunity to comment and thanked those who have called in. Dr. Lawler stated she hopes the Board is really listening since the overwhelming majority of people have come out against this project. She stated they waited for six and a half hours to make a comment on the 17th and they waited hours to comment today, and that is how dedicated the community is against this project. She stated she hopes the Board is listening because they are supposed to represent the residents, and “overwhelmingly they have all said that they do not want this project in this form.” Dr. Lawler stated she is very impressed with the community and how much dedication and research they have done on this project. She stated every time she attends one of these meetings, she is more opposed to this kind of project.

Dr. Lawler stated she does not feel \$250,000 of projected Taxes are going to cover the impact on the Fire Department, which is volunteer, on the Sewers, on our cell phone towers, and particularly on our Schools. She stated she lived in Brooklyn in 1987 in an apartment building when the Stock Market crashed, and there were a lot of families that were planning to move out. She stated they had one or two bedrooms, and they were “stuck in those apartments,” because they could not afford to move out. She stated there were many children in apartments that were not “destined for family living because people were economically trapped.” Dr. Lawler stated they cannot guarantee with all of these Studies that is not going to happen in this instance. Dr. Lawler stated they have seen a downturn in the economy, and they are trying to promote economic development that we do not know is sustainable and at the risk of hurting businesses that are already present in the community which have been “wonderful partners, particularly McCaffrey’s.” She stated she loves Wegmans but she “does not need it in her back yard” at the expense of increased emissions, traffic, and a project that has “a lot of wiggle room that makes her very nervous, and puts it all to the benefit of the developers.” She stated she hopes that the Board is listening as “they are all very opposed to this project.” She stated the Board should think about all the “dedication and time that all of the callers have put into waiting and listening, and they will know how they feel and how the community wants them to vote.”

Mr. Tomas Kearney 1473 Merrick, stated he feels the Board is doing a very good job for the residents of the Township. He stated he has lived in the Township for twenty-three years and has seen a lot of development, a lot of change, and a lot of improvements. He stated he is in “complete favor and in 100% support of this project.” He stated he believes the project already has full approval for another Office Building or a distribution center/warehouse; and he asked if we need those, and he feels we do not. He stated it is much more desirable to have a Mixed-Use Overlay development such as the one being proposed as long as it is done in a “smart, responsible, and pragmatic manner;” which he is sure that the Board of Supervisors and their consultants will make sure takes place. Mr. Kearney asked what everyone would do if the builders did not build the homes they are living in. He asked what they would do if they did not have McCaffrey’s and Giant that were approved years ago to go in there. Mr. Kearney stated they do not have the right to deny other people to live here or to open a business here. He stated it may add traffic, but the traffic improvements will be beneficial as will the stormwater improvements and the Tax Revenue. Mr. Kearney stated the Overlay District is going to be much more desirable than another Officer Building.

Mr. Kearney stated he supports this 100%, and the neighbors he has spoken to support it 100%. He commended the Board for listening to this multiple time, and he urged the Board to approve the Overlay District so that another Office Complex is built.

Ms. Robin Hrin, 6303 Spruce Mill Drive, stated she is opposed to the project. She stated no matter how many Studies they do, she has seen all the construction and how long it takes for road construction, and there will be traffic problems for years to come. She stated she also feels that some of the other businesses may fail. She stated she has lived in Lower Makefield for six years, and prior to that she lived in Middletown Township which used to be a “beautiful Township but is it not nearly so beautiful anymore with many box stores, not just the Mall, empty, broken, and looking very ugly and horrible; and she would hate to see that happen to Lower Makefield Township.” Ms. Hrin stated there are only so many grocery stores that they can sustain as residents and five minutes away in other Townships there are other grocery stores. Ms. Hrin stated she does not see any way that all of the grocery stores could possibly survive.

Ms. Hrin stated there are traffic problems with Shady Brook. She stated she lives very close to Shady Brook, and she is “hung up in that traffic every year; and while she does not mind it because it is a wonderful boon

to our Township, if it gets worse, she cannot imagine how she will get back and forth to work. Ms. Hrin stated she does not know how Wegmans will effect Shady Brook which would be “very sad because they have been very good neighbors to us.” Ms. Hrin stated she agrees that we cannot stop people from moving into the Township, but currently there are “plenty of houses and apartments up for sale and rent, so anyone can move in at any time they want.” She stated there are a lot of places to live in our Township or very close.

Ms. Cindy Dejel, 2804 Brookhaven Drive, stated she has lived in the Township since 1984, and she had lived for years on Heather Circle. She stated she is mostly concerned about points that have already been made, but they are “happening more and more frequently which is what she is afraid of.” She stated one is the cell towers which “the companies even admit that there is a problem because of the trees and metal which a lot of the townhouses have in them that have been built here over the years.” She stated “Toll Bros, which built most of Lower Makefield has been sued over the years for what they have done.” She stated they have now just built Regency, and that is not completed, and that is making more traffic already. Ms. Dejel stated the issue is the outages from PECO. She stated she has called Comcast many times “over everything dying, and they told her to take it up with PECO because there are too many homes here now, and the wires are old, and the trees are coming down.” Ms. Dejel stated if they build the new apartments and everything they are “talking about with these Overlays there is just too much.”

Ms. Dejel stated when she moved here in 1984 “they were talking about the Zone that were never going to be built up, and they were protected lands so we would never look like Newtown.” She stated “Newtown looks like it is totally white stores and it is horrendous.” She stated we were mostly Residential, and you could not “even find a gas station.” She stated the only market was an “IGA, and McCaffrey’s was originally a Thriftway, and the ShopRite was a Super Giant that went out.” Ms. Dejel stated she does not know how a Wegmans would survive “without killing McCaffrey’s or the Giant which is the cheapest of the stores.” She stated she read an article about supermarket chains which are “worth anything and how they inflate the value of an area,” and the one that raises the value of your home is Whole Foods by 20%. She stated she contacted them “corporately” to suggest that they look up our Zip Code and check it out; and that is what she would recommend if there is go to be anything built here.

Mr. Andrea Scherer, 1631 Makefield Road, stated she and her husband are very much opposed to this Plan and are asking the Board to vote no. She asked what we want the Township to look like in thirty years. She stated they may see a trend post-Pandemic which does not favor brick and mortar stores, and we have to be cautious about that. She stated they are asking the residents to bear the risk since “it will be our property that we have to look at it if there are Commercial or Residential vacancies.” She stated there are a lot of unknowns, and we do not know if we will actually get the Revenues that were projected at the last meeting.

Ms. Scherer stated “someone made the Zoning for a reason,” and if it was not Zoned Mixed-Use, there must have been a reason. She stated perhaps an Overlay should happen if there is a need, but she asked if they feel they need another store as we have plenty. She stated she does not feel they need very expensive rental properties. Ms. Scherer stated the design does nothing to highlight the character of this historic area, and it looks just like a strip mall. She asked the Board to vote no on this.

Ms. Joan Kamens, 1950 Timber Lakes Drive, stated she is a thirty-nine year residents, and she is strongly in favor of this project; and she asked the Board to vote yes. She stated she is grateful to those who spoke earlier “showing positive, encouraging, thankful messages” to the Supervisors who started this a year ago. Ms. Kamens stated she attended the meeting last year when this began. She stated for those who have not been involved in it before now, there is a lot of misinformation. Ms. Kamens stated she is a Realtor in the area and she deals with people with rentals and helps people sell their homes. She stated they are “in such a need of rentals.” She stated the Edge on Township Line Road is a “lovely” community, and she sends many people there who sometimes cannot get a rental for two months. She stated there are young people who can afford these rents.

Ms. Kamens stated with regard to emergency services, there are many condo communities that have two and three levels, and everyone is getting service from emergency services.

Ms. Kamens stated current Retailers will not suffer as this Center will bring in many other people from the surrounding communities to spend money in our Township. She stated many current residents from our community drive to New Jersey regularly, and other people will come here. She stated those who do not want to shop in this new “community,”

they can continue to shop at McCaffrey's and support him and then he will not go out of business as others are predicting. Ms. Kamens stated everyone is "predicting about how Retail is failing," but she noted the number of people who are working from home or furloughed, and the last thing they would want to build would be Office space. She stated Retail will come back again. She stated the Board should take this opportunity to have the developers "create a beautiful space," and improve the roads at the same time. She stated she is very confident that the Board has done their job. She stated she feels it is time for a change, and the Board should not let the older people in the community who have experienced change deny it for the young residents who would like change.

Ms. Kamens encouraged the residents to drive to Newtown and look at their development where there are no traffic jams. She stated the traffic is flowing, it is beautiful, people are walking, they are thriving, they are eating, and they are shopping. Ms. Kamens asked the Board to listen to the positive because unfortunately "the negative rises to the surface." She stated she meets people and she feels a lot more are in favor of this than the Board has heard from.

Ms. Madeline Bayliss, 1507 Yardley Road, thanked the Board for their dedication. She stated they "did do a Study on this space, but there are other citations and a lot of readily-available resources that have to do with this area." She stated people have commented on what they want this Town to be. She asked if there is not more information about the demand for this type of housing and demand for this type of Retail. Ms. Bayliss stated she did not realize the Board might be making a vote tonight. She stated she would ask the Board to defer since they are "making the Ordinance but then allowing this particular development project to proceed." She stated if the Board "makes the vote now, they are voting that every proposal will be done against that." Ms. Bayliss stated she is aware of the Dobry Road development, and she asked if all of "these different decisions are being made on an individual basis or a collective."

Ms. Allyn Barth, 1439 Heather Circle, stated she is a fifty-eight year resident of the Township. She stated change and development is productive; however, she feels "Overlay District decisions change Lower Makefield not in a positive way." She stated she feels if they do this Overlay District, not only for this development, "it will set the stage for other developments in the Township, and it will make Lower Makefield not such a great place to live."

Ms. Barth stated she is concerned about how the Sewer decision went, and it is “coincidental that they forced through the sale of the Sewer perhaps in order so that the developer would know that the Sewer would be taken care of for this development.” She stated Mr. Williams indicated that if nothing were done the E and the F, which are still acceptable grades, will get worse. She stated he tried to “sell” the improvement of traffic by “buying into the development.” She stated she feels that is disingenuous.

Ms. Barth asked Ms. Blundi and Mr. McCartney if they directly or indirectly accepted any campaign funds from the developer. Dr. Weiss stated that question was answered, and they did not. Ms. Blundi stated it has been asked and answered for the last two years.

Ms. Barth stated if they allow the Overlay District the next properties in Lower Makefield “will be allowed to Overlay and will be a grand development on the order of King of Prussia.” She stated she does not think Lower Makefield wants that. She stated a previous called stated that Newtown is “a great place to visit, but when you try to drive there, the traffic is horrendous.” Ms. Barth stated she does not feel Lower Makefield will benefit from this type of development.

Dr. Weiss stated Mr. Fiocco has studied the area for a long time as the Township’s Traffic engineer. Dr. Weiss stated he understood that an E or an F was not acceptable in the grading system, and he asked Mr. Fiocco to discuss the grading system. Mr. Fiocco stated typically you seek to get to C and D during the peak hours. He stated across Pennsylvania that might be achievable; however, in the Philadelphia suburbs that is very difficult if not impossible to get to that Level of Service during the rush hour because so many people are on the roads driving through. Mr. Fiocco stated it is demonstrated through the Act 209 that Lower Makefield has. He stated the intersections that are being effected by this development have been demonstrated to be less than desirable for thirty years. He stated this developer is proposing to do major improvements well beyond what the Act 209 would ask for, and there will be better Levels of Service after development than before, although they will not be to the Levels of C and D. Dr. Weiss asked Mr. Fiocco if he is confident that traffic will improve overall in this area after the construction of the development and the improvements, and Mr. Fiocco agreed.

Ms. Katherine Burke, 2313 Weinmann Way, stated she is a twenty-two year resident of the Township. She asked the Board to vote no for this Zoning Overlay. She stated they have heard considerable feedback from the Lower Makefield community, especially from the older members of the community. She stated they have made salient points about the damaging effect this Plan could have on the local economy, Township resources, and the community at large. She stated she is speaking from the perspective of the young professional that the development company is proposing to live in the proposed apartments. Ms. Burke stated this is a difficult time economically for everyone, but she and her peers have been hit especially hard. She stated they are graduating College or a few years out of College, and their job market has virtually disappeared. She stated the vast majority of them cannot make a living in order to live in housing that this developer is proposing. She stated many of them are living at home right now working two to three jobs trying to pay off Student Loans or find a way to strike out on their own and begin their professional lives. Ms. Burke stated she is concerned about the Lower Makefield open space that “is shrinking day by day.” She urged the Board to vote against this Overlay.

Dr. Weiss asked Ms. Burke how it would affect her economic situation if this development were not built. Ms. Burke stated it would mean that she would spend less money on fuel driving to and from locations and spend less time waiting in traffic at the light and along that corridor of Township Line Road.

Ms. Mel Hall stated she lives in Afton Crest. She stated she started a Petition months ago in support of this. She stated she knows a lot of the calls that come in and those who came out to the meetings were against the project. She stated one of the reasons that she started the Petition was because she feels a lot of people do not speak up because it is intimidating, and people who are against things are often louder and it gets intimidating. She stated the number of people signing the Petition went up another 200 and it is now up to 1,713 people. She stated from talking to people she feels that there are a lot more people in the area who do want the project, but they are not necessarily as vocal. She stated she knows a lot of people do not want change, and they want Lower Makefield to stay the same; however, she looks at differently.

Ms. Hall’s call was lost at this time.

Mr. Gill Hamberg, 1038 Darby Drive, stated the United States is a Capitalistic society; and if Wegmans wants to come and compete in the marketplace, the other stores have to adapt “or not.” He stated no one has a monopoly on the sale of Retail goods. He stated Wegmans is a “wonderful place to go.” He stated unfortunately they have to drive from Yardley to Princeton which is a 25-minute drive if you want to go to the closest Wegmans. He stated Wegmans is number eight of the one hundred top U.S. Companies that are the best places to work. He stated he feels everything else including the apartments is “just gravy.” He stated Wegmans is a great supermarket. He stated with regard to the apartments, the builders are proposing the rent; and if the market will now bear it, it will be their loss. Mr. Hamberg stated with COVID-19, people from “New York are scattering all over.” He stated people can easily go from New York City into the Yardley area and can also work remotely. He stated people may not want to buy a condominium but could afford the two-bedroom. Mr. Hamberg stated he would recommend that the Supervisors approve this project. He stated this will also create a lot of local jobs for people who are looking for work as Wegmans will be looking for employees.

Mr. Nick Furmola, Yardley Hunt, stated he has participated in these meetings for eight to ten hours since they started, but he still had not had the opportunity to comment. He stated he has concerns that the decisions being made are not taken seriously. He stated he feels he has seen a lot of potentially biased conclusions. Mr. Furmola asked if there is an obligation by the developer to have a Wegmans or anything else that has been shown in the power point or are they saying that these are examples of things that they could do. Mr. Furmola asked if there is a Contract with Wegmans. Mr. Steve Harris stated there is a signed Lease with Wegmans so there is an actual commitment. Mr. Furmola asked about the other details in the power point. Dr. Weiss stated the project that will come from this Overlay will happen if everything goes through as planned. He stated they do not know what specific stores will be in the Retail although they know that there will be 55,000 square feet of adjunct Retail space, there will be two hundred apartments, the barn and the house will be preserved, and there will be a 100,000 square foot Wegmans. Dr. Weiss stated if Wegmans does not come in “this whole project goes away.” He stated the Board can remove the Overlay as easily as they put it in. Mr. Furmola stated he just wanted to know that they were not reacting to a spec document that may not be realistic. He stated he does share the enthusiasm for the Wegmans.

Ms. Mel Hall called back and stated she started the Petition because she felt that there were a lot of residents who wanted this project, but they did not want to speak up. She stated every time she re-posts it on Facebook, she gets more people signing up. Ms. Hall stated people have discussed what the community was like thirty to forty years ago when they moved here, but that can be stated about a lot of Towns because things change. Ms. Hall stated we are between two big Metropolitan cities – Philadelphia and New York with a major highway, 295 – and she feels this area will build up. She stated she would prefer to have the Wegmans and the apartments over a warehouse which she feels would do well now because of COVID and all of the on-line shopping. Ms. Hall stated someone called in indicating that people could not afford these apartments, and they did not like them; however, she is in favor of them. She stated she moved here in her 20s twenty-two years ago, and it was hard to find a place to start out in the area without going into a house. She stated she feels that for young people and younger families starting out, this would be a good place to start in order to get into the community before they can afford to get into a bigger house.

Ms. Hall stated she understands that people also had a problem with the Retail space indicating Retail is going out of business; however, she feels that other than Malls, there is other Retail space that is not going out of business. She stated pizza shops and nail salons are doing well. She stated she feels there are businesses that can go here that will do well. Ms. Hall stated she does not feel this one store coming in will put all of the other businesses out of businesses. Ms. Hall stated Wegmans is a different kind of store, and she does not feel that we should have to drive to Princeton to have a store like Wegmans. She stated she feels everyone will adjust and will do well. Ms. Hall stated people have also expressed concern about change, but when she moved here Shady Brook was very small, and that has turned into something else and she asks why other things in the community are not allowed to grow as well. Ms. Hall stated she feels there are more people who want this project than are represented by the people who come to the meetings. She asked the Board to approve this adding she feels it will be a great addition to the community and the traffic and everything “will work itself out.”

Ms. Beth Cauley, 1355 James Court, stated she is a lifelong resident of Lower Makefield Township. She stated she felt when this situation began Wegmans made an eighteen-month commitment to have everything resolved. Mr. Harris stated the commitment is to open the store by 2023.

Ms. Cauley asked how many trucks a day go to a warehouse. Mr. Fiocco stated that would be based on square footage and the type of use. Ms. Cauley stated she would like to know that because she feels it is important. She stated she is very much against the Overlay, and she would prefer having a warehouse having a hundred trucks a day compared to a Wegmans generating 10,000 cars a day which is a huge difference in traffic. Dr. Weiss stated when the warehouse was approved by the Zoning Hearing Board a Traffic Study did refer to how many trucks and vehicle trips would be generated with a 125,000 square foot warehouse, and that information can be found on the Township Website.

Ms. Cauley stated she personally does not mind getting in her car and driving to the Wegmans which she can get to in seventeen minutes; and she would prefer driving and having all the traffic in Princeton rather than in Yardley. She stated if she goes to Newtown or downtown Yardley at certain times, she has to sit in traffic.

Ms. Cauley asked the Board how many taxpayer dollars they have budgeted against all of the lawsuits and potential lawsuits this will generate since “lawsuits are starting and potentially more will start.” Dr. Weiss stated if any Board “worried about lawsuits for decisions it made, especially when there are competent experts and lawyers that help them make a decision as well as the residents of the Township, nothing would ever get done.” He stated that would include the house that Ms. Cauley lives in now.

Ms. Vanessa Fiori, 1995 Woodside Road, stated with regard to the Petition that was signed by 1,700 residents, her section of the Township which is one of the more sparsely sections, 1,700 is not even a third of the proportion of residents in “that District.” She stated Lower Makefield has a lot more than 1,700 residents, and she knows that a large proportion are not in favor of this development because they are looking at the long term and the precedent that such a development would “put into play.”

Ms. Fiori stated all of the pro comments she heard this evening were about the Retail space, especially the Wegmans; however, the ones who have addressed the apartment living have had experience with high-density housing and pointed out that the young adults that live in these apartments are very transitional and very short term. She stated these kinds of apartments end up attracting families with multiple children, and this will cause a strain on our School system at a time when COVID is already causing a strain on the School system.

Ms. Fiori stated she understands that McCaffrey's has a letter out to the Township requesting an Overlay on the "little Commercial District that McCaffrey's occupies with Giant," and they want to re-do that whole District to include high-density apartments as well. Ms. Fiori stated with regard to high-density apartments, if they are rentals, "chances are that in the long term, they will be mismanaged and could easily evolve into slums." Ms. Fiori noted what she is seeing on the River in Yardley. She stated if they are going to have apartments, she would highly encourage them to make them Condominiums that people purchase because "ownership is pride of ownership" and it will mean that those apartments will be well taken care of; and if they are rental apartments, they "will evolve into something we really do not want and will bring the whole area down." Ms. Fiori stated Overbrook was a "gorgeous Suburban area and so was Willow Grove, and now the housing values there have gone down tremendously, and that could happen in Lower Makefield Township and we are not immune just because we currently have nice houses here." Ms. Fiori stated the traffic is very relevant to the Overlay.

Mr. Charles Paraboschi, 1 Highland Drive, stated he made a comment when it was held at Pennwood. He stated he is one of the young professionals that this Overlay District would be trying to "entice and move to Lower Makefield." He stated he lived in one of the apartment complexes on Township Line Road, and the entry-level rent there was very difficult to achieve; and it was hard to even find an apartment for rent in the area below \$2,000. Mr. Paraboschi stated he feels an apartment complex like this will attract young professionals like himself to come back and live in Lower Makefield. He stated ten to twelve of his friends have "fled New York City and Philadelphia" and are trying to come back into Lower Makefield. He stated some of his friends had to buy outside of Lower Makefield because an "achievable rent for a two-bedroom apartment was not available."

Mr. Paraboschi stated he also works in the area at the business park adjacent to the subject parcel, and he feels it would be worth it even with the higher-level traffic counts to get traffic improvements that would not occur if this development does not occur. He stated 80% of his co-workers are Millennials making the same wage he is, and many of them are looking for places to live around the business park. He stated the housing prices in Lower Makefield are so high, and \$1,900 is a very affordable relative rent. He stated they could not find that in Lower Makefield so they had to go outside of the Township so we are losing a lot of young professionals. He stated looking

at the median age of those calling in, there have been very few people his age who own property in the area. He stated we need more young people so that they can drive more business here.

Mr. Paraboschi asked if approving this Overlay creates any legal obligation on the Board to approve future Overlays for other requests. Dr. Weiss stated the Board does have to listen to Petitions but whether they get approved or not will depend on a lot of factors. He stated every landowner has a right to develop their land; and if there is a request from them, the Board is obligated to listen, although they do not have to pass it.

Mr. Grenier stated Mr. Paraboschi and his wife are his neighbors. He stated his wife is one of “Lower Makefield’s nurse heroes working during COVID.” He stated when he first became sick, they came to his house with a “care package that got him through some tough days;” and he thanked them.

Ms. Nicole Pine, stated she and her husband live at the Edge Apartments on Township Line Road; and are one of the young professional couples that would be in the category of those moving into the new development. She stated she listened to the meeting on August 17 as well as followed the Facebook posts. She stated she feels the developers have a solid plan in place and that they will improve the traffic. She stated she does not feel there are any concerns for Shady Brook as it is a completely different model with different income streams that would not be impacted by this development; and it will in fact bring more people to the area. She stated she is excited for this to come. She stated they want to stay in Lower Makefield, and hope to find a place here to buy.

Ms. Cheryl Furmola, Yardley Hunt, asked if there were independent Traffic Studies considered, and she asked if they were on the long-term traffic implications and property values. She asked if they were based on “just this situation or did they take into account over Overlays that will probably follow once the precedent is set.” She asked if they were independent and “not just the Board or the buyer looking for their own way.” Dr. Weiss stated the developer conducts the Traffic Study, and then the Township has its professional Traffic engineer “rip it apart and re-build it” so that it meets the requirements of the Township. Dr. Weiss stated if the question is does the Township Traffic engineer “have some kind of bias,” he would state no; and he asked Mr. Fiocco if there would be any reason he would give anything other than an unbiased reaction to a developer’s Traffic Study.

Mr. Fiocco stated everything they did on behalf of the Township was reviewing the work of the engineer hired by the developer, and they did make the developer's Traffic engineer go back a number of times to address their concerns and significantly increased the amount of improvements that were identified. He stated there is no bias on his end, and they are looking out for the best interest of the Township and the people who drive on the roads within the Township.

Ms. Furmola asked if anyone has looked at the pre and post impact – what was promised and what actually happened on the traffic “surrounding the property values and permissions for other issues.” Mr. Fiocco stated as Traffic engineers, they do not look at property values. He stated they look at how much time it takes for a typical driver to get through an intersection or a series of intersections. Mr. Fiocco stated if the Overlay is approved, the developer still has to go through the typical development process; and they will look in detail at whatever is proposed from a safety and traffic efficiency standpoint. Mr. Ferguson stated Mr. Fiocco would not be assessing whether there would be any precedent set.

Ms. Furmola stated she was asking if they look at previous examples of Traffic Studies that were done and then what actually happened after the fact for comparison. Mr. Fiocco stated Mr. Williams is the Traffic engineer for the developer, and he followed the procedures that are set up in the profession, and he reviewed his work to make sure that he did do it properly. Mr. Fiocco stated the Township has an Act 209, and there is a Fee set up for the developer to pay their fair share for traffic improvements. He stated if for some reason the traffic was 50% higher than predicted, we could challenge them and ask them to count the cars and show what the traffic volumes are. Mr. Fiocco stated the figures were based on National standards so they are confident they will be “in the ballpark” as far as the number of trips that are expected to be created by this development.

Ms. Furmola stated the reason she asked is because she is aware that they did another development nearby, and she is curious if they looked at that to see what happened from the Study to the actual impact of the traffic. Mr. Fiocco stated the developer's Traffic engineer is required to look at the other approved developments in the area and put that traffic in his Study and look at future conditions based on that.

Mr. Keith Pladsen, 1566 Brookfield Road, asked if there was a Business Impact Study done for the Township. Mr. Ferguson stated there was not, and it is not a requirement. He stated an Economic Impact Study was

done by the developer where they assessed Revenues, etc.; but there is not a requirement that would outline potential negative impacts to competitors or subsidiary businesses. Mr. Pladsen stated they were talking about supermarkets in general, and he feels the business impact piece is a concern because Wegmans has a fairly substantial pharmacy. He stated he is thinking about the impact on the two Rite Aids and the two CVSs that are important components to our Township. He stated if he needs to go to the Drug Store and Wegmans is his only option, he will be part of the 10,000 cars. He asked if there is a way for the Board to look at that along with the impact to McCaffrey's, Giant, and ShopRite as well as the other businesses that might be negatively impacted.

Mr. Pladsen thanked the Board for all they have done, and he hopes that a good decision is made here.

Mr. Ferguson stated there are approximately fifty comments that were e-mailed to the Township which Ms. Tierney will read into the Record.

A short recess was taken at this time. The meeting was re-convened at 9:41 p.m. and Ms. Tierney read the following e-mails into the Record:

Chris Beach, 1125 Glen Oak Drive, stated he has concerns with the precedent that this project sets for the area. He stated he moved here ten years ago because there was less traffic and congestion, but this traffic will invite traffic into the Township. He stated if this is approved, he will expect Shady Brook Farm to be developed too because the entire area would have a different feel to it. He asked that they consider what is best long term for the Township residents as a whole and not "just a bunch of people who really like Wegmans."

Tammy Brown, 581 Kings Road, stated she is not in favor of the approval of the request for a Mixed-Use Overlay District on the land currently Zoned as Office/Research at Stony Hill Road on Township Line Road. She stated she is not in favor of a Zoning change that will result in the construction of a large grocery store, Retail shops, and an apartment complex. She stated she is in favor of the Zoning remaining as Office/Research. She is greatly concerned with the potential for increased traffic and additional burden to the Township that approval of the request may cause. She urged the Board to "hear the voice of the residents they represent" and not approve this request.

Dan Tenney, 156 Pinnacle Circle, stated he is concerned that the current Plans will contribute to “shifting Yardley from a less-dense Residential quaint Town toward more Commercialism with a future similar to Langhorne or Quaker Bridge.” He stated the “beauty of Yardley and Newtown is that the density and commercialism is not everywhere.” He stated it is a family Town not “packed with apartments or Commercial centers.” He stated Shady Brook Farm is a huge draw for the area as is the lack of “widespread commercialism, traffic, and pavement.” He stated it is why many have recently moved here and the Real Estate “is hot and can support a high Tax burden.” He stated it is “not trivial to have a Town considered as a destination for relocating professionals and executives and should not be overlooked.” He noted Washington Crossing is one of the most-desired destinations, and it is more rural.

Mr. Tenney stated there is already a shopping center housing a Giant and a McCaffrey’s nearby, and he asked the plans for when they go out of business similar to “the old Pathmark.” He asked what they envision there.

Christina Martin, 8 Fayette Drive, asked if the Township has looked into stormwater run-off for Prickett Preserve. She stated she understands there is a Township Stormwater Management Ordinance, and there have been some recent improvements to stormwater detention basins. She asked what are the requirements with DEP. She stated she is very concerned as the property is thirty-seven acres.

Lee Pedowicz, 247 Truman Way, stated he would like to reiterate comments that he made at prior Planning Commission and Board of Supervisors meetings. He stated the planned use of the property will not build non-committed structures, and they will be built as they are committed. He noted what Newtown was like when that was happening. He stated interruption of in-use pedestrian traffic must be minimized and compensated for with alternative routes. He stated at the Planning Commission meeting the Traffic Study as presented appeared to address many relevant issues; however, the presenter stated that he only traveled the roads in the area two or three times. Mr. Pedowicz stated only someone well-travelled on the roads in the area could produce a meaningful and accurate Study.

Terri Borgman, 590 Rosalind Run, stated she found the suggestion of Prickett Preserve Development unnecessary from the beginning; and finds it even more so now “living in the muddy waters of an International Pandemic that has severely effected all areas of our economy.” She stated

“the last thing our Township needs is more brick and mortar stores built.” She asked how many food stores are needed in the Township especially when the future is geared toward on-line shopping. She stated all this development will do is add to the traffic and congestion which is already “horrible at the Stony Hill/By-Pass intersection as are our already exorbitant Taxes.” She asked that the Board re-consider this extremely unnecessary development.

Erin Bautz, 909 Greenway Avenue, stated she supports the Mixed-Use Overlay.

Kevin Vertucio, 1202 Yardley Road, stated he is against the Zoning of this land for Commercial and apartment living. He stated this will bring more traffic, pollution, and wear and tear on all “already-neglected roads.” He stated the future impacts of this project are being disregarded in favor of increased Revenue for the Municipality which is unacceptable.

Pat Elliott, 229 Valley Drive, stated she is totally for the Overlay Zoning especially if it means no warehouses and truck traffic twenty-four/seven. She asked if they can confirm if the warehousing is what the alternative is.

M. Catherine Metzger, 656 Alder Court, asked that the Board be honest about the impact on local traffic no matter how they vote to use the land. She stated they should widen Stony Hill Road and provide lanes for straight through traffic as well as dedicated turn lanes right and left into Shady Brook Farm, Prickett Preserve, and wherever else they are needed on Stony Hill Road and Route 332. She asked that the Board not “turn this area into a daily nightmare” for those who live here and need to access Route 332 and Route 295. She stated she would like to see the tract of land remain open; but if that is not possible, she asked that they “think past the money and not be misled by professional studies which can be slanted to promote any view-point being paid for.” She asked that the Board be honest, smart, and transparent, and do what is best for Lower Makefield. She stated the Board has the power, and they are trusting them to do what is right.

Jolly Vazapphilly, 614 Deerbrook Drive, stated “for a long time LMT has been a sleepy old Town with lots of open spaces and too many baseball fields, the same old businesses, multiple CVSs, Rite Aids, and facilities which have been around for over thirty years.” He stated they need to increase the Tax base and facilities for the residents to get access to new businesses and recreational facilities. He stated he is open to having new development

and a Land Use Ordinance for a better quality of life for the residents and to give more options for new businesses for all residents to engage with. He stated any new development should be considered with reasonable and thoughtful Planning and Zoning so that it should not have an additional burden to the Tax base and “other traffic bottlenecks.” He stated having no progressive planning and development projects will make our “Town look like historic Districts like Trenton across the River.” He stated for those who want to vote for status quo, they should prepare to pay the price in terms of increased Property Taxes and future costs for maintaining areas of preserved, restricted-use land, and maintaining historic preserved properties which “we have one too many.” He stated they should make LMT a great place to live so that our “kids do not go to a Newtown.”

Dennis O’Reilly, 1198 Colts Lane, stated he has a strong objection to the Zoning change proposed for Prickett Preserve. He stated it would greatly increase traffic and destroy the bucolic nature of this section of the Township which makes living in the Township so enjoyable. He stated he attended the in-person meetings last year and left with a strong impression that most residents felt the same. He asked the Board to listen to the people.

Joe E. McCann, 288 Marble Court, stated he is definitely against the proposed use. He stated he lives off of Big Oak and Stony Hill Road and his office is 4.2 miles from the driveway on the By-Pass at Penn’s Trail; and he cannot “get through as it is.” He stated there is entirely too much traffic there now. He stated if they build it, he will re-locate.

Anna Pudzianowski, 1529 Marsha Terrace, stated she is opposed to the Mixed-Use Overlay as it will cause tremendous traffic and impact travel.

Karen Papastrat, 536 Heritage Oak Drive, stated we do not need or want another 300 apartments along with a Wegmans plus stores. She stated they will have even “worse traffic nightmares” surrounding the By-Pass. She asked that the Board stop this. She stated LMT has so little preserved land compared to “UM and Newtown.” She stated she wants to continue to stay here, and this is very short-sighted. She asked that the Board listen to the residents. She stated if the Board “betrays them, they will never vote for them again.”

Robin M. Hrin, 6303 Spruce Mill Drive, stated she is very much opposed to the Development Plan across from Shady Brook Farm. She stated her main objection is the substantial impact it will have on traffic. She stated the area is already significantly congested at rush hour, and will be much more

congested with this Plan. She stated even if plans to widen the roads are included, it will take several years of construction and “blocked traffic areas” to complete. She stated the area is now becoming overcrowded with new developments and cannot support additional housing as proposed by the apartments included in this Plan. She stated Shady Brook Farm, “a positive fixture in this community for many years,” will be negatively-impacted by Wegmans. She stated small business is a pillar of our community, and the impact of a large company will negatively affect the smaller Retail stores including McCaffrey’s. She stated she believes that the land across from Shady Brook Farm would be left untouched or at most used for a Commercial venue that would have less impact on our community such as a storage facility.

Shawn Peterson, 213 Arborlea Avenue, asked the Board not to approve the development that includes Wegmans and additional residences. He stated the community and the area has all we need and cannot deal with the current traffic. He asked that they keep our small community as it is.

Louis Papastrat, 526 Heritage Oak Drive, stated he opposes the change due to the environmental impact on our community. He stated he is concerned about increased traffic and “expansion of surrounding properties.” He asked “what happened to green space preservation.” He stated he will “remember and not support their future election campaigns.”

Jeanette McGinnis, 588 Cedar Hollow Drive, stated she is opposed to the construction of Wegmans, Retail stores, and apartments proposed for the land opposite Shady Brook Farm. She stated it will create traffic changes and the “flavor of Lower Makefield Township forever.”

Bridget McIntire, 430 Ramsey Road, asked the Board to explain the “rush to push through this project.” She stated the Mixed-Use Overlay is a “contentious issue on LMT residents.” She stated she feels that they are not being given a chance to properly review Plans and voice their concerns. She stated the Board is “trying to push this through in the middle of a Pandemic while residents are unable to fully participate.” She stated she was “thrilled to purchase a home in LMT last year, but she grows weary of this Board of Supervisors’ disrespect for the citizens of the Town.” She asked that the Board delay the project until they are given the ability to fully participate in the process.

Linda Geyer-Bolder, 1476 Scarlet Oak Road, stated she is against the proposed project because of the higher volume of traffic, increased pollution from vehicles, increased garbage, and its effect on the environment. She stated she is also concerned with the development of “virgin land” and reduced open space when there are other options near this site which have already been cleared and “not in use i.e. Oxford Valley Mall – empty Sears building, empty Boscov’s space and their parking lot.” She stated she is also concerned about the environmental effect on animals, sound, aesthetics, and scenery. She stated she is concerned about the effect “of Real Estate value on private dwellings.” She stated homes in Yardley/Lower Makefield are purchased for their bucolic location – not for their location to “heavy Industrial, Retail space.” She stated we need open space to attract homebuyers. She stated the price point of “the apartments over the supermarket is not geared to bring in Real Estate and School Taxes.” She stated we do not need families with multiple children in these apartment driving up the cost of Schools. She stated this is unfair to current homeowners paying taxes to “fill the void to educate these children.” She stated Seniors in these apartments would not bring in Tax dollars.

Ken Boyle, Sr., 1686 Barnswallow Road, asked the Board to make sure that the proposed development meets the basic standards of safety and wellbeing; however, overall he strongly supports the approval of the development. He stated he has been a resident of LMT since 1987 and believes that these types of improvements are needed to keep a community vital. He stated almost all of the complaints or “negative attributes” he has heard have been “non-sensical and seem like they are driven by an anti-competitive nature from other Retail organizations.” He asked that the Board disregard these. Mr. Boyle stated issues of traffic “do not make sense because people may change their patterns of travel, but he does not see large increases.” He stated overall quality businesses that bring competitive improvements are needed in every community. He thanked the Board for their service, and he asked that they approve this project and allow it to be built as soon as possible.

Brian Sweeney, 22 Springtree Lane, stated he has nothing against Wegmans and on occasion he drives to Princeton or at the Bridgewater Wegmans; however, he does not feel we need a Wegmans in Yardley/LMT. He stated we have McCaffrey’s, a small, locally-owned business that already provides the same level, quality, and service as Wegmans. He stated we also have a ShopRite and a Giant, and there is no need for a fourth grocery store in Yardley/LMT. He stated there is also Shady Brook Farm that provides home-grown, locally-sourced fruit, vegetables, dairy and meat products.

Mr. Sweeney stated with regard to Land Use, Yardley/LMT has already been developed enough; and there “is no need to pave over the farmland and open space and further reduce the impermeable surface.” He asked if the Town has “not suffered enough from the flooding of the Delaware River.” He stated the condition of the Sewer system is in “such bad shape that all residences recently received a rate increase of nearly 40% to pay for the major overhaul and repairs.” He stated we do not need to add any more to this already strained system.

John and Lisa Matthews, 10 Williams Lane, stated they are opposed to the Mixed-Use Overlay proposal and feel the area intended for the Wegmans is too congested already. They noted the traffic in the area when Shady Brook has an event. They stated it is a very dangerous road with people pulling in and out. They stated there is more than enough shopping choices within just a few miles – Giant and McCaffrey’s around the corner, and ShopRite less than two miles away, and Newtown’s grocery stores three miles away. They asked what is in store in the future when Shady Brook decides that they want to sell, and asked if it will be “more big box stores.” They stated it is “opening a can of worms.” They suggested that the Wegmans project be put on the Golf Course property where there is “nothing but open space up there.”

Deborah Quarry Kasten, 216 Emerald Drive, stated she fully supports the proposed Mixed-Use Overlay and feels we should welcome new businesses to our Township including an additional grocery store. She stated she believes diversity of housing types available in a Township including higher-density options such as apartments only adds “to the richness of the community.” She stated as a resident who lives very close to the intersection of Big Oak and Oxford Valley Road, she can speak to the impact on traffic of a large grocery store, big box, or several smaller businesses, and at least five sets of high-density housing all within blocks of each other. She stated even here, traffic is rarely an issue. She stated the proposed development has ample road capacity with I-95 and the 413 By-Pass so close by. She stated she believes the recommendations of the Bucks County Planning Commission should be implemented in the Final Plan.

Angela Maffei, 1652 Spring Mill Court, stated she is against the Mixed-Use Overlay.

Diane Bailey, 1206 Ash Lane, stated adding Wegmans and associated shopping is an excellent use of this land and it will bring in high-quality groceries to the area and will likely help drive additional business to Shady Brook Farm.

Ms. Bailey stated with regard to traffic there will be appropriate lanes and lights to assist traffic movement. She stated this is a highly-populated area where residents deserve to have the shopping they prefer.

David R. Miller, 1648 Yardley-Langhorne Road, stated as a resident of Edgewood Village he would like to point out the inequalities in the current Village Building requirements and those proposed for Prickett Preserve. He stated these inequalities will cause additional harm for future development in the Village. He stated the most glaring is that every business in the Preserve is allowed a drive-through feature for their business. He stated he would request that if this feature is passed for the Preserve, that it be passed at the same time for the Village. He stated they should set up a Committee to review any other differences for building at the two locations and bring the Village up to par with the Preserve. He stated Village property owners will not be able to compete if they are using a different set of development rules.

Jason Schramke, 600 B Wren Song Road, stated while he is not opposed to Wegmans opening a store in our area, the proposed location and the burden that these new Residential/Commercial properties will place on the community is unacceptable. He stated the intersection of Route 332 and Stony Hill Road is already hazardous, and the traffic in the area is problematic during peak hours and “intolerable” during event season at Shady Brook Farm. He stated the proposed use of this land will only exacerbate these issues.

Carl G. Hedde, 508 Jenny Drive, stated he fully supports the development of the Wegmans/Mixed-Use Development. He stated as a long-term resident of Lower Makefield, he has been frustrated by the lack of planned development in our Town that brings in both Tax Revenue and additional services. He stated he feels strongly that this Development adds to both the quality of life and the attractiveness of Lower Makefield. He stated he feels the benefits far outweigh some of additional traffic that might result in our Township.

Roger Brown, 581 King Road, stated he is against the approval of a Mixed-Use Overlay on the thirty-two acre parcel on Stony Hill Road and other nearby parcels which will permit construction of an upscale grocery store, Retail shops, and an apartment complex. He stated he is against the Overlay because there will be an increase in traffic in the area and demand on public utilities will increase adding that the cost of water and sewer in LMT is already high compared to other Townships in Bucks County. Mr. Brown stated he is also against the Overlay because rising costs to the Township may result in an increase in the Tax rate or implementation of an Earned Income Tax.

He stated many chose to live in LMT in part due to there being no Earned Income Tax and the quality of the Public Schools. Mr. Brown stated there is no need for this development because nearby apartments have vacancies, and there are ample upscale grocery stores including McCaffrey's and ShopRite. He stated Retail stores are closing all over the County due to the advent of on-line shopping. He asked the Supervisors not to approve the Mixed-Use Overlay on the parcel "and nearby parcels," as doing so will irrevocably change the character of this corner of the Township for generations to come.

Becky Zech, 14101 Cornerstone Drive, stated she is very much for the Mixed-Use Development, especially if it includes Wegmans. She stated while she appreciates and enjoys having open land, it is her understanding that this property has already been sold and will therefore be developed in some capacity. She stated a Mixed-Use Center where the community can come together as well as shop "in such an amazing store as Wegmans," would be perfect. She stated Wegmans would be an ideal addition to our area.

Alan Purugganan, 1463 Heather Circle, asked the Board not to approve this. He stated he moved from a crowded, "Retail-laden New Jersey town which also had a Wegmans" to Lower Makefield Township to enjoy the peace of its "farm-like atmosphere." He stated the additional "traffic of people and the motor vehicles will damage the rural feel that he and other residents enjoy." He stated the planned Retail stores will become a "blemish" of vacant space in a few years. He noted Oxford Valley Mall and asked "who still shops Retail." He stated there are enough grocery stores in Lower Makefield, and we do not need another one. He asked that the Board not approve this.

Don and Juanita Ponce, 1467 Overlook Road, stated for thirty-four years they have lived here near the proposed Prickett development site. They are proud of the preserved open space for which they always voted. They buy food and plants at Shady Brook Farm and travel Stony Hill Road to Yardley and Newtown to shop for food, to work out, to visit medical facilities, and restaurants. They stated over the years a responsible amount of Commercial and Office development has located nearby which they also frequent. They stated that the proposed Prickett Development adds "absolutely nothing to the mix of amenities already here unless one is eager to experience heavy traffic throughout the day and night that will effectively function as a giant roadblock to all the current amenities in the area." They stated other residents presented "circulations" to the Township that show the proposed Retail space and 200 Residential dwellings will cause increased Property and School Taxes and costs of

Police, Fire, Ambulance, Sewer and water, and other services which will not be balanced by the Development's Tax payments. They stated these are the reasons that they strongly oppose this development.

Noah Kubissa, 1225 Yardley Road, stated he strongly supports the addition of Mixed-Use Overlay for Lower Makefield Township. He stated as someone who grew up in Upstate New York, he knows the type of organization that Wegmans is and believes their culture, diverse hiring practice, and vision will be of significant value to all that they employ including a number of teenagers, young adults, and people with disabilities helping provide direction and improved career opportunities.

Donald Kane, 1901 Covington Road, stated he strongly supports the Prickett Preserve Zoning change. He stated in addition to a fine grocery store, we get Retail and dining options not to mention the additional Tax Revenue. He stated a warehouse will bring large truck traffic and congestion which he feels is a far less attractive alternative than a Wegmans.

Amy Mink, 10 Kenmore Road, stated she has lived in Lower Makefield for twenty-six years; and our community is historically resistant to change; and she and her husband believe it is a good thing to see progress and a good thing to get a Wegmans nearby. She stated we need to permit well-planned development to enrich our community, provide jobs and more dining and living options, and places to bring people together. She stated our community will "always be blessed with natural beauty and well-executed development will only enhance our quality of life."

Kathleen Dienna, (no address given), stated she is looking forward to the opportunity to move into such a beautiful Development. She stated it will bring Revenue to the Township and serve the community with "perfect mixes of living and shopping." She stated she and her husband have "family interested in down-sizing, and this would be perfect." She stated she is for the Development and is looking forward to moving there and hopes it is approved.

Margaret Poplawski, 2004 Farmview Drive, stated in the eight years she has been here "not including Pandemic stay-at-home workers," she has seen the traffic get worse. She stated there are more people moving in thanks to the developers who "buy every piece of land and building, building, building." She stated she is disappointed that the area is changing so quickly. She stated she is "not a fan of the Newtown

shopping center as it is too dense, and could have been done with less crowding.” She stated within five years, they will regret all of this construction – “too much, too fast.” She stated Shady Brook will also “lose everything.” She stated traffic at Christmas time will be unbearable. She asked that they “not lie to us about no children or families moving in – we have lived it.” She stated Long Island was beautiful but now traffic is everywhere. She stated Long Island is now “known as a parking lot and you cannot get anywhere.” She asked that they not do that here. She stated it has already started. She stated it is beautiful here, “let’s not ruin it.”

Kathryn Schwenzer, 1557 Applewood Circle, stated she wants the Wegmans and the Plan that goes with it.

Jan Giumette, 607 Cedar Hollow Drive, stated she strongly supports the development of this property to include Wegmans, other Retail, and Residential. She stated this property has already had approval for warehouse development. She stated the proposed Plan provides an aesthetically-appealing Use as well as enhanced living and shopping experiences.

Sean Wagner, 564 Countess Drive, stated he supports the proposed Mixed-Use Overlay including Wegmans. He asked that the Board approve it.

Sherri Cook, 1335 Apple Blossom Drive, stated she feels this is a “terrific idea for LMT.” She stated it is Tax Revenue and we get a “World-class grocery store.”

Frank P. Persico, 1911 Yardley Road, stated we need a Wegmans in our Township, new Retail, and dining plus \$1.74 million for the Schools and the Township. He stated we will have better traffic flow, and he would vote “yes” for the Prickett project.

Michele Anthony, 1841 Windflower Lane, stated she supports the Prickett Preserve Development Project at Edgewood. She stated she has lived in the Township for more than thirty years, currently living near the proposed development. She stated she believes that this project will be an asset to our community. She stated the proposed traffic changes will improve the current situation on Stony Hill Road. She stated she welcomes the community atmosphere which “she can walk to and enjoy with her neighbors.” She stated the DeLuca family builds quality, and she is confident they will create an aesthetically-pleasing space we can all enjoy. She stated they are part of our community so they too are directly affected by the development. She stated this is privately-owned land, and it will be developed. She stated leaving it as

open space is not an option as some of the residents have suggested; and she would prefer the proposed Prickett Preserve Development over a warehouse or other structure.

Shelley Kolber, 1356 Brentwood Road, stated she believes it is important to approve Prickett Preserve. She stated the additional Tax Revenue is very important to the financial health of the Township. She stated there is very little quality Retail in Lower Makefield, and additional Retail will keep residents shopping in Lower Makefield instead of shopping in neighboring Newtown. She stated a Wegmans will be a huge benefit to our community and might even help Real Estate sales as it has been shown that the specialty market is a big consideration for homebuyers.

Tony Rogers, 2046 Leedom Drive, stated the premise of this proposal would have you believe that “all we need are the sight of cornfields and the sound of crickets, but this is the Delaware Valley and not the central PA countryside.” He stated we live here because we want more than just a rural setting. We want a truly high quality of life, and that requires top-notch services and businesses. He stated Wegmans will provide that. He stated the main argument against this proposal seems to be about traffic. He stated there are already several shopping centers in the area with multiple supermarkets, and the traffic there seems “just fine.” He stated some speculate that Wegmans will drive other stores out of business, but it is not the job of local Government to protect one business over another. He stated the stores should compete – that is Capitalism. He stated we also need to have a thriving community with a good mix of young and more-established families. He stated the presence of a successful business enterprise and their strong, dependable Tax Base will help support our vibrant community.

Gail Thompson, 687 Stony Hill Road, stated she does not see any plans to widen Stony Hill Road “south/the two-lane overpass on Langhorne-Yardley Road.” She stated these roads would be greatly impacted by the Mixed-Use development, and there seems to be a few options for change to the Village of Edgewood. She stated it has been proposed that people would walk from one Commercial center to another, but she has doubts. She stated she would suggest that no trucks/Commercial traffic be permitted in the historic Village of Edgewood, and leave it open to local deliveries only with designated routes for Commercial deliveries. She stated she is also concerned with so many physical stores closing and Retail space becoming more and more abundant, building more may be out of touch with these changing times. She stated the high concentration of apartment units is

also troubling. She stated we have enough areas designated for high-density development. She stated more jeopardizes the aesthetics of our community and limits open space in addition to adding a further strain on our public utilities.

Randall Thompson, 689 Stony Hill Road, stated the Newtown By-Pass should be widened to three lanes from I-295 all the way down to Lindenhurst Road in both directions. He stated Stony Hill Road, going north and turning left onto westbound By-Pass should be widened to three lanes - three turning left into the three-lane road.

Meryl Iagos, 99 Sutphin Pines, stated she is in favor of the new construction as it will add Revenue to our Public Schools.

Lee Dorf, 6008 Spruce Mill Drive, stated he is “1000 % in favor of the Mixed-Use Overlay. He stated it took seventy-one years to overturn the “archaic ban on liquor sales in this Township, and he does not want to see another seventy plus years to go with the status quo.” He stated this will only enhance the community and businesses in the area. He stated the argument that it will hurt “does not hold any water since we have the identical stores in the same shopping center right down the street and they seem to be doing fine.” He asked that the Board vote yes.

Anne Moyer, 1428 Revere Road, stated she supports the proposed Prickett Preserve Development. She stated there will be traffic implications, but they are not insurmountable. She stated there will be many benefits offered by this well-planned, upscale concept for land. She stated many residents seem to feel that any and all growth in the Township is a bad thing, but she does not agree. She stated this is not just growth – it is an enhancement, and it will add value and desirability to the community in a way that suits the area’s character and fits the needs of many families. She stated we have one of the nicest communities in the area, but one of the “worst, oldest High School facilities when compared to nearby Districts.” She stated we need another source of Revenue besides increasing our Property Taxes. She stated for these reasons and others she supports the proposed plan for our community.

Sean Wagner, 564 Countess Drive, stated he is in support of the proposed development and has owned his house for twenty-two years.

Bruce and Dorothy Johnson, 1415 Pheasant Run Circle, stated they strongly object to the Board approving the Zoning Change for the thirty-five acre Prickett Parcel now Zoned as Office/Research to be changed to Mixed-Use Overlay which will result in the building of Prickett Preserve. They stated this approval will inevitably lead to other developments seeking similar Zoning changes that will result in the over-Commercialization of our “serene Township.” They stated we do not need or want the additional commercialization of the Township.

Linda Gordon, 1111 Randolph Drive, stated the holiday season is the busiest time for shopping at Wegmans; and this coincides with Shady Brook Farm’s Christmas light show. She stated the traffic jam this will cause will be “atrocious,” and it is a bad idea to have Wegmans there. She stated it is a “fantasy” to think that people in the income group that this apartment builder is targeting would want to rent. She stated his track record from previous apartments is “questionable.” She stated she read that other apartments were built with such thin walls that their neighbors can hear each other. She stated she does not trust his assessment as to their appeal nor their quality. She stated this “entire project should be scrapped.” She stated residents of Yardley Hunt are going to be “trapped” in their development due to the amount of traffic this will create when trying to access 295.

Ms. Tierney stated the length of the last e-mail will probably go beyond the three-minute limit; however, Dr. Weiss advised Ms. Tierney that she could read it into the Record.

Beverly Bujanowski, (no address given) stated she is a twenty-four year resident and taxpayer in Lower Makefield Township. She stated she has a strong opposition to amend the Township Zoning Ordinance to allow for the Mixed-Use Overlay District as discussed at the Town meeting of August 24, 2020. She stated during that meeting she listened to “DeLuca, the developer, provide meager and sometimes anecdotal data” to support the construction of Wegmans supermarket, apartments, and unnamed retailers. The data was “conditional to best-case scenarios” and offered limited financial benefits to the Township; but proposed “risk concerns and loss of community character to effect the residents of Lower Makefield.” She stated she never heard DeLuca acknowledge the economic impact of COVID-19 and how the Pandemic with long-reaching implications alter their projections or to existing businesses. She stated she is concerned about the potential negative effects of the re-Zoning approval including the loss of overall community character, the impact of existing supermarkets,

restaurants, Shady Brook Farm, and the development of land that will most likely increase traffic as a study of five intersections is not sufficient. She is also concerned about the decrease in the market value of nearby homes, and an apartment complex that is planned without regard for the economy and community impact.

Ms. Bujanowski asked that the Board listen to the data presented by the Temple economist, Simon Hakim, that depicted the more likely outlook of re-Zoning approval versus developer data. She also asked the Board to listen to the concerns and questions of attorney Goldberg as communicated on August 24, 2020 during the Town meeting. She stated she is a thirty-plus year human resources leader and can attest that the data that a young professional could afford either a \$1,900 or \$2,900 monthly rent even if shared, is “deeply flawed.” She stated the National Association for Colleges and employees cites recent college graduate salary of \$53,617 annually, and a student loan debt is approximately \$400 a month on an average PA student loan debt of \$38,521. She stated she “doubts that young professionals can afford such rates.” She stated PA unemployment was reported at 13.7% in July, 2020 up 9.3 percentage points from July, 2019. She stated considering that COVID-19 was “untended retirement savings and organizations are reporting a 15% increase in defined-contribution plan hardship withdraw and a 12% increase in employee loans.” She asked that they ask friends and families how their investments have fared over the course of 2020, and she doubts that retirees will want to downsize to a \$2,900 per month apartment.

Ms. Bujanowski stated the arguments to support the construction of an apartment would be “laughable if not for the burden that will be left for the Town residents while the developer walks away without a concern but a fat wallet.” She stated she is concerned by the considerations of the DeLuca proposed development by the Board of Supervisors. She stated the “BOS does not truly seem to care” for the long-standing businesses such as Shady Brook Farm, McCaffrey’s as well as numerous restaurants especially in a COVID-raged economy. She stated she does not feel they really support small businesses in Lower Makefield but are “willing to take a huge gamble on an Overlay ambitious development that will forever change the Township Zoning” She asked that they decline to amend the Township Zoning Ordinance to allow for the Mixed-Use Overlay District. She stated we do not need Wegmans, apartment buildings, traffic, or reduced value of property. She stated she is concerned that “our comments are a moot issue.” She stated if she were to Google Lower

Makefield Wegmans, she sees that “Store Opening Hours.com lists Wegmans at 930 Stony Hill Road, Yardley hours to be determined.” She stated she is opposed to the re-Zoning and asked that her letter be read at the Town meeting on August 31, 2020.

MOTION TO CLOSE THE PUBLIC HEARING

Mr. Grenier moved, Mr. McCartney seconded and it was unanimously carried to close the Public Hearing.

APPROVE ENACTMENT OF THE PROPOSED OVERLAY ORDINANCE

Dr. Weiss stated a Motion to approve has been made.

Mr. Grenier stated during the process some questions were brought up, and he feels that there was a consensus by the Board on a height restriction that was put forth by the EAC; and that would not involve the need to re-publish. He stated the Section was 200-50.9 and it was specific to the cupolas, etc. He stated it seemed that the Board was in agreement with a height restriction, but they had not come up with a specific number.

Ms. Kirk stated after that meeting she and Mr. Majewski had a discussion, and Mr. Majewski set forth some language that is similar to what is already in the Zoning Code under 200-78A where at the end of the sentence that says, “decorative cupolas, spires, or clock towers,” to add “if permitted by the Board of Supervisors during the process of reviewing and approving a Subdivision or Land Development Application.” She stated that would enable the Board of Supervisors to make the decision as to whether the maximum height at the time of Land Development should be as set forth in the proposed Ordinance.

Mr. Grenier stated he believes the building height requirement is 50’; and he asked if a future developer came back and indicated they wanted a cupola, and the Board were in favor of it going to 65’ but not 70’ if the developer felt 70’ was absolutely necessary but the Board disagreed could the developer “push back” on the Township from a legal perspective. Ms. Kirk stated she feels if they have this general provision and the decision made by the Board was based on the Testimony and reasonableness, the Board would have a greater chance of prevailing as it is left within the discretion of the Board to make that determination.

Mr. Grenier stated the other request he had at the last meeting was with regard to the map that was shown where the lines went outside of the O/R District, and he wanted to have it cropped to just the parcels so that there was no confusion. Ms. Kirk stated she and Mr. Majewski discussed this, and Mr. Majewski has a cleaner version of the map that can be attached to the Ordinance if and when it is approved. She stated a final version of this Ordinance will be filed with the Bucks County Law Library as required and that would have the map attached to it.

Mr. Grenier stated there were comments about families coming in and having “lots of kids and multi-generations and a lot of people living in a two-bedroom apartment.” Mr. Grenier stated he believes the number of inhabitants is driven by the IPMC. Mr. Majewski stated it is the International Building Code. Mr. Grenier stated he believes that is driven by square footage and number of bedrooms, and he asked Mr. Majewski to elaborate as to how many people could legally live in a two-bedroom apartment; and Mr. Majewski stated he would have to look that up. Mr. Majewski stated the Township currently uses the 2015 International Building Code.

Mr. Grenier stated there has also been some discussion about parking spaces. He stated the proposed Ordinance has parking spaces at 9’ by 18’ which is fairly standard. Mr. Grenier stated the CTC and the Planning Commission did mention 20’ by 10’. He stated in our design standards for parking spaces under General Parking Requirements in our current Code, not the Overlay, the dimension is 10’ by 20’ unless approved by the Board of Supervisors during Subdivision/Land Development. Mr. Grenier asked if they can call out a different parking space size requirement in the Overlay than what is in the SALDO. Mr. Majewski stated it is in the Zoning; however, they can specify the size in the Ordinance. He stated he would like to change the Ordinance to go with the 9’ by 18’ spaces since it saves overall impervious surface for a development. He stated almost every development that has been done in the last twenty years has gone with the 9’ by 18’ spaces. Mr. Grenier stated he also likes the 9’ by 18’ over the 10’ by 20’ because 10’ by 20’ would drastically increase the impervious surface area which would require additional stormwater management. He stated this would just be to allow for larger cars that produce more greenhouse gases. Mr. Majewski stated the effect on impervious surface by using 10’ by 20’ versus 9’ by 18’ is a 23% increase in impervious surface. Mr. Grenier stated he would be in favor of keeping it at 9’ by 18’.

Mr. Majewski stated he understands the Planning Commission indicated that in the most-frequently used spaces up near the store entrance where there is a higher turnover, they would prefer to see larger spaces; and he feels that is reasonable and should be considered during the Land Development process.

Mr. Ferguson stated the Board has the right during Land Development if it is interested in 10' by 20' spaces in the front row, to require that of the developer regardless of the 9' by 18' designation. Mr. Majewski stated it is a minimum number; and if the Board feels that 10' by 20' would be more appropriate for a certain number of spaces, they could require that.

Mr. Harris stated Wegmans would like it to stay at 9' by 18' because they sense that is the standard in this day and age, and they also want the additional parking. He stated in the long-run it reduces the impervious surface and the need for stormwater controls.

Mr. Grenier stated there is currently an open Motion on the Table. He asked with regard to the height restriction and the map, would they need to amend the Motion to include that information, and Ms. Kirk stated there is a Motion on the floor to consider the Ordinance in its present form, and there was a Second to that Motion, and they should Amend the Motion so there is a clean record as to what is being reviewed.

Mr. Grenier moved, Mr. Lewis seconded and it was unanimously carried to amend the Motion to approve the Ordinance as drafted with the following two revisions:

- 1) Under Section 200-50.9 regarding the maximum building height that should not apply to historic buildings to be preserved and decorative cupolas, spires, or clock towers shall be changed to include "if permitted by the Board of Supervisors during the process of reviewing and approving a Subdivision or Land Development Application;
- 2) A copy of the map of the effected areas under this Ordinance should be attached to the Ordinance for public review if approved.

Mr. Grenier stated this has been a long, thought-out process, and he feels there have been many items brought to the Table by many different people who were both for and against the Ordinance. He stated he feels that when there are thoughtful, opposing views with thoughtful argument, it makes it better. He stated initially when they saw the draft Ordinance, he feels there were items that went too far in certain directions; and as a Board they worked hard to come up with a much better Ordinance that protects the Township and promotes smart, sustainable development in the area. He stated the comments that they got from Mr. Goldberg and who he represents made the Board look into the details and made it a better Ordinance.

Mr. Lewis stated his position has not changed much, and he plans to vote “no” on the Overlay. He stated he has concerns about the immediate potential for litigation and some of the unintended consequences on other parcels in the area. He stated it is hard to offer predictions as to what is likely to happen, but upon receiving additional insights in grocery store demand he feels that one grocery store “will go down most likely Giant.” He stated he is also concerned that a number of “take-out places will get taken out.” Mr. Lewis stated with regard to the 55,000 square foot Retail that is separate from the Wegmans he does not know that is likely to get built for a very long time as he does not feel they have processed exactly what has happened with COVID and its impact on Retail which is in “really dire straits, and there will be a lot more wave of bankruptcies in the Retail space.”

Mr. Lewis stated the development we are going to get is not truly Mixed-Use and it will be a grocery store and apartments which may be fine for some. He stated he is concerned in general because we have already gotten requests from Shady Brook Farm, and he feels Jefferson/Aria will be looking at this. He stated the owners of the two parcels that contain the Giant and McCaffrey’s have already asked to “be given the chance to compete fairly in terms of square footage with Wegmans.” Mr. Lewis stated someone could make the case that he is wrong on a number of factors as this is not an easy decision. He stated he feels the collective discussion has made the Ordinance significantly better and reduced a number “of his risks.” He stated while he is voting no, he is not quite as worried about the traffic as he once was so he is hopeful on that. Mr. Lewis stated if this is approved and there is significant litigation, it may delay the overall end date.

Mr. Lewis stated it is also frustrating that “we were so afraid of litigation two weeks ago that we left \$15 million on the table, and now we do not care about litigation.”

Mr. McCartney asked if litigation would be against the Township or the developer, and Ms. Kirk stated it could be someone filing litigation against the Township for approving the Overlay. She stated she does not believe it would be against the developer at this juncture. Ms. Kirk stated she would not be able to tell how anyone could prevail based on some of the research she has done preliminarily. Mr. McCartney stated there is no data saying that if someone were to bring litigation against the Township based on the Zoning Overlay that they would be successful, and Ms. Kirk stated there was not that she was able to readily find.

Mr. Lewis stated he has heard from a couple different lawyers so he has gotten different perspectives. He stated while he is not a lawyer, he cannot tell the outcome of any litigation. He stated it could be resolved quickly depending on the Judge and the circumstances as to how the Case is brought up, but it may not; and he does not have an assessment of that.

Mr. McCartney asked Mr. Lewis why he would bring that up if we have an attorney that is on staff telling us that there “would not be, and he is bringing outside information that there would be.” Mr. Lewis stated a couple weeks ago he was told “that the mere whiff of litigation on potentially a much-larger deal stopped us from taking the best Bid possible.” He stated here “we have more than a whiff of litigation, because we have initial letters saying they want the same treatment or that they are not happy with this.” He stated he feels this is a lot further along than “just a hint.” He stated he feels here it is more likely that it is the case that we will have litigation.

Mr. McCartney asked Mr. Lewis if he knows specifically what the parcels are currently Zoned where the Giant and McCaffrey’s are located, and Mr. Lewis stated they are C-1. Mr. McCartney stated they are not O/R so for them to ask for an Overlay that we are doing in an O/R District is kind of “misleading.” Mr. Lewis stated they are asking for the same treatment. Mr. McCartney stated they are not in the O/R District so that is not the same treatment. Mr. Lewis stated there are properties that are within ten feet of the Overlay that “are not getting the treatment, and have asked for the treatment.” Mr. McCartney asked if we received letters this week from them.

Ms. Kirk stated they have received letters, but none of the proposed interested Parties have filed a formal Petition for this, and nothing has been filed with the Township. She stated a mere letter is not a sufficient Petition to the Township to ask for the same treatment.

Mr. Grenier stated as to Mr. McCartney's question as to why we would anticipate potential litigation, he feels it is less about the letters that we have received it is the fact that there is a lawyer who is in opposition participating in this meeting who represents people; and that could lead to litigation.

Dr. Weiss asked Mr. McCartney if he had any further questions, and Mr. McCartney stated he wanted to know what the source of Mr. Lewis' thought process was. He stated Ms. Kirk has indicated that there is minimal risk for litigation on something like this; however, Mr. Lewis stated that is not what she stated. Ms. Kirk stated she did not say that there is no risk of litigation as "anybody can sue anybody for any reason." She stated based on what she has seen so far, she does not see that a person who filed against the Township because they approved this Ordinance would be able to prevail. She stated she cannot give a guarantee.

Ms. Blundi stated while she is not a Land Use attorney, you can sue anybody for anything, but it does not mean that you are going to win. Ms. Blundi stated she does not know why we are still talking about the "unmarked envelope that appeared at the Township that was clearly not a Bid." She stated this has been a very long process which started when Mr. Grenier was Chair. She thanked everyone for all the hours that they put in to make sure that we had a thoughtful, deliberate process. She stated she feels the matter has been fully discussed.

Ms. Blundi stated she personally is concerned about the warehouses, and she is "startled when people say the warehouses are not real especially since it is a Use as of right and it has made it far along the process, and she is more startled when people tell her they would rather have trucks coming up and down our roads" and smaller trucks taking stuff from the warehouses and delivering it all around, and "that is a better look for them than Mixed-Use."

Ms. Blundi stated some of the comments she has heard tonight and throughout the process have made her "sad the way they talk about potential renters especially in such a high-end development confuses her." Ms. Blundi stated she hopes everyone will be able to move forward once the vote tonight happens.

Dr. Weiss stated he is "a little sad too knowing that the apartment complex which he lives in is considered a slum by a few." He stated he finds it to be a wonderful place to live, and he pays well over \$2,000 a month for his two-bedroom, one and a half bath apartment. He stated he has wonderful neighbors; and in the

community of about two hundred and forty apartments, there are about thirty children of which approximately twenty are School age. He stated he has no problem getting in and out and he lives within feet of the Borough which has beautiful Commercial areas that he walks to; and he looks forward to seeing the same type of development in the Township between a Corporate Center, a major Interstate highway spur, and with a pedestrian walkway into the Historic Village.

Dr. Weiss stated he knows that the infrastructure that will support this development will be sound. He stated he understands that the DEP has made comment with regard to the Sewers, and there is ample capacity for the Sewer system. He stated he is sure that PECO will work with the developers to ensure that the grid is sound. He stated he feels that the apartments will be of high quality. Dr. Weiss stated he has seen what Mr. Dwyer's group has built, and he has no "qualms" with the Zoning. He stated he has heard those who opposed the development based on the traffic which has been taken care of. He stated the Township engages a Traffic engineer who has ample experience with PennDOT and safety engineering, and he has total faith in his abilities, and he has guided us through this very complex issue. Dr. Weiss stated Mr. Majewski is our Planner, and he has worked tirelessly over a year to make sure that we do not get "into any pitfalls." Dr. Weiss stated he is weighing his decision based on professionals and not on "scare tactics or what one business will do over another business, and definitely not over if somebody sues us for acting within the Law and making a proper decision."

Motion carried passing the Ordinance for the Overlay in the O/R District as amended with Mr. Lewis opposed.

There being no further business the meeting was adjourned at 11:01 p.m.

Respectfully Submitted,

James McCartney, Secretary