

TOWNSHIP OF LOWER MAKEFIELD
BOARD OF SUPERVISORS
MINUTES – JUNE 19, 2019

The regular meeting of the Board of Supervisors of the Township of Lower Makefield was held in the Municipal Building on June 19, 2019. Mr. Grenier called the meeting to order at 7:30 p.m. and called the Roll.

Those present:

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

Others: Kurt Ferguson, Township Manager
David Truelove, Township Solicitor
Andrew Pockl, Township Engineer
Kenneth Coluzzi, Chief of Police

COMMUNITY ANNOUNCEMENTS

Mr. Grenier stated the Zubaida Foundation will be having an Open House on June 23 from 2 p.m. to 5 p.m., and more information can be found on their Website.

Mr. Grenier stated the Pool is open and swim lessons are ongoing.

Mr. Grenier stated Josh's Squad House is having an event on June 29 from 10 a.m. to 5 p.m. at Edgewood field, and he reviewed events that will be taking place that day. More information can be found on their Website – Joshssquadhouse.org. Ms. Tyler stated they are still looking for volunteers to help with the event.

Mr. Grenier stated the Yes You Can 5K will be held on Sunday, October 6, 2019 at 9 a.m.; and it supports all Pennsbury PTOs. He stated there will be a public servant division which includes all elected officials, and he will be taking part.

Mr. Grenier stated he will be providing information at the next meeting about the Kayden's Korner fundraiser to be held late summer/early fall.

Mr. Grenier stated the Township found out today that the Oxford Valley Road Conservation Easement (silt pile) was approved by the Bucks County Commissioners. There is still some administrative work to be done.

PUBLIC COMMENT

Mr. Harold Kupersmit, 612 B. Wren Song Road, asked if the Board will have one or two meetings during July and August; and Mr. Grenier stated they will have a meeting on July 3, and after that they will discuss what their schedule will be for the remainder of the summer. Mr. Kupersmit discussed his prior arrest and filing a Motion against the IRS. He advised Chief Coluzzi to disregard any arrest warrants against him or his wife.

Mr. Ethan Shiller, 1578 Willow Pond Drive, stated he has been a resident since 1992 and was the Chair of the Township's Budget Advisory Board for almost twelve years. Mr. Shiller stated the Board gets to impose the three minute Public Comment limit based on their own views as to what they want to hear or not hear; and if they do not like something, they shut it down. Mr. Shiller stated Mr. Ferguson, the Township Manager, is from Newtown and not Lower Makefield. Mr. Shiller stated Mr. Grenier's monologue at the prior meeting was inappropriate to tell any Township resident that they should not call the Township Building and complain. He stated the problems with the Township which include the two-week delay at the Pool, the Dog Park being over budget, or the fact that the Community Center was not appropriately planned should be complained about. Mr. Shiller stated if any resident has a problem, they should call Mr. Ferguson. Mr. Shiller stated Ms. Tyler was wrong in telling him that as a resident he cannot help the Board provide an appropriate Motion that the Board should be evaluating the Lower Makefield Sewer Trust Fund. He stated the Township Manager on April 17, 2019 stated, "It was my recommendation to evaluate the sale of the sewer system to the Board." Mr. Shiller stated Mr. Ferguson did not include language that he wanted to lease it or that there be a third-party operation, and he did not include the benefit of any proceeds or earnings to the "tax, sewer payers for Lower Makefield Township." Mr. Shiller stated he wants each Board member to consider that. He stated the Board had \$7,500 to evaluate the sale, and they have money to spend on "specific groups within Lower Makefield Township whether it was BRRAM, and their legal fees, the Golf Course and legal fees there, and it is everything you want." Mr. Shiller stated the Board told him that they do not have \$3,500 that would benefit the majority for an evaluation.

Ms. Beth Cawley, James Court, asked Mr. Ferguson the total debt of the Township; and Mr. Ferguson stated if you factor in principal and interest, and total debt of the Township is slightly less than \$52 million. He stated the principal on the debt is \$38 million, but if you run the debt out to include interest, it would be just under \$52 million.

Ms. Cawley suggested that a monthly letter be mailed out to all residents listing any proposed actions in the Township before they are voted on. She stated she does not believe that people have the time to come to the Board of Supervisors' meetings twice a month, but would very much like a monthly summary of things that will be voted on which may increase their taxes. She stated the quarterly newsletter is a "nice, glossy, feel-good newsletter, but it is more a PR document;" and it does not tell what they are voting on or what might increase taxes.

Ms. Cawley stated with regard to evaluating the sale of the Sewer system, it would be a good idea to have a resident task force made up of individuals with financial expertise to review the PFM initial evaluation of the Sewer system and subsequent phases if they were to occur. She stated she does not believe the people on the Board of Supervisors have a financial background, and the analysis of something as large as the sale of the Sewer system to a for-profit company is able to be analyzed by people without a financial background. Mr. Lewis stated while he is open to that discussion, some of the Board members do have a financial background. He stated he personally served two Secretaries of the Treasury in Washington and worked during the financial savings and loan bailout. He stated he also has worked for banks. Ms. Cawley stated Mr. Lewis is just one of five Supervisors. Mr. Lewis stated Ms. Cawley should not assume that other Board members do not have financial skills as well. Mr. Lewis stated Dr. Weiss runs a successful dental practice, and he has financial skills. Ms. Cawley stated she is still asking if there could be a resident task force of people with financial backgrounds that could work along with the "people in the sewer group," to analyze the numbers rather than the Board of Supervisors taking on this decision that will impact and probably raise peoples' taxes for the next thirty years. Ms. Cawley stated they can make it "seem like there is the teaser rate that will come in first," but public utilities can increase rates every year.

Mr. Grenier stated he worked with public utilities reviewing their rates so he is aware of how that works. He stated the Sewer Authority is made up of professionals, some of whom have a financial background; and there is also the Financial Advisory Committee where almost everyone on that Committee has a financial background. He stated they also have the Sewer Sub-Committee. He stated all of those groups are involved with reviewing this, and they have also hired professionals, PFM, who do this for a living; and they will provide guidance as well.

Mr. Grenier stated there will therefore be a large group of people reviewing this, and it will be publicly vetted over an extended period of time. Ms. Cawley asked the amount of time that the public will have to make comments once they know the specifics and hear the options. Mr. Grenier stated there will be a presentation at the next meeting of the initial analysis; and depending on how the Board votes to move forward, there will be several months where they will be going through the process.

Ms. Cawley asked about her idea to send out a monthly letter which would be an “inexpensive piece of paper.” She stated the Township is top heavy with Seniors, and perhaps they are not going on the Website to look at all the plans. Mr. Grenier asked Mr. Ferguson what it would cost to send out a monthly newsletter to all of the residents. Mr. Ferguson stated the letter would have to be sent out to approximately 12,000 households. He stated they would have to dedicate a staff person specifically to handle that mailer. He stated postage would be approximately \$7,000 a month so it would cost approximately \$85,000 a year to do a monthly mailer. Ms. Cawley stated that “is cheap compared to \$52 million in debt, and for people to really know what is going on in the Township, and to have transparency.” Mr. Ferguson stated he understands Ms. Cawley is looking for an update on all of the “doings of the Township,” and Ms. Cawley stated she is looking for it to include what is going to be voted on that is going to impact taxes since every year taxes are going up, and she does think there is “transparency with this Board at all.” Ms. Cawley stated she is not including Mr. Ferguson “because he is new to the operation.”

APPROVAL OF MINUTES

Ms. Tyler moved, Ms. Blundi seconded and it was unanimously carried to approve the Minutes of June 5, 2019 as written.

APPROVAL OF WARRANT LISTS MAY 20, 2019, JUNE 3, 2019, AND JUNE 17, 2019

Ms. Blundi moved, Dr. Weiss seconded and it was unanimously carried to approve the Warrant Lists of May 20, 2019, June 3, 2019, and June 17, 2019 as attached to the Minutes.

APPROVAL OF MAY INTERFUND TRANSFERS

Ms. Blundi moved, Dr. Weiss seconded and it was unanimously carried to approve the May Interfund Transfers as attached to the Minutes.

PRICKETT RUN AT EDGEWOOD PRESENTATION

Mr. Grenier stated the developers have asked to come before the Board to give a conceptual presentation of what they would like to do, and this is not a “land use approval process at all.” He stated anything the presenters would like to do in the future would have to go through the formal Land Development process including Planning Commission approvals, the Zoning Hearing Board if Variances are required, and the Board of Supervisors.

Mr. Vince DeLuca, principal with DeLuca Homes, stated he is present with his partner, Mr. Joe DeLuca, their partner in the Prickett property, Bob Rosenthal from Envision Land Use; and the adjacent property, Equus/Capstone is represented by Mr. Bob Dwyer who is also present this evening.

Mr. DeLuca stated they would like to share their vision for what the Prickett property could be. He stated Prickett Preserve at Edgewood is a vision to create a Retail use along with a-high end Residential, luxury apartment use to create a live, work, and play neighborhood. He stated they propose to preserve the existing farmhouse and the barn as shown on the slide. He stated the Prickett property dates back to the 1700s; and the Pricketts purchased the property in 1962, and ran a high-end, luxury antique for-sale business. He stated the barn was renovated and is in impeccable shape. He stated the barn and the house are the core elements in the Retail village, and the plan it to preserve them along with some specimen/heritage trees that are 37” to 50” in caliper.

Pictures of the house and the barn were shown, and Mr. DeLuca stated they will anchor the community-gathering area which will be developed for the community and interact with the Retail Village. The surrounding area was shown of buildings dating back to the 1700s as well as the new townhome community at Flowers Field and historic Edgewood Village. He stated Shady Brook and the office buildings are all part of the general area.

Mr. DeLuca stated the site they are discussing is at the intersection of Stony Hill Road and Township Line Road, and it is approximately 36 acres. He stated the Prickett portion is to the left of the slide, and pictures of the existing house and the barn were shown as well as the three main trees they plan to preserve which are over 100 to 200 hundred years old.

Mr. DeLuca showed a slide of their vision of the preservation of the house, barn, and the three trees anchoring the community center showing a stage area, a terraced lawn area, and a fountain area as part of the Retail vision. He stated this would be an area for the community to gather. He noted an area of parking which could be closed off so that from the water feature through the gathering area down to Stony Hill Road

it would be open and available for community functions. The Retail portion of the proposal was shown in red. Mr. DeLuca stated the anchor shown at the top left-hand corner of the slide is planned to be a Wegmans grocery store and café with whom they have a signed agreement, and Wegmans is excited to be part of the Township community.

A slide was shown of the proposed high-end, luxury apartments. He stated they share with the Residential portion a common driveway entrance that will be signaled and will include the Shady Brook Farm entrance. He stated they also have two other entrances along Stony Hill Road, one to be right-in, right out, and one could be closed off if necessary during certain events to be held in the gathering area. Mr. DeLuca stated if the Board is inclined to have them proceed, they will work with a traffic engineer to have the trips analyzed, and they will accommodate any improvements that need to be made because of traffic.

Mr. DeLuca stated at a minimum, their plans are to have pedestrian access between the existing Lower Makefield Corporate Center and the proposed Retail center; and they are discussing with them having vehicle access as well.

Images were shown as to how they see the Retail buildings being developed, and they are open to suggestions from the Board and community. He stated they see the architectural styles as being compatible and blending in with the Retail center in Lower Makefield. Images of the gathering area were shown including the water feature, the open lawn area, and the stage area which could be utilized by the community for various functions. An aerial perspective was shown as well. He stated they hope to work with the Township and their Boards to provide some historical perspective and have some plaques placed on some of the buildings in the area outlining the history of the site.

Mr. Bob Dwyer stated with regard to the Residential portion, Equus has developed 16,000 apartments all across the United States; and this is project they have been trying to start in the Township for several years. He stated what they are showing on the slide is a project they built in New Britain Township. He stated the proposed square footage of the apartments would be 800 to 1,300 square feet, and the rent would be over \$2,000 per month. He stated it will include a significant club house; and it is a cutting edge design that attracts both empty-nesters and young professionals which they hope to draw to this live, work, and play environment.

Mr. Dwyer stated he feels this Use is supported in the Comprehensive Plan and the Edgewood Village Study that having something within walking distance of the Village is important. He stated this project is within a ten to fifteen minutes' walk.

He stated it would require them to do some improvements to the bike paths. He also stated the bridge crossing I-95/295 will be part of the proposal to connect this Mixed-Use development with Edgewood Village to help both the Historical District and the Corporate Center. He stated the Corporate Center was a project they owned at one point in time, and the vacancies were high because people wanted to be able to go somewhere. Mr. Dwyer stated with this Mixed-Use project it will not only decrease the vacancies of the Corporate Center, but it will also assist in making Edgewood Village a much more pleasant place to be since there will be a walkable way of getting from there to anywhere else in the Township once they have the connection over 95.

A Context Plan was shown of the various proposed and existing uses. He stated it is a mix of Residential, the Historical Village, open space, the Patterson Farm, Shady Brook Farm, and the Corporate Center. He stated the proposed Residential/Retail Mixed-Use project is the missing link between the Village and the Corporate Center. He stated he feels a lot of planners would advise that this is an important “hole to fill,” in order to create some synergy between the Corporate Center and Edgewood Village.

Mr. Dwyer stated they are looking for feedback from the Board and the community. He offered to meet with residents, business owners, and anyone who would like to learn more about the details including the Board of Supervisors and the Planning Commission. He stated they would have to create an Ordinance to allow for this since currently they are not permitted to do this since it is not Zoned for this Mixed Use, and it requires a map and text amendment. He stated they would be generating an Ordinance for the Township staff, consultants, the Planning Commission, and the Board of Supervisors to review. Mr. Dwyer stated they will also have to do traffic studies, environmental impact statements, and a lot more engineering as they go through the Land Development process.

Mr. Dwyer stated if they do not move forward with this, they will have to proceed with an alternative, which they are not really in favor of. A slide was shown of the various consultants who have been involved with the proposal to this point.

Mr. Truelove stated any questions posed by Board members this evening does not indicate anything other than following through on the concept, and the Board is not committing to anything. He stated any statements made or questions asked tonight should not be seen as binding by an individual Board member or the entire Board other than to see what the concept is about.

Mr. Grenier stated they have obviously done a lot of work to make this presentation, and it is rare for the Township to see this much work being done at this phase of the development at this point in the process. Mr. Grenier stated they have indicated they will preserve the barn and house, and Mr. DeLuca stated currently both buildings are in very good shape. He stated the house is approximately 2,000 square feet; but since it is historic with lower ceilings, it is not conducive to a Retail Use. He stated they propose that it would be a professional office for a sole provider with two to three employees or possibly a management office for the Retail center. He stated they feel the barn has a lot of potential. He stated they have had discussions with a few restaurateurs about doing a high-end BYOB. He stated hopefully at some point Lower Makefield will have liquor, and then they feel they could get higher-end restaurants; however, in the interim, the preferred use for the barn would be a higher-end BYOB. Mr. Grenier stated they are not proposing to let it sit vacant, and Mr. DeLuca stated they will not. Mr. Grenier asked if there are any other buildings on the property; and Mr. DeLuca stated there are several others including a garage with an apartment over it, a chicken coop, etc.; but they are not planning on saving any of those.

Mr. Grenier asked if they will put up a Heritage Tree sign with regard to the three Heritage trees they are preserving. Mr. DeLuca stated the three trees are in very close proximity to the existing buildings, and they integrate well with the community-gathering area they are proposing; and they feel they are well worth preserving.

Mr. Grenier asked Mr. Dwyer about the walking trails and the connection to Edgewood Village over the bridge. Mr. Dwyer stated the existing trail is on the opposite side of Stony Hill Road and it stops at the 95 Overpass. He showed on a slide the dotted line where the existing trail stops at the bridge, and they will have to do some work on the cross section of the road, re-pave the road, and do other work to get across the overpass and into the existing bike path on the other side that goes into Edgewood Village. Mr. Dwyer stated they have done a significant amount of work with their traffic engineer to see if this is feasible, and it is. He stated it needs to be done in a way that is a safe, comfortable environment for bikers and pedestrians. He stated they have a proposed cross section that will get a compliant bike path and help reduce the speed of vehicles going into Edgewood Village at the same time.

Mr. Grenier asked if they have done an analysis of the parking requirements and the other Planning and Zoning requirements. Mr. Dwyer stated they have created a Plan that works, is attractive, and meets all the requirements that the Wegmans and a development like this would require. He stated they have preserved open space and created parking based on guidelines. Mr. Dwyer added that it will require a new Ordinance that they will draft and submit to the Township and County for review.

Mr. DeLuca stated Bohler Engineering has done an analysis about the bulk requirements, and they have more parking for the Retail than would normally be required because of the grocery store requirements. Mr. Grenier stated the Township wants parking lots that work.

Mr. Grenier asked about stormwater management, and Mr. DeLuca stated they will comply. Mr. Grenier asked about sewers EDUs. Mr. DeLuca stated they understand that the Township is currently under a Connection Management Plan for sewers. He stated they will require a significant amount of EDUs and connections; and if they are directed to proceed and talk to the Planning Commission and other Boards in the Township, the sewer will be their top concern with regard to when sewers will be available.

Mr. Grenier stated they have been talking for the last two years about the Comprehensive Plan and any potential changes to Zoning they would go through would be in comparison to the Comprehensive Plan. Mr. Grenier stated he feels with regard to what has been done with the Comprehensive Plan, this proposal would generally be in line with that; subject to review.

Ms. Tyler stated when the Board was discussing the Comprehensive Plan, Mr. Grenier had proposed a change to this District which seems to be exactly in line with this proposal. Ms. Tyler stated the Comprehensive Plan should not be tailored to a developer's needs or wants, and it should be developed to "our citizens' rights." Mr. Grenier stated the language was written two years ago. Ms. Tyler stated she is speaking about the language Mr. Grenier re-wrote. Ms. Tyler asked if the presenters have met with any of the Supervisors, and Mr. DeLuca stated they met with four of the five Supervisors. Ms. Tyler stated they met with everyone but her. Mr. DeLuca stated he believed that. Mr. Dwyer spoke to Ms. Tyler on the phone; however, Ms. Tyler stated he did not about this proposal, and they spoke about the warehouse proposal.

Mr. Grenier stated the Comprehensive Plan language was written two years ago, and they went back to that language and did not write anything new.

Mr. Grenier asked what they have looked at from a traffic perspective for the area since they are all concerned about traffic in this general area. Mr. DeLuca stated they understand that traffic will be a question, and they have commissioned a Traffic Study. He stated counts were taken before School was finished, and the information is being put together. He stated preliminarily, there is no impact to the peak hour a.m. trips when you compare it to the 500,000 square feet of Office space that is currently permitted on the two parcels as opposed to what they are proposing. He stated there is also very little impact to the p.m. peak hour trips. He stated he does not yet have the

report, but it will be presented to the Township when they have it. He stated there would be additional traffic on Saturday compared to an Office Use since offices would not be occupied on Saturday; however, it is no more than what happens on five principal days of the week. He stated they understand that they need to mitigate the impact.

Mr. Lewis asked if there is a development of a similar type in the area so they have a frame of reference. Mr. DeLuca stated Valley Square in Warrington is a combination of Retail with some Office space. He also noted a project in Newtown Square which is a combination of Office, Retail, and Residential units. Mr. Dwyer stated there are others that are much more ambitious than what they are proposing as this is a downsized version of a mixed-use development. He noted the development in Cherry Hill at the Garden State Race Track that has three times the density which was done a number of years ago.

Mr. Lewis stated he is uncertain of the process. He stated Mr. Grenier had suggested that they would go to the Zoning Hearing Board and follow the normal process for a Variance. Mr. Dwyer stated it would not be a Variance, it would be a re-Zoning Ordinance that would need to be created. He stated they would not go the Variance route as that would be a very ambitious Variance request. Mr. Grenier stated it seems they will be requesting a re-Zoning which would have to go before the local and County Planning Commissions and then before the Board of Supervisors for approval. Mr. Lewis stated typically outside of a re-Zoning, they could make a case for hardship since Mr. Dwyer has made that case for many years about the change in O/R related to the marketplace. Mr. Lewis stated he now understands that they are asking specifically for a re-Zoning process; and Mr. DeLuca stated they believe that is the most efficient way, and the way which would provide the most involvement by the Township Boards would be to request an Amendment to the Zoning Code text and/or map Amendment for this specific site.

Mr. Lewis stated if they were to go that route, they would have a Sketch Plan 100% completed prior to an Ordinance in place; and Mr. DeLuca stated the Plan they have presented this evening is fairly well detailed and is probably “in good enough form” to do that. He stated if the Township would allow them to proceed in this fashion, they would present whatever Plan is necessary to make the Board comfortable. Mr. Lewis stated he has never done a re-Zoning of a parcel in his time on the Board.

Mr. Lewis stated with respect to the EDUs, this property is in the Bucks County Water and Sewer Authority District so it is subject to the development cap. Mr. Ferguson stated there is a CMP that outlines various allocations we have been provided. He stated because we are now in compliance with an Agreement and a 537 Plan, eventually the CMP list will go away for Bucks County communities that

are in compliance where DEP will get back to doing Planning Modules and reviewing Plans as they receive them. He stated the Township would have to track capacity from this point forward. Mr. Lewis stated that is good news given the timeframe the approval review process could take. Mr. Lewis asked how long it would take for the development and building of the project; and Mr. DeLuca stated he would assume approvals could take a little more than a year, and as soon as they had approvals and a considerable amount of the sewer capacity required, they would start the construction which would be a nine to twelve month period for the parking, landscaping, and other features. He stated the grocery store would not start construction until the site work was completed so that would be a year after they start work. He stated the grocery store would have an eighteen month time frame for their building. He stated Wegmans' proposal is to open the store in 2023. Mr. DeLuca stated they would probably open some of the Retail Village components in 2022.

Mr. Lewis asked the estimated daily traffic for the whole proposal. Mr. DeLuca stated while he does not have specific numbers, they have had a Traffic Report commissioned. He reviewed what he indicated earlier about the a.m. and p.m. peaks and that Saturday would be more heavily traveled compared to an Office use. Mr. Lewis stated with regard to the prior presentation for an apartment complex, the traffic was not as bad as some of the other uses for the land. Mr. Lewis stated they have proposed a light at the entrance which would be synched up for the access to Shady Brook Farm, and Mr. DeLuca agreed. Mr. Lewis stated they would also have to consider synching up the lights as they get to Newtown-Yardley Road, and Mr. DeLuca agreed there would probably be some timing issues with those signals. Mr. DeLuca stated some of the traffic may stay internal which ties into the live, work, and play concept; and for the pedestrian access they plan to connect the apartment, the Retail Village, and the Lower Makefield Corporate Center. He stated there will also be the walking/bike paths that will take people into Edgewood Village. Mr. Lewis stated those are key strengths for this development concept.

Mr. Lewis stated he understands that the Wegmans has long been interested in Lower Makefield, and there are other land areas they have considered. He asked how "tight" is their relationship with Wegmans in terms of the Agreement. Mr. DeLuca stated there are clauses that if the developer does not get approval, Wegmans would go away; however, other than that there is a signed Agreement from Wegmans although it does have some time constraints. Mr. Lewis asked if there is a "Plan B" if Wegmans does not go through since one of the benefits of the project is that Wegmans is a well-known grocery store brand. Mr. Lewis noted there may be other grocers who would be less appealing to the community than Wegmans.

Mr. Lewis asked about woodland preservation, and Mr. DeLuca stated from aerial photography and survey they have identified the woodland areas. He stated while they are close to meeting Ordinance requirements, one of the suggested revisions to the Ordinance for this Mixed Use would be a reduction in the preservation of woodlands; but they are making an effort to save what they would consider to be specimen/Heritage trees.

Mr. Lewis asked what would be required in the re-Zone that would vary from the current O/R Zoning. Mr. Lewis stated he feels it would be the Land Use type, and they are now suggesting woodland preservation. Mr. DeLuca stated they believe they will need to increase the permitted woodland disturbance to make this work. Mr. Lewis stated there are some benefits as to where they have the placement of the Wegmans up against the highway. Mr. Lewis asked if there would be any changes to the setbacks, and Mr. Dwyer stated most planners would suggest that the setbacks be reduced because you would want Retail close to the sidewalks. He stated the changes they would suggest would be consistent with what you would expect to see in a Mixed-Use, walkable, pedestrian-friendly community that they are proposing. He stated the details of all of this will have to be worked out in the Ordinance.

Mr. Lewis stated the Aria property owned by Jefferson is across from the Lower Makefield Corporate Center. He stated they are only asking for a re-Zoning for their own land, and Mr. DeLuca agreed. Mr. DeLuca stated they are tying their proposed Mixed Use community to its relationship to Edgewood Village, and the walking distance of 2,500 feet which is a comfortable walk for pedestrian access. He stated they are suggesting that the Overlay District/Text Amendment/Map Amendment property have some relation to the 2,500 foot distance.

Mr. Lewis asked if the Township will incur any possible contingent liability from other landowners in the area who might say that they would suffer adversely from this or are getting disadvantaged by it. Mr. Truelove stated he cannot answer that based upon what he has heard this evening; and while his initial response would be “no,” he does not want to commit one way or the other tonight.

Dr. Weiss asked if the Traffic Study shows that major changes need to be made to Stony Hill and/or Township Line Road, would they be willing to “help out.” Mr. DeLuca stated they realize that there could be a traffic impact that they would have to address and mitigate. He added that Stony Hill Road is a PennDOT road so they will

need to submit PennDOT Applications, and PennDOT will have comments about what and how they will develop and the signalization and timing of intersections. He stated they will comply and obtain the appropriate PennDOT Permits needed.

Dr. Weiss asked Mr. Dwyer how many apartments are proposed. Mr. Dwyer stated they propose 100 one-bedroom apartments and 100 two-bedroom apartments. Dr. Weiss asked Mr. DeLuca how many stores he proposes in the Retail boxes, and Mr. DeLuca stated the Retail Village is approximately 55,000 square feet of space. He stated they have not actively solicited any users yet, and they were waiting to get feedback from the Board and the community. He stated a big variable is liquor; and if they are able to time it where Liquor Licenses might be available, they believe they could get some higher-end, upscale restaurants. He stated there could be two to three of those from 5,000 square feet to 7,500 square feet. Mr. DeLuca stated the boxes seen on the Plan are set up to be subdivided or to be single users. He stated they do have a couple of years before they need to commit to a tenant for some of the spaces.

Dr. Weiss asked if they have talked to the owners of the existing Office complex about the project; and Mr. DeLuca stated he and Mr. Dwyer have met with their Project Manager, and he believes they are “on board” with pedestrian access. Mr. DeLuca stated he also suggested that there be vehicle access, and they are considering that but have not committed to allowing that at this point although he hopes they will see the benefits of vehicles traveling back and forth between the Retail Village and their Office community.

Dr. Weiss stated he understands there are different sizes of Wegmans, and Mr. DeLuca stated Wegmans wants 100,000 square feet at this location. He stated their largest store is 120,000 square feet so this would be slightly smaller than their largest store.

Ms. Blundi stated this is an interesting proposal, and they have heard about the changing demographics as to how people want to live and work in mixed environments. She stated they have also heard that a number of the Office parks along this strip having had difficulty maintaining occupancy, and that part of the reason was because they were isolated. Ms. Blundi stated she is a proponent of biking/walking paths. She asked Mr. Dwyer if he is saying that the overpass over 295 will be changed in such a way that there will be a safe parallel section. Mr. Dwyer stated the cross section of the current bridge allows for a number of things that would be compliant with PennDOT standards. He stated they would take out the paving and re-work the geometry of the lines, shoulders, barriers, and pavement sections for a bike path/pedestrian path; and it would all comply with a standard which PennDOT has accepted in the past. He stated

their intention is to get people across the bridge safely and comfortably, and it will be a connection that has been missing in the Township. He feels this is a critical link to help Edgewood and the Corporate Center create some synergy.

Ms. Blundi stated they want to have increased transparency about “things that are being looked at and being worked on.” She stated she looks forward to seeing more specifics as they go through the process.

Ms. Tyler called for a show of hands from those in the audience in favor of the proposal, and a number of people raised their hands. She called for a show of hands of those opposed to the project and a slightly smaller number of people raised their hands. Ms. Tyler stated she feels this is “building a town within our town.” Ms. Tyler asked Mr. Dwyer if there will be an age restriction for the Residential, and Mr. Dwyer stated there will not.

Ms. Tyler asked the impervious surface ratio for the project, and Mr. Dwyer stated it is consistent with the O/R District as it currently exists. Ms. Tyler asked about the timing of the project. Mr. DeLuca stated as he noted earlier assuming they get a favorable response and approvals within a year to fifteen months, they would immediately break ground. Ms. Tyler asked what portion they would start with. Mr. DeLuca stated the Residential and the Retail would be developed concurrently. He stated he understands that Mr. Dwyer and his clients are anxious to do that immediately. He stated they would actively pursue the pad development for Wegmans and the development of the Retail village. Ms. Tyler asked if they would join the parcels to make one parcel; and Mr. DeLuca stated the Plan they have submitted makes the provision that the parcels are combined for Approvals, but they will be subdivided for mortgaging purposes.

Mr. Harold Kupersmit asked if they plan 200 apartments, and Mr. Dwyer agreed. Mr. Kupersmit asked if they have an anticipated rent for the apartments, and Mr. Dwyer stated the rents would range from \$1,800 to \$2,000. Mr. Kupersmit asked if they have any plans for affordable housing, and Mr. Dwyer stated they do not. Mr. Kupersmit stated it is a good time for individuals and the Township to consider refinancing high debt.

Mr. Frank Falcone, 39 Shady Brook Drive, Middletown Township, stated he is in favor of the Plan and feels it is very appealing. He stated he feels it would add value to the area, and he hopes that it would increase property values for the residents who live in proximity to it. He stated he understands that they are seeking approval for both parcels, and he asked what would happen if they get approval for just the Retail side and not the Residential side. He asked if they would still be looking for approval of the warehouse if they do not get approval for the Residential. He asked if the warehouse concept is still in play. Mr. Dwyer stated if the Mixed Use is approved, he does not feel it would be approved for

the one part and not the other if they look for re-Zoning. He stated with respect to the warehouse, if the project moves forward on a Mixed-Use basis, the alternative proposal for the warehouse would be withdrawn.

Mr. Bryan McNamara, 1412 Heather Circle, asked if any of the Board members have taken campaign contributions from the developers. Ms. Blundi stated she is the only candidate present, and she did not. Mr. McNamara asked if anyone has in the past. Dr. Weiss stated his campaign took a \$500 donation from Mr. Dwyer in 2017. Mr. McNamara stated both Dr. Weiss and Mr. Grenier promised not to re-Zone when they ran; however, Dr. Weiss stated they never talked about it. Mr. McNamara stated they promised not to re-Zone when this issue came up during the campaign. Dr. Weiss stated the only question that was put to him was if he would put Section 8 Housing in that area. Mr. McNamara stated they never proposed Section 8 Housing. Dr. Weiss stated while his recollection may be off, the claim was that they were “in the pockets of Mr. Dwyer.” Dr. Weiss stated they collected almost \$40,000 during the campaign, of which \$500 came from Mr. Dwyer. He stated they made no claims about any development. Mr. McNamara stated they made a pledge on Facebook when they ran that they would not re-Zone. Dr. Weiss stated that is incorrect. Ms. Tyler stated it is on the Facebook page under Facts, “Dan and Fred have stated publicly that they would have voted with the majority on that decision and opposed changing the Office/ Research Zoning to allow for multi-family housing.” Ms. Tyler stated the source is their Facebook page.

Mr. Grenier asked Mr. McNamara if he coordinated this “attack.” Mr. Grenier stated he remembers that Mr. Dwyer did donate \$500 to the campaign in March of that year which was three to four months before he himself joined the campaign. He stated he was not personally involved at the time of the donation since it was a different person “on the list.” Mr. Grenier stated relative to re-Zoning, there was no discussion of re-Zoning, and the “attack ads” that came out used someone else’s name and picture besides his and got the incorrect information. Mr. Grenier stated on “campaign day stuff was in the mailboxes illegally,” that said they were going to bring in “Syrian refugees in Section 8 Housing,” which is patently false.

Mr. Grenier asked Mr. McNamara if he has any questions or comments specific to this proposal. Mr. McNamara stated they pledged not to re-Zone. He stated Mr. Dwyer has been here many times before, and he “tries to put out this Village” which is now a total of 34 acres which is to help support Edgewood Village. Mr. McNamara stated across the street from Edgewood Village there are thousands of homes; and he feels what this amounts to is Spot Zoning for these 34 acres, and Spot Zoning is illegal.

Mr. Grenier asked Mr. Truelove if this would be called Spot Zoning; and Mr. Truelove stated while at this point he would say “no,” he would have to look into this in more detail.

Mr. McNamara stated they are re-Zoning 34 acres under the guise of the Village, and you have to cross over 95; and not widening bridge, but redesigning the existing overpass, and he does not think anyone would be walking across the bridge or riding a bike over the bridge over 95. He stated they also have the other landowners in the area who will see that the Board has increased the value of their land. Mr. McNamara stated Mr. DeLuca purchased the land knowing how it was Zoned, and Equus has an 180,000 square foot Office already approved for that land. He stated Mr. Dwyer had indicated that the Office building across the street would never get filled up again, but it seems to be “pretty much full.” Mr. McNamara stated if Mr. Dwyer’s predictions are correct and there would never be a use for Office space again in the Township, we would have to worry about all the existing Office space we have on that road and the potential of re-Zoning of that since if we are doing it for this developer, we would have to consider it for the others as well including the Aria tract and the rest of Shady Brook since they could not do it for one and not do it for the others or they will come in and claim we are just re-Zoning to appease certain developers. Mr. McNamara stated this does not fit in our current Master Plan.

Dr. Weiss stated in the new Master Plan it could fit into it. He added that this is a very preliminary discussion, and it has to go through a “lot of process.” Mr. McNamara stated the way the current Master Plan is, the Board has the power to say “no” since it does not fit within our Zoning, and “it would be done with.” Dr. Weiss stated knowing the alternative, he feels the Board is interested in listening to other options.

Mr. McNamara stated everyone should realize that it is not just the Wegmans, and they are talking about re-Zoning the 40 acres the “Aria tract owns,” and the other 50 plus acres that Shady Brook owns. Mr. Grenier stated that is not what they are talking about tonight. Mr. McNamara stated while he knows they are not talking about that, he would ask how they will stop them from coming in and asking for the same consideration and re-Zoning their properties. He stated they are saying this fits in with the “Village designation over 95 because it is within 2,500 feet;” however, 10 feet across the street there are over 90 acres, and he knows that Aria wants to do something with their land. He stated if there is a Wegmans, there is also the potential to put out at least two existing supermarkets; and there will be empty space there.

Mr. Larry Borda, 508 Heritage Oak Drive, stated Lower Makefield is unique in that it is relatively quiet, relatively safe, and not too crowded at present. He stated he feels this proposal will do nothing more than make us lose that uniqueness by opening up

our Township to additional development which will create a “massive traffic jam where we already have horrendous traffic conditions.” He stated it will require additional Police and fire resources in order to deal with this. He stated “perhaps most importantly this is going to kill McCaffrey’s” if they allow Wegmans to come in here since McCaffrey’s cannot compete nor can Giant “which is almost empty at present. He stated they will then “kill the two strip centers in central Lower Makefield Township” and create empty spaces. Mr. Borda stated he sees no compelling reason for the Board to take what he considers to be the drastic measure of changing existing Zoning. He stated this Township does not need a Wegmans, and what the Township needs is sensible financial management with an eye toward organized, controlled growth where possible that will not “ruin our character” or what makes us unique.

Mr. Borda stated twenty years ago he and Mr. Brian McNamara fought the Matrix development at the entrance to the Township off of Route 1. He stated they stopped Big Box Retail from coming into the Township, and they stopped the Board from re-Zoning to allow for Big Box Retail because they felt it would be bad for the Township because of traffic and crime. He stated their predictions proved true since many of the Big Boxes that were developed within that timeframe are now empty buildings. He stated if the Board allows this to go forward, they will have the same reaction within the Township that they had to the Matrix development, and there will be litigation by the citizens. He stated the people in the Township “cried when McCaffrey’s was burned down.” He stated they cared very much about that business, and he stated McCaffrey’s has been a “wonderful community contributor.” Mr. Borda stated he does not see a reason why we need another food store in the Township.

Mr. Joseph Gioconda, 26 Autumn Drive, stated he lives approximately one mile from the proposed development. He stated he testified before the Zoning Hearing Board on April 16 and would like to bring some of those facts to the Board’s attention. Mr. Gioconda stated “during the so-called Traffic Study” that was submitted by the Applicants to permit the development of one these sites for a 125,000 square foot “e-Commerce, Amazon-style warehouse,” the traffic study engineer testified that there would be no appreciable impact to the traffic on the roads. He stated he testified that despite eighteen-wheel trucks coming in 24/7 to make deliveries to a warehouse, that there would be no impact. Mr. Gioconda stated he also testified that there would be no impact from the “tens of thousands” of vehicles from people going to the Shady Brook Light Show or Shady Brook events, and he did not take that into account. Mr. Gioconda stated he submits that the traffic engineer report that will be submitted by this Applicant is a “rubber stamp and a joke because it will not volunteer the truth about what will really happen here.” He stated he is familiar with Wegmans in his business capacity and as a consumer, and they are often open 24 hours

a day, seven days a week; and he asked if this Wegmans would have those hours. Mr. DeLuca stated he has no idea of what their hours would be. Mr. Gioconda asked again if it is correct that “they may very well be open 24 hours, seven days a week,” and again Mr. DeLuca stated he does not have any idea. Mr. Gioconda again stated they “may very well be open.” Ms. Blundi stated the Township rules may not allow that.

Mr. Gioconda asked if supermarkets receive eighteen-wheeler truck deliveries from their distribution centers all day and all night, and Mr. DeLuca stated he had no idea.

Mr. Gioconda stated they testified that there would be “200 people living in this facility,” and there would also be Retail space. Mr. Gioconda stated the fact is that the impact on traffic in this area, which is already a heavily-congested area, would be very dramatic regardless of what their paid expert will come in and say. He stated they will put forward a paid traffic engineer who will testify as he did “at the Amazon warehouse proposed building” that it would have no impact. Mr. Gioconda stated we all know that it will have a very severe impact.

Mr. Grenier asked Mr. Gioconda if he is a professional engineer with a traffic background; and Mr. Gioconda stated he is an attorney licensed to practice in New York and Pennsylvania, and he owns several companies that own e-Commerce facilities in the amount of “several tens of thousands of square feet.” He stated he has worked “in that space” for over twenty years so he has a fair amount of expertise when it comes to “e-Commerce fulfillment, warehousing, manufactured co-packing, and distribution as an attorney.” He stated he speaks not only as an individual consumer but he would argue that he is at least “as much of an expert as the paid expert who testified.” Mr. Grenier stated Mr. Gioconda is not a licensed professional engineer in the State of Pennsylvania with a traffic background. Mr. Gioconda stated he is a licensed professional attorney. Mr. Grenier stated he is not a licensed professional engineer, and Mr. Gioconda agreed he is not.

Mr. Gioconda stated with regard to the gentleman who testified on their behalf at the Zoning Hearing Board, the Zoning Hearing Board found him to be “incredible.” Mr. Gioconda added that he testified openly, and it is in the Record, that there would be no impact from the Warehouse. Mr. Gioconda stated he wants to ask this developer if they are going to make the same argument.

Mr. Lewis stated he feels the question should be comparing the traffic for this proposed land use versus what the current Zoning would allow. He stated the question for the Board to consider in the future is what is that actual traffic differential, and Mr. Gioconda

stated he agrees. Mr. Gioconda stated they looked at the 2008 Report, and the Zoning for this parcel is an Office facility that would be opened presumably as an Office from 9 to 5. He stated the report that was submitted in 2008 that supports the building of an Office building is obviously “a far cry from a 24/7 supermarket with 200 units.” Mr. Lewis stated while he agrees, a traditional Use under that Zoning would have significant peak periods around 9 a.m. and 5 p.m.; and this particular Land Use would have traffic dispersed throughout the day, and there is good and bad with that. Mr. Gioconda stated there would also be night traffic. Mr. Lewis stated these are things that should be assessed. Mr. Gioconda stated he is pointing out that they were not assessed by this Applicant when their paid expert made the submission to the Zoning Hearing Board and made the argument that a warehouse would have no impact on the traffic. Mr. Lewis stated the Township has its own traffic engineer, and they could choose to have them review this as well; and that would provide an independent, third-party review to address some of the concerns. He stated PennDOT will review it as well.

Mr. Gioconda asked if the two-lane road that goes across the overpass is realistically going to support the level of traffic that they are talking about including pedestrians, trucks, and cars that will exponentially increase when you add hundreds of thousands of square feet of shopping space, Retail, Residential, and deliveries 24/7. Mr. Lewis stated he is not sure. He stated traffic flows over that bridge are very light right now, and he does not feel that trucks would use that overpass in this case although he is not a traffic engineer. He stated that will all have to be reviewed.

Mr. Dwyer stated with regard to what was testified to at the Zoning Hearing Board, he would defer to the text of the Testimony; and he believes that what their traffic engineer was suggesting was that there was no appreciable impact on the peak hour trips. Mr. Dwyer stated obviously if there are trucks driving down the street at a different time of day that is an impact; however, the testimony of the traffic engineer was based on the peak hour trips. Mr. Dwyer stated Mr. Chris Williams from McMahan Associates is one of the most respected traffic engineers in the region, and he feels the Township’s traffic consultant and any other traffic consultant would support his credibility. Mr. Dwyer stated under no circumstances is he able to pay a traffic engineer to say what he wants him to say.

Dr. Weiss stated the Township has already authorized its traffic engineer to review any study and to give an opinion to the Township as it relates to the Zoning Hearing Board Application. Mr. Dwyer stated the Township did ask for more information and more studies for the warehouse. He stated they analyzed a warehouse facility in New Jersey and took more counts as requested by the Township. He stated that will be completed at some point, and the Township professionals will have the opportunity to review it as will PennDOT.

Dr. Weiss asked if PennDOT or the Township would allow something that the roads could not handle, and Mr. DeLuca stated he does not believe they would. Mr. DeLuca stated Stony Hill Road is a PennDOT-governed road, and the traffic signal and the driveway accesses to that road are controlled by PennDOT review. He stated the Traffic Study is part of that, and PennDOT will require a Traffic Study. He stated PennDOT's experts will review the Traffic Study and make their recommendations in addition to whatever the developer's engineer might suggest.

Dr. Weiss asked Mr. DeLuca and Mr. Dwyer if they have ever donated to the Director of PennDOT or the State Democratic Committee with the proviso that PennDOT would agree to any Traffic Studies they do, and Mr. DeLuca stated he has not. Mr. Dwyer stated he has not to PennDOT. He stated he has donated to both Democrats and Republicans in the Township, and this is something they do in every Township. Dr. Weiss asked if the luxury apartments are not approved will they be putting up Section 8 Housing, and Mr. Dwyer stated they will not.

Ms. Tyler asked why do they donate to both Republicans and Democrats in every town; and Mr. Dwyer stated their campaigns ask for it, and they do it. He stated he also donated to the individual who just "complained about it." He stated they donate to both Parties and to charities. He stated it is not for any favors, and they are not asking for them. Mr. Grenier asked if he is indicating that he donated to Mr. McNamara, and Mr. Dwyer stated he did donate to Mr. McNamara.

Mr. Adrian Costello, 2122 N. Crescent Boulevard, stated he feels this is the first time he can remember that a developer has come in after being rejected several times with ideas that he personally did not like, with something that is different. Mr. Costello stated he has had lots of discussions with people about wanting a Wegmans. He feels what has been presented is a creative idea. He stated someone owns this land, and it will get developed. He stated he does not feel the previous ideas he has heard about for this land were good ideas, and he feels this is a good idea in the right location which the Board should listen to and come up with the right agreement. He stated they may need to change something in a way that makes sense for the Township, and he asked that the Board use the same type of creativity to do something constructive. He stated while he understands that the developer is trying to make money, they are doing it in a way that will preserve trees and historic structures, and provide things that some people have been asking to have for a long time. He stated with regard to Mr. McCaffrey, there is a McCaffrey's in Princeton where there is also a Wegmans; and he feels Mr. McCaffrey "knows how to survive in this business."

Mr. David Auslander, 778 Adams Circle, stated he is not sure that McCaffrey's could survive a Wegmans down the street. He stated if McCaffrey's goes out of business, there will be an empty space and a "blighted area." He stated he does not believe a

Wegmans belongs in the heart of a suburban area. Dr. Weiss stated McCaffrey's is opening up their eighth store in the area in the near future; and while he shares his concerns about the Retail/Commercial development in the Township, with the alternative to these sites being developed, he feels the Board should consider this proposal. Dr. Weiss stated it is not the Board's responsibility to insure that people make a profit, rather it is the Board's responsibility to the Township to make sure that developable land is developed properly and within the law. Mr. Auslander stated he feels they should consider the long-range concern that if McCaffrey's goes out of business in that area, there will be an empty space. Dr. Weiss stated the Board understands that would create challenges for future development in that area.

Mr. Roy Perez-Daple, 1703 Wrightfield Road, stated he has been a resident for approximately thirty-five years; and he is impressed and in support of the project. He stated he has worked with Bohler Engineering, and they are excellent engineers. He stated he knows what Mr. DeLuca has done in the Township, and he feel that Equus has "terrific" projects all over the Country. He stated we have the opportunity to bring the "A-team" to Lower Makefield, and there are very few of these projects going forward around the Country. He stated they should be given a fair hearing, and he would be in support of this so that we can get more ratables. He stated they cannot stop something from happening at the intersection, and this project is right for that intersection.

Ms. Elizabeth Gilchrist, 1795 Shady Lane, stated she does not feel we need another grocery store; and this will hurt what is here. She stated when ShopRite came in, it took over a store that was empty; and that helped re-vitalize that shopping center and was good for the area. She stated she is sure that there will be plenty of trucks coming all day and all night. She stated while everyone "does not have to take care of McCaffrey's or Giant," if they lose one or two of those stores, there would be a big vacant area. She stated she does not feel they should build another grocery store when we have others so close.

Mr. Mike Brody, 509 Brookbend Court, stated he personally likes the idea, recognizing that it is just in the beginning stages. Mr. Brody stated he is on Park & Rec, and people have been asking for the splash fountains they are showing. Mr. Brody asked if the land proposed to be available for use by the community will be dedicated to the Township; and Mr. DeLuca stated they would make it available to the community but currently they plan that the Retail Village would maintain it while opening it up to community functions. He stated they would agree to some sort of perpetual use of the area for Township events.

Mr. Brody noted the Walmart on Route 1 by the Turnpike and an area at Plymouth Meeting both have on-ramps to the highways from within the developments, and he stated they might want to look into seeing if there is a way they could have an exit go from this development directly onto I-95. Mr. DeLuca stated he does not feel that would be possible.

Mr. Richard May, 1270 Creamery Road, stated he is concerned that if they are putting in 200 apartment units, that would probably add up to about 150 children that would be living in those units that would need to go to School here. Mr. Dwyer stated they have to do a Fiscal Impact Report which will estimate the number of school-age children based on National standards. He stated this is based on a study that Rutgers produced which is Nationally-recognized. He stated they have run those numbers, and the number of school-aged children from 200 units in a one and two-bedroom project is 11 children based on this Nationally-recognized Study. Mr. May stated the project may change, and it may “not end at one bedrooms and two bedrooms and they may find it difficult to get those rents from people;” and as a result they may change it to something else. He stated his point is that if they add another 100 children, they will go to the Pennsbury School District. He stated most residents are paying \$11,000 to \$12,000 a year in Property Taxes about \$9,000 of which is for the Schools. He stated the average Pennsbury teacher makes approximately \$100,000 a year, and they need to determine how many additional teachers they will need for these children and that another school will have to be built for those children. He stated people who live in “apartment houses” do not pay property taxes.

Mr. DeLuca stated Mr. Dwyer has referenced the Rutgers Study which projects school-age children on a National level. Mr. DeLuca stated he has spent a fair amount of his career involved with Residential development, and he is very familiar with that Study. He stated Mr. Dwyer is correct that it is 11 school-age children when you apply the Rutgers Study to 200 apartment units. He stated he believes it costs \$13,000 per student for the Pennsbury School District to educate them. He stated there will be a Fiscal Impact Study done; and they have done some preliminary numbers, and there will be \$1 million of Real Estate taxes generated per year from this development if it goes forward so they would be comparing \$145,000 of cost to \$1 million in revenue for the School District.

Dr. Helen Heinz, 1355 Edgewood Road, stated the Historic Commission will look at this Plan and provide the Board a report on it. She reviewed the history of the property. Dr. Heinz stated she hopes that the developer will work with the Historic Commission if they will be restoring the properties. She stated they are commented on by the Heritage Conservancy as eligible for the National Register, but that includes all of the property on the five-acre piece. She stated she is happy that they are not talking

about removing the house. Dr. Heinz stated she hopes the Supervisors recognize the structures that are here and will give them the respect that they need, and she asked that they consider that as the project goes forward.

Dr. Weiss stated if they are going to consider re-Zoning, they may decide to expand the Edgewood Village Historic Overlay or create a new one to make sure that these structures are preserved properly.

Mr. DeLuca stated they are 100% committed to preserving the house and the barn; and as shown in the slides, they have incorporated open space around them which is the gathering area. He stated they will be useful, functional buildings with the Retail Village that they develop.

Ms. Beth Cawley, stated with regard to the number of children, they can “just go up the street less than a mile away” and count the number of the children that live in Polo Run. She stated she resided there over twenty years ago, and one of her neighbors lived in a two-bedroom apartment with three children going to the Pennsbury School District. She stated rather than using the Rutgers study, they could find out how many live in Polo Run. Ms. Cawley stated with regard to the space zoned as O/R, this is a “competent Board,” and she feels the Board could “court different businesses who want to come into the area.” She stated she understands Crown Cork and Seal is bringing their headquarters here, and it was noted that they have. Ms. Cawley stated the Board has attracted them, and she feels it would be incumbent upon the Board to attract other businesses before they create this space with the public area. She stated we just went into debt for a Community Center that serves the public, and she asked if we really need an amphitheater; and will they be able to hear with the traffic on the By-Pass and the road next to it. She asked if they need a fountain, and is it like “Disney World or Great Adventure,” or can people just “live normally.” She stated the Board has told her that they are very competent, and she feels they could “court great businesses like Crown, Cork, and Seal and bring them in and keep it O/R and make life simpler for everyone and keep the area really nice instead of junking it up.” She noted the amount of traffic in Newtown with all the businesses where it “is a mess.”

Mr. Lou Merlini, stated he works with Rubinstein Partners who are the owners of both the North and South Campuses of Lower Makefield Corporate Center. He stated they are generally very much in favor of the project. He stated the alternative use that was proposed of a warehouse very much goes against the “hospitality feel” they are trying to create at the Campus. He stated they are investing significant dollars into converting certain areas of the parking lots into green space and creating amenities including redoing lobbies, corridors, and restrooms to revitalize the Corporate

Center. He stated Crown, Cork, and Seal is one of their tenants; and these are the things that they need to do to retain those type of tenants. He stated they will benefit as the Office owners from what are the expectations of the modern workforce of having nearby amenities and a walkable place to live and work. He stated they are bringing a great place to work as part of their improvements, and putting a warehouse next to them would be a significant problem and counteract the dollars they are putting into the community. He stated they are very happy to see an alternative use proposed. He stated finding a way to link their sites is an ongoing discussion. He stated being close to the proposed Residential and the walking path is a unique opportunity that may not come back, and they hope that this will be considered enough to go through the process.

Ms. Blundi asked what is happening in the Office Park that he represents. Mr. Merlini stated they bought the properties out of a defaulted loan. He stated after the financial crisis tenancy dropped, and the owner was not able to continue to pay the mortgage. The lender owned the property for a number of years, but did not put any capital into it. He stated his firm stepped in recently and purchased the property from the lender. He stated they have been marketing the property with renderings of their plans to improve the property, and they have seen significant interest. He stated they are concerned that if a warehouse were to go in next to them, that would take away from the positive momentum that they have been able to create so far.

Mr. Grenier asked if they feel this property could support another Office. Mr. Merlini stated he does not feel they can justify new Office construction. He stated his firm had the opportunity to look at this property as a new Office site, and they did not want to buy it. Ms. Tyler asked which buildings he represents; and Mr. Merlini stated they own five buildings on the North Campus and three buildings on the South Campus where Crown, Cork, and Seal is located. Ms. Tyler asked their occupancy rates presently, and Mr. Merlini stated it changes. He stated the Crown building is full. He stated the lowest occupancy at one point was 60%, and currently they are approximately 80% occupied. Mr. Lewis asked where they were with regard to occupancy three years ago, and Mr. Merlini stated they did not own the property then. Mr. Dwyer stated they had vacancy rates in the 50% range generally; and in order to improve that, they had to drastically reduce rents to get anyone interested. He stated it was particularly difficult here because of the lack of amenities in the area which is why he was pushing at that time for some connectivity to the Village.

Mr. Lewis stated he is excited that they have had occupancy growth at the Office buildings, and there is still space available for those wishing to do business in Lower Makefield. He stated he is appreciative that they are looking to improve the renter experience at the Corporate Center.

Ms. Tyler stated regardless of what she may think about this project, she feels Mr. Dwyer has done a remarkable job of listening to what the Township is lacking, and he has addressed the walkability, the amphitheater, the extra space, the Wegmans, and the splash pad. She stated Mr. Dwyer has diligently tried to move the property in a forward direction. She stated he has been working for years on this, and she appreciates his efforts. Mr. Dwyer stated they have a great team of people working on this. Mr. Grenier stated he agrees with Ms. Tyler. He stated when the Board was shown some other Plans such as the warehouse, he was not in favor of them, and he had asked them to consider something creative and consider the Township's needs and wants as well as preservation; and they have come back with this proposal that was the result of a lot of effort.

Mr. DeLuca stated he is hopeful that the Board is suggesting that they move forward with a review before the Planning Commission.

Mr. Dwyer stated he has cards available for those in the audience who may want to reach out to them individually. He stated they can also contact the Township who can provide his number and Mr. DeLuca's number. Mr. Grenier stated those interested can also see portions of the slide presentation on the Township Website.

Mr. Ferguson stated the next step would be for them to go to the Planning Commission although they did ask that they be given the opportunity to speak to the Board of Supervisors first because of the scope of the project. Mr. Grenier stated he has no problem with them going to the Planning Commission. Ms. Tyler stated this is an issue where the community should get what it wants, and she asked that the residents make their feelings known to the Board and be engaged in the process. Mr. Ferguson stated the Planning Commission meets the second and fourth Mondays, and their Agendas are posted on the Township Website the Friday before the meeting.

A short recess was taken at this time.

ENGINEER'S REPORT

Discussion of Notice to Proceed for 2019 Road Program

Mr. Pockl stated in April the Board approved awarding the Contract. He stated there was a pre-construction meeting, and they are issuing the Notice to Proceed authorizing the contractor to commence work on June 24. They will be completed with the Contract work in sixty calendar days which is a completion date of August 23. They will initially complete the drainage improvements on Creamery Road and complete the ADA

ramps throughout the Township. They will then move over to reconstruct Quarry Road, and will then complete the other roads – Black Rock Road, Plowshare, and Ginkgo Lane. Mr. Pockl stated he has reached out to Grey Nun Academy where they have a summer basketball camp, and the contractor is aware of that and will have to coordinate around that schedule. He stated they have also reached out to Afton Elementary to determine their needs for traffic in the area while Quarry Road is being reconstructed.

Approval of Change Order No. 1 for Contract No. 1 for Adjustment of Quantities in the 2018 Road Program

Mr. Pockl stated in the Bid they had quantities for asphalt and line striping; and when they completed the work, the quantities were measured and it came in less than what was in the Bid so the Township gets a credit which is reflected in this Change Order.

Ms. Tyler moved, Ms. Blundi seconded and it was unanimously carried to approve Change Order No. 1 for Contract No. 1 for a credit in the amount of \$27,485.90 as outlined by the Township engineer.

Approval of Change Order No. 3 for Contract No. 2 for Adjustment of Quantities in the 2018 Road Program

Mr. Pockl stated this is the mill and overlay of Township asphalt surfaces, and the Township is owed a credit in the amount of \$46,573.70.

Ms. Tyler moved, Ms. Blundi seconded and it was unanimously carried to approve Change Order No. 3 for Contract No. 2 in the amount of \$46,573.70 as outlined by the Township engineer.

Approve Issuing a Letter in Support of Falls Township for their CMAQ Grant Application

Mr. Pockl stated neither he nor the Township have received any correspondence from Falls Township concerning their CMAQ Grant Application. He stated the deadline is June 30; and if the Board wishes they could proceed by authorizing the Township to issue a letter of support for this Grant Applicant contingent upon receiving a formal request from Falls Township. Mr. Ferguson stated this was discussed at the last meeting, and he asked which light would specifically impact the Township; and Mr. Pockl stated it is light at Big Oak Road and Oxford Valley Road.

Ms. Tyler moved, Ms. Blundi seconded and it was unanimously carried authorizing either the Township Manager or the Township engineer to issue a letter of support to Falls Township for their CMAQ Grant Applicant should they contact the Township and formally request one.

PROJECT UPDATES

Mr. Ferguson stated with regard to Memorial Park, they are still working through the funding agency on final details before it is put out to Bid.

Mr. Ferguson stated at the next Board meeting the Police Chief will be bringing in Resolutions regarding the Big Oak/Makefield Road turn lane and the Route 332/Mirror Lake signal interconnection which are being funded via Grants.

Mr. Grenier asked the status of the Makefield Road School crossing; and Mr. Pockl stated because of the rain it is still wet, and they are waiting for it to dry out.

Ms. Blundi asked if in addition to the crosswalk, is there additional painting planned for the remainder of Makefield since it looks like there are inconsistencies.

Mr. Pockl stated there is not to his knowledge although his firm was not the designer, and it was designed by the traffic engineer. He stated his understanding is that the only outstanding items are the crosswalk stamp, coloring, and two white lines that would go on either side of the crosswalk. Mr. Grenier asked if these are reflective strips, and Mr. Pockl stated they are.

MANAGER'S REPORT

Mr. Ferguson stated he provided to the Board in his Manager's Report an update on the recycling drop off dates, and he will be working on details as to how many people make single trips, multiple trips, households served, and materials collected; and by Budget time, he will have a complete compilation broken down by day as well.

Authorize Lease to Purchase Financing a Street Sweeper and 10-Wheel Dump Truck

Mr. Ferguson stated at a previous meeting the Board approved the purchase of a street sweeper for \$243,042 and 10-wheel dump truck for \$206,309. He stated both were budgeted under the Road Machinery Fund, and in the Budget it was contemplated that those items would be a Lease to Purchase finance for five years. He stated he sent out proposals, and the low bidder was TD Bank at 2.60% for five years. He stated that

is a quarterly payment of \$23,933.34, and the Budget estimate for the quarterly payments was factored at 4% rate which would be \$26,757 so those items are better than anticipated and budgeted.

Ms. Tyler moved, Ms. Blundi seconded and it was unanimously carried to authorize the Lease to Purchase to finance the street sweeper for a period of five years with TD Bank at a rate of 2.60% as outlined by the Township Manager.

Ms. Tyler moved, Ms. Blundi seconded and it was unanimously carried to authorize the lease to purchase to finance the ten-wheel dump truck as outlined by the Township Manager.

Authorize Lease to Purchase Financing a Chevy Silverado 5500 Dump Truck for the Recreation Department

Mr. Ferguson stated this is an item which was previously approved under the Park & Rec Budget. He stated they use these trucks for multiple purposes so even though it is a Park & Rec truck, they also use it to haul and to salt and plow during the winter season. He stated this was budgeted for a thirty-six month lease to purchase, and the low bidder for this was also TD Bank at a rate of 2.49%.

Ms. Tyler moved, Ms. Blundi seconded and it was unanimously carried to authorize the Lease to Purchase Financing for the Chevy Silverado 5500 dump truck as outlined by the Township Manager.

Mr. Ferguson stated they currently have two street sweepers that are aging, and oftentimes broken down; and they are anxious to get the street sweeper in since he feels this is a great service for the neighborhoods. He stated they do not know that they will need a second street sweeper; and they will get this new one in and see how efficient it is, and this may be all that they need. He stated he expects it will be delivered sometime in October. He stated they will begin quarterly loans on both loans in July.

SOLICITOR'S REPORT

Mr. Truelove stated the Board met in Executive Session starting at 6:15 p.m. and individuals from PFM were present. Mr. Truelove stated items of Real Estate, personnel, and Collective Bargaining were discussed.

Approval of Lease with YMS

Mr. Truelove stated in 2007 YMS and the Township entered into a Ground Lease and YMS financed a turf field at Macclesfield. He stated the useful life of that turf field ended a year ago; and in anticipation of that, the Lease they had in 2007 expired in September of this year. He stated YMS wanted to put in another turf field, and in doing so they needed financing and an Agreement with the Township to move forward. Mr. Truelove stated they approved a Lease Agreement on August 1 of last year; and some terms were modified to favor the Township including one where there was not an automatic renewal of the Lease which would give another 12-year Lease which would coincide with the expected life of the turf field. Mr. Truelove stated after exchanging the Lease with YMS there were some other changes suggested one of which was for a non-assignment clause and others with respect to third-party usage in certain circumstances. Mr. Truelove stated the Lease has been signed by YMS and is now ready for signature by the Board this evening.

Ms. Tyler asked for a further explanation as to Article 3 – use of the turf field. Mr. Truelove stated this is where some of the changes were made, and one Section does allow for third-party requests for use of the turf field; but it has to go through YMS solely, and no other party can provide consent, and that consent may be withheld. He stated the Township does have to have notification about the users, and they also have to provide sufficient insurance coverage and indemnification to adequately protect the Township. He also commented on Section 3.04.

Mr. Truelove stated prior to 2007 when the first turf field was constructed there, the fields were becoming bare earth. He stated the impetus was to have a facility that could be used year round including not only by YMS, but also with YMS's permission, Pennsbury High School and some other entities; and it does get a lot of use.

Ms. Tyler noted that YMS paid for the initial turf field, and have now paid for it a second time; and it is not a Township expense. Mr. Grenier stated it is on Township land, but the Township does not charge them a Lease. Mr. Truelove stated YMS does pay User Fees to the Township.

Ms. Tyler moved, Ms. Blundi seconded and it was unanimously carried to approve the Lease with YMS as outlined by the Township solicitor.

ZONING HEARING BOARD MATTERS

With regard to the Rob Brown Variance request for the property located at 1221 Colts Lane in order to permit construction of a shed within the front yard setback, it was agreed to leave the matter to the Zoning Hearing Board.

With regard to the Kevin and Barbara Fischer Variance request for the property at 1385 N. River Road in order to permit replacement of five detached structures with a single detached garage located in the flood zone, Ms. Tyler moved and Dr. Weiss seconded to have the solicitor and the engineer, either Mr. Majewski or at his discretion outside engineers, to participate and review due to our heightened duty to safeguard the flood plain as it impacts our Community Rating and our residents' insurance rates.

Mr. Grenier asked Mr. Pockl to check on the flood storage volume delta.

Motion carried unanimously.

APPROVAL OF EXTENSIONS FOR ARIA HEALTH, CAPSTONE TERRACE, DOGWOOD DRIVE, ERIN DEVELOPMENT, AND FIELDSTONE AT LOWER MAKEFIELD

Mr. Lewis asked the current expiration for Aria Health; however, Mr. Truelove was not certain. Ms. Tyler stated it is probably June 30. Mr. Lewis stated they just received this today, and Mr. Truelove stated he believes they may have received the one from Aria before today although he is not sure. Mr. Lewis asked what would be the effect if the Board were not to approve these Extensions. Mr. Truelove stated they would have to specify the reasons for voting against them; and if the Township did not comply with the Municipalities Planning Code requirements, they could be deemed approved. Mr. Lewis stated while he feels it would be best to grant the Extensions, he does not like receiving requests the same day as the expected vote. Mr. Ferguson stated the current deadline for Aria is July 1 so it is before the Board's next meeting.

Ms. Tyler moved, Ms. Blundi seconded and it was unanimously carried to approve the Extension request of Aria Health to December 31, 2019.

Ms. Tyler moved, Ms. Blundi seconded and it was unanimously carried to approve the Extension request of Capstone Terrace to November 1, 2019.

Ms. Tyler moved, Ms. Blundi seconded and it was unanimously carried to approve the Extension request of Dogwood Drive to November 1, 2019.

With regard to the request for Extension by Erin Development, Mr. Lewis asked if they are in full compliance with all Fees owed to the Township; and Mr. Ferguson stated they are.

Ms. Tyler moved, Ms. Blundi seconded and it was unanimously carried to approve the Extension request of Erin Development to October 1, 2019.

Ms. Tyler moved, Ms. Blundi seconded and it was unanimously carried to approve the Extension request of Fieldstone at Lower Makefield to December 31, 2019.

SUPERVISORS' REPORTS

Mr. Grenier stated the Emergency Management Committee met and there was a thorough review of emergency management and emergency response procedures for a variety of potential activities in the Township, and they toured the facility and saw the different equipment.

Ms. Blundi stated the EAC is moving forward with a tree planting program one at the baseball fields and one at Patterson Farm to help with some of the flooding issues. She stated they are looking for volunteers to help in the fall. Ms. Blundi stated Citizens Traffic will meet in August, and they are working on their priority traffic areas for the coming year.

Mr. Lewis stated Farmland Preservation continues to work on issues with neighboring property owners and will continue to work on Leases as well as expansion of Farmland Preservation assets.

Ms. Tyler moved, Ms. Blundi seconded and it was unanimously carried to adjourn the meeting at 10:15 p.m.

Respectfully Submitted,

KristIn Tyler, Secretary