

TOWNSHIP OF LOWER MAKEFIELD
BOARD OF SUPERVISORS
SPECIAL MEETING
MINUTES – JUNE 11, 2020

A special meeting of the Board of Supervisors of the Township of Lower Makefield was held remotely on June 11, 2020. Dr. Weiss called the meeting to order at 7:05 p.m. and called the Roll.

Those present:

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

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

DISCUSSION AND MOTION TO TABLE ADVERTISEMENT AND SETTING OF A PUBLIC HEARING DATE FOR THE PROPOSED MIXED-USE (MU) OVERLAY DISTRICT ORDINANCE

Overview of the Ordinance Adoption Process

Mr. Truelove stated under the Municipalities Planning Code and the Lower Makefield Code of Ordinances, specifically Section 200-111, Amendments to the Zoning Ordinances can be done in various ways. He stated the most conventional way is by the Board of Supervisors. He stated originating from the Planning Commission is another way. Mr. Truelove stated another method is by private petition for an Amendment where a landowner who desires to seek an Amendment to the Chapter, which is the Zoning Code, files an Application for an Amendment and presents it to the Township; and there is a process as to how that is done, and the Petition is filed with the Court. Mr. Truelove stated that is how we are where we are today with regard to this particular proposal. He stated the Applicant filed a Petition in Court to seek an Amendment to the Zoning Ordinance, and they have also filed a Petition for an Amendment to the Comprehensive Plan. He stated the proposal was reviewed by the Bucks County Planning Commission; and shortly thereafter, the Lower Makefield Township

Planning Commission issued their review, findings, and recommendations. Mr. Truelove stated based upon those recommendations, the Township staff and the Applicant's representative had discussions with respect to some of the recommendations made by the Planning Commission.

Mr. Truelove stated what is now before the Board of Supervisors is what is proposed to be advertised for review and a discussion of the Hearing process. He stated tonight's meeting is not a Hearing, and the purpose of tonight's meeting is to set the schedule for determining how the Ordinance is to be reviewed, to determine the process going forward, and the timeframe for doing that. Mr. Truelove stated once the Amendment is advertisement, there is a forty-five window of time for review; and if there are any substitutive changes after the initial advertisement is issued, there may be additional timeframes required as well. Mr. Truelove stated they are not going to make any decisions tonight other than to set the schedule for the advertisement and the Hearings including the number of Hearings, dates, etc.

Introduction and Update by the Township Planning Director

Mr. Majewski stated the Applicant came to the Board of Supervisors at their meeting on September 19, 2019 and made a presentation on what they would need to do with their project and how they would like to Petition the Board of Supervisors to amend the Ordinance to allow for a Mixed-Use Overlay within the Office Research Zoning District. Mr. Majewski stated the conclusion reached at that meeting was that the Board felt it would be a good idea to have this go through the Planning Commission before they went ahead so that they could refine the Ordinance and make it a better product prior to any possible advertisement.

Mr. Majewski stated the Planning Commission held four meetings on this Application, including one in July, 2019; and at that time, the Planning Commission made some recommendations for changes. He stated there were several subsequent meetings on the project, and on September 23, the Lower Makefield Township Planning Commission made a recommendation to the Board of Supervisors of approval of the proposed Mixed-Use Overlay Zoning Ordinance as presented. He stated that draft has been on the Township Website since August or September of last year. He stated the Planning

Commission recommended approval as presented subject to consideration of the recommendations as noted in the Bucks County Planning Commission preliminary letter dated September 23, 2019. Mr. Majewski stated that was actually an informal review of the project, and there will be a more thorough review once the Ordinance is advertised and goes through the formal Hearing process.

Mr. Majewski stated the specific Conditions that the Planning Commission was concerned with were the density as noted in Section 2D of the Bucks County Planning Commission letter as well as the specific provision that the Overlay not be extended to more than one quarter mile radius as set forth in the proposed Ordinance. He stated they also wanted the Board of Supervisors to prioritize the bonuses to fully enforce that they are consistent with Township priorities.

Mr. Majewski stated since that time the Applicant has been considering a number of other issues including traffic, and it was a requirement that they submit information on traffic. He stated they also went through some other items to make sure that they clarified them so that when they came before the Board they had a better product in order to go forward.

Presentation of Proposed Mixed-Use Development by the Applicant

Mr. Steve Harris, attorney for the development group, stated present with him this evening is Mr. Vince DeLuca of DeLuca Homes in partnership with Mr. Bob Rosenthal who is developing the Commercial/Retail portion of the property and Mr. Bob Dwyer, with Equus Capital Partners, who is developing the Residential Apartment section of the project. Mr. Harris stated Mr. John Kennedy, the land planner, and Mr. Chris Williams, the traffic engineer, are also present.

Mr. Harris stated this is an introduction, and the purpose ultimately is to set a schedule. He stated while Mr. Truelove had indicated that the Applicants had filed Petitions with the Court, they did not do that; rather they filed them with the Township, and this is not a Court proceeding. He stated it is a proceeding under the Municipalities Planning Code pursuant to the Township's Zoning Ordinance. Mr. Truelove agreed that he had misspoken. Mr. Harris stated he did not want it to be felt that they had filed a lawsuit against the Township.

Mr. Harris stated the Township had updated their Comprehensive Plan last year, and in that update they indicated that in the O/R Office Research District that they wanted to identify and incorporate additional Uses taking into account the nature of pending or approved developments within the District and adjoining Edgewood Village. It also indicated that they should consider allowing for Mixed-Use projects consisting of Office, Retail, Residential, Entertainment and other similar Uses either as Permitted Uses or through the establishment of an Overlay District. It also indicated they should review O/R Office Research District Zoning and Design Standards to determine what should be updated to reflect current ways that allow Uses to operate.

Mr. Harris stated they are responding to that update of the Comprehensive Plan and proposing a Mixed-Use Development which they call the Prickett's Preserve at Edgewood Village which encompasses the Prickett property as well as the adjoining property that is owned by Equus. Mr. Harris stated they presented a proposed Plan at the same time they presented the Mixed-Use Ordinance. He added that it has been his experience that it is not sufficient to submit just an Ordinance since everyone wants to know what they will do with it. He stated the Land Development process will follow in the event that the Supervisors approve the Ordinance as submitted or Amended, and during the Land Development process they will go into greater detail.

Mr. Harris stated the Petition to Amend the Comprehensive Plan was filed before the Comprehensive Plan Revision was adopted, and he does not feel the Petition is needed anymore because the Comprehensive Plan as adopted recognizes the Overlay District in the O/R District to add additional Uses. He stated therefore the main issue before the Board of Supervisors is the Petition to Amend the Ordinance to add a Mixed-Use Overlay District to the O/R.

Mr. Harris stated they had four meetings with the Planning Commission, and at the end of that process the Planning Commission recommended adoption of the Ordinance with some suggested additions. Mr. Harris stated they believe that they have made all the revisions requested by the Planning Commission. He stated they submitted a black-line Ordinance which showed the revisions that they made as well as a clean copy of the Ordinance so that the Board could see the changes that the development group made in response to the Planning Commission.

Mr. Harris stated the Township staff then informed the development group that the Township would require a full Traffic Study for the Township staff, the Township engineer, and the Board of Supervisors to review prior to consideration of the Mixed-Use Ordinance. Mr. Harris stated that is a requirement of the Ordinance for private Amendments such as the Applicant has filed. He stated the development group immediately engaged McMahan and Associates to conduct the Traffic Study. He stated it was completed, and the Township was in the process of engaging a new traffic engineer who needed additional time for review. He stated the Township's traffic engineer was provided the Plan, and he indicated that he needed additional information in order to complete his review. He stated the Township's traffic engineer also requested that the Applicant look into alternate methodology in presenting the information in the Traffic Study.

Mr. Harris stated the additional information and the alternate methodology required the development group to consider additional off-site improvements. Mr. Harris stated under the Municipalities Planning Code, the Township is only authorized to require a developer to perform the on-site traffic improvements that would be necessary for the project; however, the Township's traffic engineer advised that was not sufficient, and since the Applicant was proposing an Amendment that would allow a Mixed-Use District, if they were going to approve the District, the Township wanted the traffic situation in the area to be better than it is currently. He stated the development group and McMahan were advised that they had to come back to the Township with recommended improvements that would improve the traffic in the area and not just address the traffic needs of this development which is all that the Township is allowed to require under the Municipalities Planning Code.

Mr. Harris stated they did what the Township requested and they presented a Revised Report that the Township's traffic engineer looked at and suggested additional off-site improvements. Mr. Harris stated they made those additional off-site improvements, and as a result their traffic engineer believes that it will improve the traffic situation in the area after the development over what it is today. Mr. Harris stated he believes that the Township's traffic engineer as well believes that if those traffic improvements are installed it will improve traffic over what is there today. Mr. Harris stated Mr. Williams will be making a presentation this evening to outline the traffic improvements.

Mr. Harris stated they shared the Traffic Studies with Wegmans, the prime tenant of the Commercial/Retail portion of the project; and when Wegmans reviewed those Traffic Studies, they insisted that as a Condition of their

participating in this project that the development group would install those improvements. Mr. Harris stated the Township does not have the right under the Municipalities Planning Code to require off-site improvements which is what would be required to improve the traffic situation. He stated in the Township Ordinance there is a requirement for a Traffic Impact Fee that every developer is required to pay; but that would have only produced \$2 million in Impact Fees, and the estimated costs of the traffic improvements being required for this project is approximately \$6.5 million which is \$4.5 million more than the Traffic Impact Fee that the Township can impose.

Mr. Harris stated the question was how could the Township be guaranteed that the improvements will be done if the Ordinance is adopted and Land Development approved. Mr. Harris stated what they worked out with Wegmans was a Declaration of Covenants and Restrictions which is a process used in similar circumstances where developers have made representations of what they will do. He stated a Declaration of Covenants and Restrictions would be filed against the property, and the signatories to that Declaration are the Pricketts, DeLuca, and Equus. Mr. Harris stated that will be Recorded against the property and will guarantee not only to Wegmans but also to the Township that the off-site improvements that the Township could not otherwise require, will in fact be constructed if the proposed Mixed-Use development is approved and constructed.

Mr. Harris stated he knows that traffic is an important consideration in this area, and they believe that they will improve the situation over what is there today which will be an advantage to the Township.

Mr. DeLuca stated he and Mr. Dwyer who is also present are the two developers. He stated Mr. Dwyer is handling the apartment side, and he and Mr. Rosenthal are the Commercial/Retail side. He stated they submitted a packet of sketches which showed what could be developed if a form of the Ordinance was adopted by the Township. He showed Slide #1 which is an overview of the neighborhood open space which is anchored by the existing residence and barn which are planned to be re-purposed and used in the Retail development of the site. Mr. DeLuca noted Slide #2 was also previously presented at prior meetings, and it shows the Wegmans in the upper left-hand corner as well as multiple buildings with the existing house and barn being repurposed and shows the Equus side with 200 apartments, a club house, and pool. He stated Slide #3 shows the neighborhood open space area and how the existing barn in the top left and the residence on the right-hand side of the screen anchor that open space and become focal points as they are re-purposed for the development. Mr. DeLuca

stated Slide #4 shows the current buildings that they will save and repurpose as part of the site, and both the house and the barn are shown. He showed Slide #5 which shows the style of the apartments that Equus proposes.

Mr. DeLuca stated they had shown all of these slides in the past at prior meetings.

Discussion of Traffic Improvements by the Applicant

Mr. Chris Williams, the developer's traffic engineer, was present. He stated he is with McMahon and they were retained to prepare a Traffic Study for this site. Mr. Williams stated he has been working as a traffic engineer for twenty-nine years and has worked for McMahon for twenty-five years. He stated he is a Licensed, professional engineer in Pennsylvania, and his project work is primarily preparing Traffic Studies for Land Developments as well as representing other Municipals as their appointed traffic engineer.

Mr. Williams showed a slide of the site driveways. He stated the property is located on the east side of Stony Hill Road across from Shady Brook Farm. He stated there is a total site frontage of 2,825 feet, and a total of four driveways to serve the site. He stated there is only one full-movement driveway which is at the right side of the slide and is located opposite the Shady Brook Farm driveway, and a traffic signal is proposed at that location. Mr. Williams stated this driveway will also provide a left-turn lane and a right-turn lane along Stony Hill Road for access into the site, and a left-turn lane for access into Shady Brook Farm.

Mr. Williams stated moving to the left of the slide, there are three other driveways, each with limited turning movements. He stated the two accesses to the north (left) of the main driveway are both right-in, right-out driveways, and a right-turn lane will be provided along Stony Hill Road for access into both of these driveways. He stated the final access at the north end of the site (left edge of the slide) is a right-in, right-out, left-in driveway. He stated this access will provide a left-turn lane and a right-turn lane along Stony Hill Road for access into the site. Mr. Williams stated the three, unsignalized driveways with restricted turning movements will also provide concrete islands to physically restrict the prohibited turning movements. Mr. Williams stated that Stony Hill Road is a State road so these driveways will need to be reviewed and approved by PennDOT.

Mr. Williams stated along the full length of the site frontage, they propose a pedestrian path along the edge of Stony Hill Road which is shown in beige on the slide.

Mr. Williams showed a slide that shows the site frontage along the section of Stony Hill Road that turns east at the traffic signal with Township Line Road and continues to the property boundary with I-295. He stated as shown on this slide, the path shown in beige continues along Stony Hill Road to the intersection with Township Line Road. He stated as part of this project, they propose to provide a crossing across the signalized intersection with Township Line Road in order to tie into an existing path that is on the south side of the intersection where Stony Hill Road turns to the east toward I-295.

Mr. Williams stated there is an existing path on the south side of Stony Hill Road that terminates today at the bridge over I-295; and as part of this project, it is proposed to continue this path over the I-295 Bridge. He showed a slide of the proposed road improvements to continue the path over I-295. He stated on the left side of the slide, there is a green median in the middle of Stony Hill Road. He stated the proposal is to widen Stony Hill Road in this area to provide a gateway median on the west side of the bridge. He stated the purpose of the median is to change the character of the road to let motorists know that they are entering the Edgewood Village area, and it is a strategy to slow down vehicle traffic along Stony Hill Road.

Mr. Williams stated today there is an existing eight foot wide path on the south side of Stony Hill Road; and as part of their proposed improvements, they will continue the eight foot path along Stony Hill Road over I-295. He stated on the east side of the bridge, it is proposed to continue the path as a sidewalk which will then connect with the new sidewalk by the Artis Senior Living development. He stated the sidewalk they are proposing is shown in orange on the slide.

Mr. Williams stated with these proposed pedestrian improvements, they will have completed the missing link and provide a complete pedestrian connection between the site and Edgewood Village. Mr. Williams stated as with the site driveways, this section of Stony Hill Road is a State road so these pedestrian-related improvements will need to be reviewed and approved by PennDOT as well.

Mr. Williams stated they know that traffic is an issue in the area today. He stated the site is surrounded by key roadways, including Route 332 (the By-Pass) and I-295. Mr. Williams stated his office has been involved in other Traffic Studies in the area, and they have seen first-hand and have heard from the community how congested these roads are today. He stated as a traffic engineer he is “thrilled” to be part of a project like this where it is proposed to provide a very comprehensive package of traffic improvements. He stated the estimated cost at this time for these improvements is about \$6.5 million.

Mr. Williams stated they have seen and heard about the congestion along the By-Pass traveling east and west, to and from I-295. He stated near the site the intersection of the By-Pass and Stony Hill Road experiences traffic congestion on a regular basis. Mr. Williams showed a slide of the intersection of the By-Pass and Stony Hill Road which is a signalized intersection today. He stated as shown in black, today there are two eastbound through lanes and one eastbound right-turn lane. He stated in the westbound direction today there are two through lanes and one left-turn lane. He stated as part of this development, they propose to widen and improve the intersection to add additional lanes as shown in yellow. He stated it is proposed to provide a second westbound left-turn lane so that there will be a total of two left-turn lanes to travel south on Stony Hill Road. He stated it is also proposed to provide a third eastbound through lane along the By-Pass, through the intersection which will then continue eastbound along Stony Hill Road and will terminate at the intersection with I-295.

Mr. Williams stated in the upper right corner of the slide is the intersection of the By-Pass and the I-295 westbound ramps. He stated today there is daily congestion exiting the ramp with the heaviest movement traveling right to travel westbound along the By-Pass. He stated the congestion causes a back-up of traffic which can extend down the off-ramp; and at the off-ramp today there is a single exiting left-turn lane and a single exiting right-turn lane where the off ramp intersects with the By-Pass.

Mr. Williams stated as part of this project it is proposed to modify and widen the off-ramp to provide a separate left-turn lane and a second right-turn lane so that there will be a total of two right-turn lanes coming off the off-ramp to then continue west along the By-Pass.

Mr. Williams stated at the bottom of the slide is the signalized intersection of Stony Hill Road and Township Line Road; and while this intersection actually works well today, as part of the Traffic Study they have identified the need to modify the traffic signal operations to provide a right-turn signal phase to more easily accommodate the right-turn movement from westbound Stony Hill Road onto northbound Stony Hill Road.

Mr. Williams stated traffic engineers evaluate intersections based on the amount of delay that the intersection experiences. He stated they focus on delay during the worst hours of the day when traffic is heaviest; and in this case, they focused on the peak sixty minutes in the morning, and the peak sixty minutes in the afternoon which are the commuter rush hour periods. He stated the logic is that if they can improve and solve traffic conditions during the worst sixty minutes of the day, then it will be better during all other hours of the day.

Mr. Williams stated depending on the amount of delay experienced, the intersection is assigned a Level of Service letter grade from A to F with A being the best with very little delay, and F being the worst with excessive delay. He stated at signalized intersections in a suburban area such as Lower Makefield Level of Service D, C, B, and A is a standard for highly-desirable and very effective traffic conditions. He stated Level of Service E starts to represent an increase in delay, although Level of Service E is not really bad or uncommon especially at high-volume, signalized locations. Mr. Williams stated Level of Service F is the point at which the intersection delay is excessive and is the point at which improvements should be considered. Mr. Williams stated for the purpose of their Traffic Study, they labeled A through D as desirable using the color green in their table, and E and F as the more problematic condition using the color red. He added that E is not always that bad especially in situations like this.

Mr. Williams stated they counted and studied the intersections prior to COVID-19 and prior to the State-wide shut down so they feel they have used good data for the Study.

Mr. Williams showed a slide which indicates that the intersections do not operate well today. He noted the upper left corner showing the By-Pass and Stony Hill Road intersection which operates at Level of Service E and F today, and is shown in red. He noted the upper right corner which is the By-Pass and the I-295 westbound ramp which operates at E and F, and is

shown in red. He stated this is the delay condition for the traffic coming off the off-ramp which is really the most problematic movement. He noted the intersection of Stony Hill Road and Township Line Road at the bottom of the slide operates well today at a Level of Service B and is shown in green.

Mr. Williams showed a slide which shows how the same intersections will operate in the future even if the Prickett property does not develop. He stated they looked at projected traffic conditions in 2028 and included anticipated traffic growth but no traffic from a Mixed-Use development on the subject site. He stated this is what traffic conditions will look like if nothing else occurs, there are no changes at the intersections, and if normal traffic growth were to occur. He stated it is shown that the intersections would continue to operate poorly. He noted the intersection of the By-Pass and Stony Hill Road in the upper left corner which will continue to operate at a Level of Service E and F. At the intersection of the By-Pass and the I-295 westbound ramp in the upper right corner, the off-ramp will operate at a worse E and F. He stated the intersection of Stony Hill Road and Township Line Road at the bottom of the slide may get a little worse, but it still operates well at a Level of Service B or D. He stated this shows that if they do nothing and traffic grows over time, traffic conditions and delays will continue to be poor.

Mr. Williams showed a slide of how these same intersections will operate in the future with the traffic from a Mixed-Use development on the property but no traffic improvements. He stated if they add the traffic from the Mixed-Use development with no traffic improvements, traffic conditions will get worse. He stated the intersection of the By-Pass and Stony Hill Road will operate at a worse E and F so that there will be even more delay. He stated at the intersection of the By-Pass and the I-295 westbound ramp, the off-ramp will operate at a worse E and F with more delay. He stated the intersection of Stony Hill Road and Township Line Road continues to operate well in the morning at a Level of Service C; however, in the afternoon, there will be an increase in the delay such that the intersection will operate at a F.

Mr. Williams stated for the final scenario they re-analyzed traffic conditions at each of the intersections which includes all of today's traffic volumes based on pre-COVID-19 traffic counts, added traffic due to anticipated normal growth in the area to the year 2028, added traffic as generated by a Mixed-Use development on this property, but including the off-site traffic improvements that he previously summarized.

Mr. Williams showed the slide which shows those results. He stated there is all green in the last column on the Table on this slide, and traffic conditions are improved at each of the intersections. He stated along the By-Pass, traffic conditions will be better than they are today. He stated at the intersection of the By-Pass and Stony Hill Road, the intersection will operate at a Level of Service C and D which is a much-improved condition and a highly-effective traffic condition which is highly desirable at high-volume Suburban intersections and is better than the intersection operates today. He stated at the intersection of the By-Pass and the I-295 westbound ramp, the off-ramp will operate at a Level of Service D at both peak hours which again is a highly-effective traffic condition at a high-volume intersection and is better than it operates today. He stated at the intersection of Stony Hill Road and Township Line Road, it will operate at the Level of Service B and D.

Mr. Williams noted the middle of the slide which shows the site access intersections. He stated the main signalized driveway intersection to the development will operate at a Level of Service B in both peak hours. He stated in the future with normal traffic growth, the added traffic from the development of the property, and the described traffic improvements estimated to cost \$6.5 million at this point, they can improve traffic conditions dramatically; and the critical By-Pass intersections will operate better than they do today solving what they know today are real traffic problems.

Mr. Williams showed a slide of the intersection of Stony Hill Road and the By-Pass with the By-Pass running left to right across the slide and Stony Hill Road on the right side of the slide running off the bottom of the slide. He stated in orange they have shown the road widening that is proposed at the intersection along the By-Pass to provide the third eastbound through lane. He stated it can also be seen on the right side the start of the road widening to provide a second westbound left-turn lane. He stated in burgundy they are showing the median re-construction that will occur, and in yellow they are showing the limits of the paving improvements.

Mr. Williams showed a slide with the By-Pass running left to right across the slide, and this slide shows the By-Pass between Stony Hill Road which is just off the slide to the left and I-295 which is just off the slide to the right. He stated the slide shows the continuation of the third eastbound through lane along the By-Pass which terminates at the I-295 ramp. He stated it also shows the widening and the

extension of the widening for the second westbound left-turn lane along the By-Pass at the intersection with Stony Hill Road. He stated in orange it shows the total road widening proposed to provide the improvements, in burgundy it shows median re-construction, and in yellow it shows the limits of paving improvements.

Mr. Williams showed a final slide where north is oriented to the right to show the I-295 westbound ramp. He stated this slide shows the re-configuration of the I-295 westbound off-ramp, widening of the off-ramp to provide a separate left-turn lane and two right-turn lanes. He stated in orange it shows the road widening to accommodate the improvements, and in yellow it shows the limits of the paving improvements.

Mr. Williams stated traffic conditions are a problem today; and over time in the future whether this site is developed or not, traffic conditions will get worse without traffic improvements. He stated those traffic improvements are really needed today. He stated with the traffic improvements described in the presentation, traffic conditions will dramatically improve even with the added traffic from a Mixed-Use development on the property. He stated for the critical locations along the By-Pass traffic conditions will be better than they are today.

Ms. Blundi asked if Mr. Fiocco, the Township's traffic engineer, could comment on what has just been described. Mr. Fiocco stated he agrees with everything Mr. Williams stated. Mr. Fiocco stated there are congested conditions on these roads within the Township, and the improvements that are proposed will improve conditions over what is being experienced today even with the development. He stated it will be significantly improved over the delays being experienced today. Mr. Fiocco stated they had requested that Mr. Williams go back and develop some of these improvements as they were insisting that more was needed to improve the conditions over what is there today.

Review of Proposed Ordinance Provisions by the Applicant

Mr. John Kennedy, the developer's land planner, stated they have been working with the Township's Planning Commission and staff for some time on this Ordinance. He stated it is structured as an Overlay Ordinance so it will "sit on top of the existing Zoning Map." He stated they are not changing the underlying Zoning of the Office/Research District, and that will stay there. He stated this is a mapped Overlay which means that it does not necessarily

apply to all of the O/R District. He stated it is required to be adopted by the Township and placed on the Zoning Map specifically so that is another level of control that the Township has. He stated there are also certain criteria for a parcel to be able to use this development option which include that the tract must be located in the Office/Research District, the tract must have at least thirty acres of gross tract area, and the tract must have a minimum of 1,000 feet of frontage on an Arterial Road. He stated any portion of the property must be within one quarter mile of the Historic Commercial District in Edgewood. He stated one of the main goals is to be able to reinforce the Village of Edgewood and provide additional economic development of that specific area.

Mr. Kennedy noted the draft Ordinance provided is dated June 2, 2020. He stated they started working with the Planning Commission at a series of meetings last summer, and the draft that was formally submitted to the Planning Commission for review was dated August 8, 2019. He stated at the meetings they heard different ideas from the Planning Commission and members of the public. He stated they made changes to the Ordinance and submitted another draft dated September 16, 2019, and that is the draft that the Planning Commission recommended on September 23. Mr. Kennedy stated what is before the Board of Supervisors this evening is that draft with some additional changes that had been recommended by the Township staff as they continued to work on this. He stated those changes are highlighted and also included are notes as to who made those recommendations and why.

Mr. Kennedy noted Page 2 under Uses – A1E – Financial Services and Banks, and he stated they changed the wording to indicate “including drive-through windows and ATMs.” He stated this is a revision that the developer made because in further reviewing the Township Ordinance they noticed that there was different terminology in the existing Zoning Districts, and they wanted to reflect that same terminology. He noted Item L - Restaurants, including drive-throughs; and in the current Ordinance the Township uses the term “drive-through service,” so they made this change to conform to the existing Township Ordinance.

Mr. Kennedy noted Page 3 under Neighborhood Open Space. He stated it was recommended by the Township staff that they increase the amount of Neighborhood Open Space from 10% to 15%, and the developer agreed to that. He stated Neighborhood Open Space is improved open space as

opposed to Common Open Space as defined in the Township Ordinance. He stated Neighborhood Open Space is not simply an open field or a wooded area, rather they are areas that have improvements placed on them such as pocket parks, plazas, gardens, water features, etc. He stated they are basically amenities. He stated the cost for those are considerably higher; and it would be less expensive for the developer to double or triple this percentage of open space and not have any improvements. He stated these are real amenities that will benefit a Mixed-Use development. Mr. Kennedy stated the balance of the changes in that same paragraph are just clarifications so that it was absolutely clear as to what Neighborhood Open Space is and what it is not.

Mr. Kennedy noted Page 4 under Area and Dimensional Requirements which is a Table, and they corrected a typo under the maximum floor area ratio; and it was changed to .40 which is very low.

Mr. Kennedy noted Page 5. He stated there was a lot of discussion with the Planning Commission about the architectural design of the buildings. He stated while they are not in the Historic District, they included some clauses which require that the Applicant must submit architectural renderings for all of the buildings both the Residential and non-Residential buildings including specific details about the proposed buildings. He stated they also included a clause that states that the same type drawings/ renderings should be submitted for the main entry features; and those would be along Stony Hill Road at the main entrance going to the round-about in the center of the site where it was indicated previously that there would be a light installed.

Mr. Kennedy noted Paragraph A under the Bonus Provisions on Page 5, where some minor changes were made one a “clean-up” and the other a clarification under the Density.

Mr. Kennedy stated with regard to the Bonus Features, the way the Ordinance is structured the initial maximum density is twelve units per acre which equals the highest density currently found in the Township under the Ordinance; however, the density can be increased to a certain amount by providing certain other amenities or features that would normally not be required. He stated these would be voluntarily provided in exchange for a little bit higher density. Mr. Kennedy stated it was suggested by the Planning Commission that under the Historic

Building Preservation Bonus that they drop the woodland disturbance from 10% to 5% for the use of that particular bonus. He stated that is one of the bonuses that this developer will definitely use as both the house and the barn will be preserved and reused.

Mr. Kennedy noted Page 6 which is a bonus for inter-connections, and that would be connections of driveways, pedestrian paths, etc. He stated this would be so that people in the adjacent Office Park would not have to get in their cars and drive out onto the road to get over to the shopping center. He stated he has seen this bonus used in other Townships, and it is quite effective in cutting down on traffic. He stated they clarified this to indicate what it meant and how it could be applied.

Mr. Kennedy stated the Planning Commission had recommended that they remove one of the bonuses which was for Alternative Transportation Infrastructure, and it is not seen in the Table because it was removed. He stated in their discussions with the Township staff it was recommended that they add that back in. He stated this provides for a bonus when the following is provided: “Provide at least five charging stations for electric vehicles plus one of the following: five parking spaces designated for car sharing, pick-up, or drop-off or a bicycle rack.” He stated the staff felt that was beneficial and was the type of improvement that should be encouraged for developers to do; and they would agree to put that back in if the Board of Supervisors would like to see that added back in.

Mr. Kennedy stated the last change is on Page 8 which is an amendment to Article 19 – Signs, and it is just adding a reference to the Mixed-Use Overlay in the Township’s existing Sign Ordinance. He stated they are not proposing any changes from the existing regulations on signage. He stated this change basically states that Residential portions of a Mixed-Use Development will follow the Residential Sign Standards, and Non-Residential portions of a Mixed-Used community will follow the Non-Residential standards within the Township’s existing Sign Ordinance.

Motion to Approve Advertising the Ordinance and Discussion by the Board of Supervisors

Ms. Blundi moved and Mr. Grenier seconded to approve advertisement of the Ordinance.

Mr. Grenier stated they are only looking to approve an Overlay District and not to completely change the Zoning. He stated an Overlay District generally provides additional development options and does not replace the existing O/R Zone. He stated at any point the Board of Supervisors could vote to vacate an Overlay if necessary. Mr. Kennedy stated what Mr. Grenier has indicated is correct.

Mr. Grenier stated he understands the property is approximately thirty-six acres. He stated the developer has conducted an analysis and understands the stormwater management issues at the site. Mr. Grenier stated he understands that they have gone out and conducted Natural Resource evaluations such as wetlands delineations, endangered species review which has been coordinated with the State, and did a Pennsylvania Natural Diversity Inventory; and all of those have come back “clean” indicating that there are no wetlands, endangered species, etc. Mr. Kennedy stated that is correct.

Mr. Kennedy stated the base site area is 37.3 acres, and the net site area under the Township Ordinance would be a little under 33 acres. Mr. Grenier stated he feels that this property is about the same size as the current Commercial development at Shady Brook which is 36 acres as well. Mr. Majewski stated the Commercial portion of Shady Brook Farm is approximately 34 to 35 acres. He stated the Floral Vale Development could provide another frame of reference, and that is approximately 34 acres.

Mr. Grenier stated they also conducted a tree survey at the site which is how they determined the woodlands impact, and Mr. Kenney agreed. Mr. Grenier stated he understands from the Planning Commission notes and from the presentation made last year to the Board of Supervisors, there may be some potential trees that are similar in size to those in the Heritage Tree Ordinance that was recently passed. He stated while that Ordinance is voluntary, he understands that the developer is trying to save those trees. Mr. Kennedy stated there has been a significant amount of work put into saving some trees particularly those that are around the existing buildings.

Mr. Grenier stated the house and the barn are very unique historic structures that the developer is looking to save, re-purpose, and to make them a focal point of the project, and Mr. Kennedy agreed.

Mr. Kennedy added that in the Ordinance there is language that states, “The preservation and re-use of the buildings,” so the developer could not leave them empty, and they must be re-purposed for some kind of adaptive re-use. Mr. Grenier stated he would be in favor of keeping that part of the Ordinance.

Mr. Majewski stated the house and barn are in excellent condition. He stated for years the barn was used to store high-quality antiques. He stated it would not be difficult to have someone want to use those properties.

Mr. Grenier stated Mr. Kennedy had indicated that architectural renderings would be submitted. He asked if they are committing to coordinate with HARB (Historic Architectural Review Board) for the house and barn and any other portion. Mr. Kennedy stated they would definitely do that for the historic buildings that they are saving. He stated there may have to be some slight modifications. He stated he knows for one of the buildings, there was interest in a restaurant going in there so they would need to accommodate a kitchen, etc.

Mr. Grenier noted Section 200-50.7 – Permitted Use, and stated he would like to discuss in more detail the following: I – Large Retail Store, M – Retail/ Personal, O – Shopping Center, L – Restaurant with Drive-Through, and E – Financial Services with Drive-Throughs. Mr. Grenier stated with regard to L and E – the two with drive-throughs, he is concerned with drive-throughs in areas of this size. He stated he believes that the Bucks County Planning Commission also brought this up in their review. He stated he is not totally against drive-throughs under the right circumstances for banks, etc. especially post-COVID where that may actually help businesses; however, he would like to see that considered under a Conditional Use versus a Permitted Use so that future Boards can review those.

Mr. Grenier noted I and O – Large Retail Store and Shopping Center – and he feels those are very broad terms. He stated he does not think they would want a lot of “big boxes” there, and Large Retail store has that connotation. He asked Mr. Majewski for guidance as to how they might be able to limit that and have more specific, desirable uses. He stated he understands that this Applicant has very specific ideas as to who would go there under this specific Land Development; however, if this development were to “fall through,” he would want to protect the Township for future development.

Mr. Grenier noted Sections 200-50.9 and 200-50.10 with regard to Bonus Provisions. He stated he feels a lot of the bonuses are just good practice, and they could be used to “sell the project” and result in higher Lease

rates. Mr. Grenier stated he would be willing to keep pedestrian connectivity that focuses on the walkway across the bridge. He stated he feels that is something that the Ordinance should commit to as he feels that is a key aspect for a “live, work, play-style area of a true Mixed-Use development.”

Mr. Grenier stated he feels 60% of the woodlands is higher than necessary, and they could take that down to 50%. He stated he believes that they were also asking for 70% impervious surface, and it seems that they could do 65% with no need for bonuses built in.

Mr. Grenier stated with regard to the traffic, he would like to hear about the accepted standards and practices used so that the Township knows where the Applicants are getting their information from. Mr. Grenier stated they discussed roadway widening, and this would involve land; and he would like to know about Easement requirements, how much land it needed, and what the plan is to deal with that.

Mr. Grenier stated Mr. Dwyer received a Special Exception from the Zoning Hearing Board several months ago for a 125,000 square foot warehouse for his portion of this development. Mr. Grenier asked Mr. Dwyer if he had taken that to PennDOT for their review. Mr. Grenier also stated that he believes Mr. DeLuca had provided drawings to staff where he felt he could get more than double that size warehouse on his portion of the property as a “potential back-up development.” Mr. Dwyer stated they had submitted the Traffic Report for the warehouse to PennDOT and met with them on a Pre-Application meeting, and they received clearance on all the Pre-Application criteria that they set up with them. He stated they submitted the Traffic Report to the Township and PennDOT, and secured the Special Exception as a result of that. He stated the Special Exception is good for a couple more years for the 125,000 square foot warehouse. Mr. DeLuca stated they did submit a Sketch for their portion of the property prepared by the same engineer that Mr. Dwyer used for his site, and they were able to accommodate an additional 200,000 to 250,000 square feet of warehouse space.

Mr. Williams stated with regard to Mr. Grenier’s traffic questions, while it is a comprehensive scope of improvements, they are dealing with some very large properties so they are only actually impacting two properties and two property owners. He stated on the west side of Stony Hill Road, while the engineering is not complete, they are estimating they need about one quarter of an acre in right-of-way to the west side of Stony Hill Road and four tenths of an acre of Easements. He stated on the east side of Stony Hill Road need about one

quarter of an acre as well and four tenths of an acre as well in Easements on the east side of Stony Hill Road. He stated in total it is about .5 to .6 acres of right-of-way and .8 acres of Easements. He stated the Easements are temporary construction Easements.

Mr. Grenier asked if they have considered additional stormwater management for the widening, and whether they have space for that. Mr. Williams stated while they have conceptually accounted for that, they will not be able to examine that any further until they get further into the process and do more detailed engineering. He stated it will be addressed.

Mr. Williams stated with regard to Mr. Grenier's question about means and methods, they have prepared the Traffic Study, consulted with the Township's traffic engineer, and satisfied the Township's traffic engineer in terms of the means and methods of the Study and the procedures they used in preparing the Traffic Study. He stated they have also abided by all of PennDOT's regulations, and in fact have exceeded those regulations. He stated they followed the same set of rules he would in preparing any Traffic Study in the Philadelphia area following PennDOT's criteria, and these are the same expectations and standards that he would use in the Municipalities that he represents in the way in which he would expect a Traffic Study to be prepared.

Mr. Williams stated with regard to how they go about estimating the traffic, there are National standards that they use through the Institute of Traffic Engineers (ITE); and that is the basis by which they estimate the traffic generated by the project and it is based on real data for other similar land uses. He stated everything that they have prepared in putting the Study together is based on local, State, or National standards.

Mr. Fiocco stated they asked Mr. Williams to do a gravity model to best estimate where the traffic would come from to this site and where the traffic would go to leaving the site, and Mr. Williams did that. Mr. Fiocco stated his engineers went through Mr. Williams' numbers, and confirmed that they agreed with the Levels of Service that are predicted at those intersections. He added that those intersections that are experiencing significant delays today will have significant improvements if the developer does build the improvements that they have identified.

Mr. Grenier asked Mr. Majewski his opinion about Conditional Use for the two drive-through uses and asked if there are ways to address the Large Retail Store option. Mr. Majewski stated with regard to Conditional

Use for drive-throughs, that is something that was pointed out in the Bucks County Planning Commission informal review of the Ordinance, as they felt that the drive-throughs could conflict with the purpose of the “live, work, and play” pedestrian connectivity; and depending on the type and nature of the drive-through, that there could be conflicts given the location of that within the development. He stated he does feel it would make sense to make that a Conditional Use so that they can exercise extra caution to make sure that it is not located where people will be walking.

Mr. Majewski stated with regard to a Large Retail Store, the definition is any Retail facility with more than 10,000 square feet of floor area, except for supermarkets, or any variety store, department store, home improvement center, garden center, or discount store regardless of size. He stated for a scale of reference, the Kohl’s store in the Township has 92,480 square feet of floor space. He stated limiting the size of a Retail store in the Overlay would result in not overwhelming the site and would provide a mix of uses and would make sense not just for this Overlay but also for the entire Township. Mr. Majewski stated new Targets and Walmarts are 100,000 to 150,000 square feet, and limiting the size of a Large Retail Store would make sense for the Ordinance.

Mr. Grenier asked if they could limit the type of Retail store such as limiting it to grocery as opposed to a Costco-type store. Mr. Truelove stated he would be careful about excluding “classes,” and they would need to look into ways to fashion the Ordinance so that it promotes a purpose that would not be overly-exclusive. Mr. Grenier stated his concern is what could happen in the future if this proposed development does not go through as envisioned.

Ms. Blundi stated she agrees with Mr. Grenier that there needs to be less woodlands disturbance. She stated she has been on the site in the past, and she thanked the developers that they have planned part of the project around the two large trees; but she feels there is opportunity to save more trees. Ms. Blundi stated she is concerned about the amount of impervious space, and would like to get that more in line with other projects that have been done. Ms. Blundi stated she has mixed feelings about drive-throughs, and feels Conditional Use would be the way to go if they are trying to promote walkability. She stated she feels they should look into limiting drive-through restaurants to certain areas of the development so that in order to walk to them, pedestrians would not have to walk through the drive-through line.

Ms. Blundi stated she appreciates the developer committing to allowing the Township to weigh in on the architectural designs in a way that would not traditionally be done. She stated she would like to consider if there is more that could be done in that regard since aesthetics are important to her and to the Township; and to the extent possible, she would like to see that all the buildings including the apartments are in keeping with the architecture overall.

Mr. Lewis noted the Bucks County Planning Commission recommendations. He stated when they reviewed the Overlay, they questioned whether the drive-through facilities were consistent with the stated purposes of the Overlay District, namely to promote walking and biking; and he agrees. He asked why they did not address that recommendation. Mr. Kennedy stated they did review the Bucks County Planning Commission comments. He stated one of the other stated intents is to promote economic development within the Township. He stated automotive-based businesses are a part of our society today; and under the current conditions, they are seeing an unexpected benefit from them in the way that has helped out in the current health crisis. Mr. Kennedy stated there are certain types of businesses that will only locate within a Commercial or Mixed-Use development if they can have drive-through facilities. He stated if they were to completely eliminate them, it would severely “tie the hands” of the owner of the development; and they would be at a disadvantage of being able to be competitive in attracting good tenants. He stated a big part of this is trying to create a mixture of different uses to create a certain type of atmosphere, and that is what creates the energy surrounded by these types of Mixed-Use developments. He stated his office has worked on a number of them across the Delaware Valley, and the drive-through business is a topic that often comes up; however, generally it is recognized that you do have to allow them in some fashion. He stated they would not get a bank without a drive-through. He stated the idea of making this a Conditional Use is good, and it would make sense to carefully evaluate this so that the building is located in a certain way where the drive-through facility would be reviewed in terms of the views from the street, etc. He stated he does not feel a large number of businesses on the site would involve drive-throughs. He stated he feels they need the ability to include them in the tenant mix if they want to have a successful development.

Mr. Lewis stated Lower Makefield has very few drive-through facilities, and he feels there are only one or two. Mr. Majewski stated he believes that all five banks we have in the Township have drive-through facilities. Mr. Lewis stated he believes only banks have drive-throughs in the Township. Ms. Blundi stated there are drive-throughs in some of the drug stores as well. Mr. Lewis stated he feels this should be permitted by Conditional Use at a minimum.

Mr. Lewis asked why Commercial Recreation is needed as a by-right usage, and asked what they are planning for Commercial Recreation. Mr. Kennedy stated this developer is not really planning anything that would be Commercial Recreation, and most of these uses originally came out of the Commercial District originally. He stated he assumes Commercial Recreation would include mini-golf, batting cages, etc.; but they are not planning for any of that in their development. Mr. Lewis asked if it would not be better to draft a more-narrowly constructed Overlay that considers those uses, but considers them as Conditional Use only as opposed to by-right. Mr. Kennedy agreed that could be added to a select group of uses for Conditional Use.

Mr. Lewis noted Section 200-50.8 regarding tract size as it relates to the letter from the Bucks County Planning Commission. He stated when the parcel is considered, it is combined; however, the property owner can then split the site into separate Lots. He stated each could contain a single land use with potentially different owners so that there could be a situation where you truly do not have a Mixed-Use development scenario and it could be Residential versus non-Residential which is not truly a Mixed-Use development. He asked if there is a way to make sure that the Overlay lives up to the Mixed-Use standard.

Mr. Kennedy stated he feels this is something that was misunderstood by the County. He added that there was no interaction with the County, and the County did not ask him any questions. Mr. Kennedy stated the reason why the clause is there is an economic reason. He stated there has to be a total development design on the entire parcel that contains a mixture of uses; however, it is a very common practice that some store owners as part of their financial model insist that they must own the land on which their store is located. He stated for those purposes there is a mechanism sometimes called a "Mortgage Subdivision or a Financial Subdivision" so that whatever area is agreed upon can be defined as a Lot, and because it is a Lot they still need to make sure that they are covered Zoning-wise. He stated the overall Zoning of the tract is satisfied in the initial Land Development Approval, but other than that it could be divided up into these separate sub-parcels for purely financial purposes.

Mr. Kennedy stated he is unsure if this is what the Bucks County Planning Commission was concerned with because they did not have any interaction with them. He stated they could have been referring to a Mixed-Use building which is something that was brought up at the Township Planning Commission. He stated that would be a two or three-story building that would have Retail on the bottom and apartments above. He stated that is something that is a market and economic decision. He stated while a lot of planners do aspire to produce those types of buildings similar to what is found in Newtown or Doylestown, in the modern era with the Building Codes in place today, that is extremely expensive to do in new construction; and they would need to have a completely different fire rating between the first floor Retail/Commercial Use and the Residential above. He stated most developers balk at that cost. He stated some Retailers also do not want to be included in a Residential building. He stated they did decide to include that as an option in the Ordinance and added significant language concerning Mixed-Use buildings. He stated they are defined in the Ordinance, and they can be no more than three stories tall. He stated that is not something that this developer is interested in doing due to the economics.

Mr. Lewis stated with regard to the amount of Neighborhood Open Space, currently that is required to be 15% net buildable which is lower than what the R-4 Residential is which is 40% of the base site, not net buildable, for resource protection and common open space. Mr. Lewis asked why they have included such a low amount, and he asked if that could be increased to 20% or 25% and not significantly impact the development. Mr. Kennedy stated that would significantly impact the development; however he added that as he noted earlier Neighborhood Open Space is improved open space, and it has to have improvements such as landscaping, a gathering area, seating areas, pocket parks, etc. Mr. Kennedy stated those amenities cost a lot of money, and it would be less expensive if they tripled the open space and made it 45% but then they would not have the same benefit or achieve the same type of environment that they are trying to create in a Mixed-Use development. He stated what you need are areas that have the type of amenities where people can gather and socialize, and those cost a lot of money. He stated in Ordinances that they have written in the past, they typically have been 10% to 15%. He noted specifically the King of Prussia Town Center where there are areas along the street where people can socialize, and there are several restaurants around there. He stated the main gathering area is only one quarter of one acre, but given the improvements that are there, that area costs a significant amount of money.

He stated percentage-wise it represents a very small percent of the land that was used for the development; but in terms of cost, it was much greater. He stated in terms of impact benefit it is what makes that space.

Mr. Lewis stated the Bucks County Planning Commission stated that the trail and sidewalk connections should not be allowed to count toward minimum open space requirements. Mr. Kennedy stated he believes that they have the trail counted but not the sidewalks. Mr. Lewis stated the trail is not that big a portion of it, and Mr. Kennedy agreed. Mr. Lewis stated while he appreciates the economics of it, they do want to have something that has more open space and greenway in there.

Mr. Lewis noted Section 200-58.E – Dwelling Units per acre. He stated the Bucks County Planning Commission indicated that if you added in the Special Bonus Provisions, you could get to a maximum density of 15.5 dwelling units per acre which would be higher than any of the Township's other Residential Zoning areas. He stated he believes that R-4 is twelve dwelling units per buildable site acre. He asked why they would need densities higher than R-4. Mr. Kennedy stated it is actually lower. He stated their density of the twelve units per acre is not based on the entire site, and it is only based on the part of the site that is designated Residential which in this case is about fourteen acres, and is how they got to the 200 units. Mr. Kennedy stated under the current TND Overlay you can do twelve units per acre across the entire site plus you can do non-Residential uses. He stated their twelve units per acre is only the part of the site that is designated Residential. He stated if they were to look at it the same way as the TND Ordinance with the 200 units across the entire site, it is actually six units per acre. Mr. Kennedy stated he feels this is another area where he does not believe the Bucks County Planning Commission understood how the Ordinance worked because there was no interaction with them. He stated typically if the Bucks County Planning Commission was writing a formal review, they would contact him and ask questions.

Mr. Lewis stated if 14 acres were to be used for Residential, fourteen times twelve is not 200. Mr. Dwyer stated it is 13.5 acres. He stated they have shown 200 units which is all they could fit on the 13.5 acres following all the other criteria outlined in the Ordinance. Mr. Dwyer stated that equals 14.3 on the Residential; however, as noted by Mr. Kennedy it is less than 6 across the entire site which is what the TND Ordinance calls for.

Mr. Lewis stated when the Board voted on the proposed apartments previously, he believes that version was around 160; however, Mr. Dwyer stated it was 192 on the Plan that the Board saw. Mr. Lewis asked what 13.5 times 12 would be; and Mr. Dwyer stated while it is over 200, their number is 200. Mr. Kennedy stated it is 13.5 units per acre so it is 12 plus a bonus. Mr. Dwyer stated it is 14.33 dwelling units per acre. Mr. Lewis asked Mr. Majewski to confirm the numbers, and Mr. Majewski stated he believes Mr. Dwyer's numbers are correct. Mr. Lewis stated if he does 13.5 times 12 he gets 162. Mr. Dwyer stated with the bonus it gets them to 15.5; but they are not doing that, and they are using 14.33. He stated they are using one of the Bonuses to get above the twelve units per acre. Mr. Kennedy stated it is 13.5 DU per acre times the 14 acres of Residential land. Mr. Lewis stated that is 189. Mr. Dwyer stated with the Bonus you get above 200, but they are proposing 200 on the Plan. He stated the Bonus would allow them to get more than 200; but their Plan is designed at 200 because they cannot comply with other standards outlined in the Ordinance, and that restricts them to 200 units. Mr. Dwyer stated they need 200 units. He stated they are doing the bike path to get the Bonus, and that was the original proposal that they had in 2010/2012 when they first came to the Township.

Mr. Lewis stated he feels that is a lot of units on a small part of the area, and the question is whether the rest of the parcel offsets that; and the Board should consider that. Mr. Dwyer stated the TND Ordinance allows for a lot denser congregation of units. He stated if they were to use the setbacks in the TND Ordinance, that Ordinance would allow for a much more ambitious plan. He stated this Plan follows the R-4 standards and provides a Bonus if they do something exceptional as far as the bike path connection, and that is similar to what they proposed in the original re-Zoning request.

Mr. Lewis stated they are not just thinking about this Applicant using the Overlay. He stated they have to consider other parcel owners in the area who could also benefit from the Overlay and what they may or may not do given the options. He stated that is why it may be better to clarify and re-draw this in a way that is simpler, and they could consider that further. He stated he does have concerns with the Residential density. Mr. Dwyer stated if they were to refine the definition to allow for it to become like a TND across the site, it would only be six dwelling units or half of the R-4. He stated this is not an R-4 District, rather it is an Office Research District, which under the current Zoning would have no open space and just "massive warehouse and Office or any other Use that is permitted."

Mr. Dwyer stated what is proposed is “obviously a more beneficial set-up;” and the 200 units across 37 acres is well below what is permitted elsewhere in the Township.

Mr. Majewski stated as a clarification TND stands for Traditional Neighborhood Development, and that is the development that is going in on Stony Hill and Yardley-Langhorne Roads with the Flowers Field development with the houses and the Commercial in front of them which is yet to start.

Mr. Lewis stated Section 200-50.9 has an exemption from Section 200-63 of the Code on the special setbacks; and rather than 100’ adjacent to Arterials and 80’ adjacent to Collectors, this has rights-of-way of 50’. Mr. Lewis stated he would have no problem with the 50’ setback if they were talking about I-295 where there is a hill which provides a buffer, but he questioned why they would not apply that only to the I-295 setback. Mr. Kennedy stated the main reason is that those large setbacks are commonly found in suburban areas and are what make suburban areas look the way they do where the shopping center buildings are pushed way off the road, and there is a “giant field of parking in front of them.” He stated the goal of a Mixed-Use Development is to bring the development closer to the roadways and more integrated in especially if you want to encourage pedestrian use along the roadway. He stated they do have a walking trail. Mr. Kennedy noted a Mixed-Use development they are working on currently in Upper Dublin which is under construction that has 402 units, and that setback is only 25’ from the right-of-way because they want the buildings to be closer to the road. He stated many County Planning agencies would find 50’ too large. He stated given what the special setback was, they felt it was reasonable to cut it to 50’.

Mr. Lewis stated he can see where the Commercial would be relatively close to I-295 based on the way the land is; however, he is not sure they want to give that right to every parcel that would be subject to the Overlay. He stated if they felt it was important to reflect the nature of a particular parcel, they have Conditional Use and Zoning Hearing Board options for that.

Mr. Lewis stated the Bucks County Planning Commission took exception to the Bonus provisions in 200-50.9 and indicated “This Section would provide developers with Bonuses for practices which are currently standard in the industry such as construction of energy-efficient buildings and providing pedestrian connections on-site and off-site.” Mr. Lewis stated the LMT Planning Commission “was not excited” by the Bonus provisions either,

and they called those out as well. Mr. Lewis asked why it is felt they are needed in the Overlay; and he asked if it is specific to this proposed development or is it something they believe policy-wise is necessary for other parcel owners that would be subject to the Overlay. Mr. Kennedy stated he feels that it is both. He stated they are trying to encourage good development practices and green building practices. He stated when you look at the Bonuses carefully, it could be stated that they are popular in much denser areas; however, they are also not the type of thing you can typically require under the Zoning Code and under the MPC. He stated this is providing an incentive for the developer to go in that direction.

Mr. Lewis stated they need to discuss the difference between permission and incentives. He stated this is a request for a specific Overlay and changing the Zoning Law. He stated there is not a problem with the Board saying that they will not give Bonuses for more, and if they want to take advantage of the Overlay, they should build something that meets certain environmental standards. Mr. Kennedy stated they could start to run into certain issues legally. He stated they need to stay within the boundaries of the MPC and the Zoning Ordinance, but they do want to try to encourage these better practices; and he does not feel there is anything wrong with using an incentive to get better buildings. He stated this is quite common in many Municipalities across the Country, and he is surprised that this was in the Bucks County Planning Commission letter. Mr. Lewis stated they do not provide Bonuses for meeting Fire Code, etc. He asked that they consider this further and see what it is that they really need. He stated this is not about this particular Land Development; and if they are changing an Overlay that affects other property owners, they need to make sure that they are very careful and do not have unintended consequences with that.

Mr. Lewis stated he was pleased with the revisions in the Traffic Study and pleased with the potential there. He stated he does not believe that the proposed Wawa on the Newtown By-Pass was counted in the Traffic Study, and that would be a significant driver of traffic which is closer to Prickett's Preserve than other developments. He stated he is not sure that would change the Ratings post-development, but they should think about that.

Mr. Lewis asked if this proposed development is built, what will the impact be to other landowners who want to develop in the O/R District. He asked if a landowner could develop an Office building and still be able to "make the grade in traffic." Mr. Kennedy stated they could still use the O/R Zoning,

and that is not changed at all. He stated as Mr. Dwyer noted the standards are probably more intensive in certain ways including coverage and much more impactive traffic. Mr. Kennedy stated the property could still be used for O/R.

Mr. Lewis stated after the Overlay is passed and this development is complete, there are other parcels within the O/R District which are not yet developed. He asked what they feel would be the highest next best use for those parcels given “this regulatory regime” that is being suggested here. Mr. Kennedy stated the way the Ordinance has been written, there are a very limited number of parcels that could qualify as it is written today. He stated any request for that would have to be a Map Change, and they would not have this as a matter of right. He stated they would have to come to the Township and ask for the Overlay to be extended across their property. Mr. Lewis stated he is concerned about what this does to the rest of the O/R District and what specifically what other properties that do not have the Overlay would do. He asked if their highest next best Use would be hotels since they are allowed in O/R. He stated other things could also be brought in. He stated Mr. Dwyer has previously come before the Board talking about trends in Commercial Land Use, and the “death” of Suburban Office space. He is asking what will happen to the other parcels, what they will become, and what that will mean for the Township.

Mr. Dwyer stated based on their ownership of the Corporate Center for years something like what is now being proposed adjacent to their property would have helped them dramatically. He stated the current owners of the Corporate Center support this type of Mixed-Use for the same reason that his firm did because there is no place currently for their workers to “live, work, and play.” He stated having this proposed Use next to them will make the Corporate Center more sustainable and possibly attract someone else to other Office space. He stated at this time with the market conditions, there is no place in Lower Makefield to do something like this; and what is proposed will be a great amenity, connect the Corporate Center with Edgewood Village, and provide a critical component between the Corporate Center and Edgewood Village. He stated this will be a “tremendous asset to the Township.”

Mr. Lewis stated he does not disagree with Mr. Dwyer’s analysis as it relates to the properties that are already developed, but it is the ones that could be developed that he is asking about. Mr. Dwyer stated there is really no vacant property in the O/R District that qualifies with the standards required in the Overlay. He stated they are all developed properties, and the only undeveloped property is their property. Mr. Lewis stated while that is correct, the ones that are not developed in the O/R would still have a next best use that would have traffic impacts as well.

Mr. DeLuca stated the property across Stony Hill Road primarily Shady Brook and the property owner by Aria have a potential for development. He stated they are currently Zoned O/R so they could build and develop based on that District. He stated while they could come to the Township and ask for consideration and petition for a Mixed-Use Ordinance, he has no knowledge of what they might ask for or when they might ask for it. He stated if they were to have a traffic impact, the Ordinance requires a Traffic Impact Fee. Mr. DeLuca stated since his development is making significant improvements it would probably necessitate those other property owners to pay a Traffic Impact Fee to make other improvements in the area, but he does not know that there would be much more to do to the By-Pass since they are proposing to bring the Levels of Services from E and F to C and D.

Mr. DeLuca stated with regard to a potential Wawa in Newtown Township if it is approved and built, primarily a Wawa is pass-by traffic; and people do not usually go out of their way to go to a specific Wawa, and they are stopping as they drive by one on their way to or from certain destinations.

Mr. Lewis stated the intent of his question was not about those parcel owners seeking the same treatment which they may or may not do. He stated absent any changes in the Law, what they could do with O/R, their next highest best use could potentially be warehouses given where we are in the market. Mr. DeLuca stated that would be covered by a Special Exception, and they would need to go to the Zoning Hearing Board and present their case. Mr. Lewis stated he assumes Mr. DeLuca would be “okay with that,” since he offered warehouse in lieu of this development; and he asked if that would help or hurt them going forward. Mr. DeLuca stated he feels it would be whatever use is beneficial for the community on that site, although he personally would prefer not to see a warehouse developed across the street; however, that is currently permitted in the Zoning Ordinance under a Special Exception, and the Township would have to hear the Testimony and make a decision on that. Mr. Lewis stated this might be an opportunity to remove the Warehouse Use under O/R if they are concerned that may lead to negative outcomes. He stated this would not affect Mr. Dwyer’s existing approval. Mr. DeLuca stated that would be a decision for the Board to make if they want to remove Warehouse from the Special Exception.

Mr. Lewis stated he feels they should resolve the Bucks County Planning Commission issues and “honor where the LMT Planning Commission came from within the Overlay.” Mr. Lewis stated they may want to reach out to the Bucks County Planning Commission with a draft that is more reflective.

Mr. McCartney asked what percentage of the property has to be within a quarter mile of Edgewood Village. Mr. Kennedy stated it indicates that any part of the property has to be within a quarter mile. Mr. McCartney stated it seems that the only other property that would fall within those guidelines would be Shady Brook across the street. Mr. Kennedy stated there are some properties that are already developed that fall within that potential area. It was noted by a number of people that Shady Brook does not fall within that area. Mr. Kennedy stated they did present a map that showed that quarter mile, and Mr. Majewski showed that map at this time.

Mr. McCartney asked if R-4 Zoning and the TND apply to this when they are actually “issuing a Zoning Overlay or an Overlay District to a prior use that does not fit that.” Mr. Majewski stated while it does not, he believes that what they were doing was providing a comparison of comparable type of uses. He stated apartments are allowed in the R-4 Zone. He stated this is more of a hybrid of the TND and the Matrix Zoning that was done for the Age-Qualified development where they mixed Residential and Commercial. He stated it is probably more closely related to the Traditional Neighborhood Development where there is a mix of Residential and Commercial Uses. Mr. McCartney asked if it would be appropriate since we have more flexibility/authority over what happens in the Zoning Overlay to lay the groundwork for what specific density as far as apartments they want within that space rather than to look at what the existing R-4 or a traditional Land Development would look like considering the location, and the “look and feel of what we want.” Mr. McCartney stated there is nothing like this in the Township, so if it is a hybrid, he would like to know if it would be to our advantage to specify within the Overlay what they want the apartment piece to look like.

Mr. Majewski stated he feels that is what they attempted to do with the Ordinance and the base number is somewhat comparable to the R-4, but is more like the TND. He stated they are using the Bonuses to get to a certain number. Mr. Majewski stated the Township does provide for incentives elsewhere in the Ordinances similar to the Bonuses in the Overlay. He noted the Farmland Preservation Zoning in the Township, and rather than lotting out the northern part of the Township into one-acre Lots, the Township wanted to preserve farmland in that case; and they allowed the developer to cluster down to half acre Lots which would require less roads and utilities and they could save that money and achieve the same density. He stated the Township incentivized that by giving a higher density. Mr. Majewski also noted the Age-Qualified Ordinance as part of the Matrix Settlement which

also had incentives by allowing greater woodlands disturbance and more flexibility in some standards in order to achieve the goal of what that development was when they did that Ordinance.

Mr. McCartney asked Mr. Williams about the slide shown of the current and proposed intersection ratings, and it seemed that the only one that changed was the intersection at Stony Hill where Stony Hill continues to the light over the I-295 overpass. He stated it seems that went from a B to a D, and Mr. Williams agreed. Mr. McCartney asked what caused that. Mr. Williams stated it will be a D by 2028 even if this property never develops due to normal growth. Mr. Williams stated when they develop their property, it goes to an F; but when they put the improvements in which they are suggesting, which are signal modifications and traffic signal phasing modifications, it brings it back to a D. He stated D is still in the range of highly acceptable. Mr. Williams stated where they have a more dramatic benefit is on the By-Pass where today they are experiencing E and F intersections that they will improve to C and D intersections. He stated Township Line and Stony Hill Road is actually a very good intersection today, so they are not able to see the same dramatic improvement, but it is still an improvement.

Mr. McCartney asked as to the economic impact for Lower Makefield and the neighboring Townships, what economic impact do they feel will be seen by bringing in additional retailers into the marketplace. He asked if some of the retailers in Lower Makefield are going to be lost to the new development or will they be helped by consumers from neighboring Townships. Mr. Kennedy stated they did prepare an economic analysis. He stated because of this type of development especially with a major draw such as Wegmans, they are going to have people coming from other Townships to shop at the Wegmans and the other stores surrounding it. He stated an advantage of this location is that those from outside the Township would not be driving all through the Township, and they would get off at one of the ramps and come into the site. Mr. Kennedy stated also because of the apartments, there will be 200 new households which will result in their disposable income coming into the Township, patronizing the stores here and also the other stores in the Township. He stated any time you can add “more rooftops” to support Commercial, that is a good thing. He stated planners have noticed during the recent health crisis, that while Commercial is a little soft, certain Commercial is still required and it is dependent on the location. He stated those that are successful are very well located in terms of access and visibility.

Mr. McCartney asked if the Board was provided the economic analysis, and Mr. Dwyer stated they did submit a Fiscal Impact Report. He stated it shows a \$1.3 million cash surplus into the Township and the School District every year based on this proposed project. He stated \$200,000 of that goes to the Township, and the balance would go to the School District. He stated this will all be shared in more detail if they get to the Public Hearing. He stated they will have their fiscal impact consultant go through the numbers and answer any question relative to that. Mr. McCartney asked the major driver of the \$1.3 million, and Mr. Dwyer stated it would be Real Estate taxes. He stated there are very little services necessary as a result of this since it will all be privately maintained, and there will not be any Dedicated roads. He stated there will also be very few school-aged children to impose on the School District. Mr. Dwyer stated there will also be Retail tax benefits that go to the State and the County. He stated the Township will not get any Liquid Fuels money because they are not dedicating any roads.

Mr. Majewski noted there is also the Park & Recreation Fee-In-Lieu of dedication of recreation land, and that will be a sizable number that the Township will get up front to pay for Township recreation improvements. He stated they will be providing some recreation land on the site as they have a club house and land around it; however, that is not enough to meet the full obligation, and they will have to pay a Fee-In-Lieu of the remainder.

Mr. Dwyer stated there is also a \$52 annual tax for those working in the Township as well as a \$10 Per Capital Tax for those eighteen years and older living in the Township, but the big number comes from the Real Estate Tax.

Dr. Weiss stated the biggest concern he heard from the Board was where they would put drive-throughs. He stated if this is an issue for the Board, they may need an Amendment to the proposed Ordinance. Mr. Truelove stated the challenge is that he is not sure that there would be enough unanimity tonight to proceed to authorizing advertisement of the Ordinance without having all of the specifics. He stated at some point it may be appropriate to Table the Motion pending more input on what the different changes might be from the discussions this evening. He stated he assumes he, Mr. Harris, Mr. Majewski, and Mr. Kennedy will all have to discuss this further to get the information assembled and put into a document.

Dr. Weiss asked about possible Conditional Uses other than for drive-throughs. Mr. Truelove stated there was discussion about Large Retail. Mr. Truelove stated he feels they should assemble all the information and have something going forward that everyone can agree on to be advertised.

Mr. Kennedy stated one item he noted in addition to the drive-throughs was Commercial Recreation as a Conditional Use.

Ms. Blundi stated they also need to further consider woodlands disturbance. Mr. Kennedy stated he recalls that the recommendation was to go from 60% to 50%. Mr. Grenier stated another issue was impervious surface reducing that from 70% to 65%. He stated from a Conditional Use perspective, there were two related to drive-throughs – 200-50.7L and 200-50.7E – one for Restaurants, and one for Financial Services/Banks. Ms. Blundi stated it indicates “Restaurant” – singular – and she asked if they have to make it part of the Conditional Use that they are going to put a limitation on the number of drive-throughs within the District.

Mr. Grenier asked if that is something they could do legally or is it that every time someone wants to do a Restaurant with a drive-through, it would have to go through Conditional Use. Mr. Majewski stated he feels that two might be okay, but beyond that, they would be defeating the whole purpose of the Overlay. He stated by making it a Conditional Use, they have control over it; and if it is something that does not make sense they would have the control to say that it defeats the purpose of the Overlay, and that they are not getting the walkability/feel that they want on the site. Mr. Truelove stated they would also consider where the proposed drive-through is going to be relative to other elements within the District.

Mr. DeLuca stated he does understand the Board’s concern about drive-throughs, and they would be willing to accept that as a Conditional Use. He stated he would hope that they would not limit the number, and that it would be on a case-by-case basis and based on the tenant, the use, and its interaction with the rest of the Mixed-Use facility whether it is appropriate or not. He stated when they started a year ago a lot of things they will probably discuss going forward did not exist; and based on the pandemic, drive-throughs were necessary for some uses to survive. He stated at this point they have no specific use for any of the buildings other than the Wegmans although they have talked to many people. He stated part of it hinged on the Liquor Referendum, and hopefully the official results will be announced shortly, and they will be able to talk to

restaurants again. He stated they are looking at high-end, upscale restaurants that would not require a drive-through, but there are financial institutions or other Retail operations that would want a drive-through so he hopes that the Board will consider those on a case-by-case basis Conditional Use aspect and not limit it to a specific number.

Dr. Weiss asked if there is unanimity by the Board that drive-throughs would be by Conditional Use, and the Board agreed.

Dr. Weiss asked if there were other concerns about making anything else to be by Conditional Use. Mr. Grenier noted Commercial Recreation was another that was discussed. Mr. DeLuca stated that they would be fine with that adding they have no intention of having Commercial Recreation at their site. The Board was in agreement that Commercial Recreation would be by Conditional Use.

Mr. Grenier stated there were two different Use types that included drive-throughs, and he asked if they can do any drive-through as a Conditional Use or do they have to do it separate for each of the two listed. Mr. Truelove stated he feels Mr. DeLuca would agree to all drive-throughs being subject to Conditional Use. Mr. Kennedy stated he feels that would be the easiest way to do it, and it would be more appropriate.

Dr. Weiss stated they also discussed modifying Bonuses. Mr. Kennedy stated they discussed modifying the maximum limits. He noted with regard to woodland disturbance, they discussed limiting the maximum to 50% and the impervious coverage to 65%. Mr. Grenier asked Mr. Majewski how that compares to other Zones in the Township. Mr. Majewski stated the base woodlands disturbance allowed is 30%. He stated for the Age-Qualified C-3 District, you are allowed 60% woodlands disturbance.

Dr. Weiss asked about the impervious surface allowed in the O/R District, and Mr. Majewski stated 65% is the maximum allowed. Dr. Weiss asked if the Overlay requirements versus O/R requirements as written now are similar. Mr. Kennedy stated right now the maximum impervious surface would go to 70%, but he understands from discussions this evening, they should reduce the impervious coverage maximum to 65% which would make it the same as O/R, the underlying Zoning. Ms. Blundi asked if that would be 65% maximum, and there would be no Bonus impact on that. Mr. Kennedy stated he would have to go through all the Bonuses and impervious may come out of that and it would just be a flat maximum amount permitted.

Mr. Grenier stated they need to discuss Bonuses further as well as the definition of Large Retail Store. He stated he believes that there was general agreement about where there is an actual need for the Bonuses. He stated the Bonus he would like to keep is the one with regard to pedestrian connectivity, but he does not see the need for the other Bonuses.

Mr. DeLuca stated he understands that the Board wants the woodlands disturbance limited to 50%, and they need Bonus provisions in this proposed Mixed-Use Ordinance that allows them to go from 30% to 50%. He stated one of the Bonuses was for preservation of historic buildings. He stated the Bonuses that were included to take the impervious surface from 65% to 70% could be eliminated because the underlying Zoning District is 65%, and they could stay with that. Mr. DeLuca stated he believes that Mr. Dwyer's portion used the pedestrian connectivity/multi-use trail which he needed to get the density for the apartments. Mr. DeLuca stated for the Commercial side, he needs the Bonus provisions to get the woodlands disturbance from 30% to 50%. He stated neither side needs the Bonus provisions to stay at 65% which is the underlying Ordinance that exists today for impervious. Mr. DeLuca stated they need the Bonus provisions for the Residential side to get the density to two hundred units. Mr. DeLuca stated they can mark up the Ordinance based on the comments made and share it with the Township staff to see if they are accommodating the Board's wishes after they go through the rest of the comments the Board may have tonight.

Mr. Grenier stated with regard to the Bonuses, he can understand historic building preservation as a Bonus because someone could build on the property and depending on the Use, they would probably tear down these buildings which the Township sees as key resources in the Township; and he would agree to giving a Bonus for that and maybe going "back up to ten for doing that." Mr. Grenier stated he can also understand a Bonus for significant off-site pedestrian connections and the "inter-connections as revised;" although he feels they seem very similar, and he is not sure if they overlap or not in their definitions. He stated if they were to revise the historic building preservation from "five to ten," he believes that would give 60% woodlands for bonus, but they would want to revise that down to fifty.

Mr. DeLuca stated currently the introduction to the Bonuses right now shows 60% maximum woodlands disturbance, and they would govern that by reducing that to 50% so that even though other Bonuses might add up to being more than 50%, they would still be capped at 50%. Mr. DeLuca added

that they have not done formal Land Development Plans. He stated they are familiar with the woodlands on the site, and believe that they can live with the 50%; however, he feels they should leave the provisions, if it is acceptable to the Board, that would allow them different options to get to the 50%.

Mr. Lewis asked if they would not have the same option if they negotiated what the percentage rates were separate from the Bonuses, and then made requirements that historic buildings be preserved. He stated his concern is the framework of granting a special development and then giving additional Bonuses. He stated he is willing to think through this Applicant's unique business needs and find something that works; however, he does not want to create something that future landowners could misuse in ways that we had not thought of. He stated he feels the more that they limit this and make it tighter with fewer provisions, in general the Overlay would probably be stronger for this Applicant and for the Township in the long run.

Mr. Kennedy stated there was discussion about other potential users of this Ordinance in the future. He stated as planners they always try to look at how things might be used in other cases on other properties. He stated if this was used by someone else, they may not have a historic building on their property so that would eliminate that potential Bonus option for them. He stated they may need other incentives to try to increase the density or woodlands disturbance. Mr. Kennedy stated while he would have to look into how this could impact the numbers and the Bonus chart, possibly all of the Bonuses for impervious coverage could come out; and the remainder of the other Bonuses could be reduced. He stated that would still make it so that any other developer that could potentially use this would at least have more of a variety of options that they might be able to use if they wanted to develop a Mixed-Use development.

Mr. Lewis stated at this point the Board is not sure what the unintended consequences for other parcels in the O/R District that are undeveloped could be. He stated the more that they can narrowly draft something that gives the Board additional flexibility of future development, the better the Board would be in considering those Land Uses. Mr. Lewis stated while he respects property owner rights and their desire to have maximum flexibility, they also have to balance that with the health, safety, and welfare of the Township. Mr. Kennedy stated he understands that.

Mr. Grenier stated the Energy-Efficient Buildings and Construction is focused on Energy Star scores, and he asked what the standard Energy Star scores would be for a new, high-end Commercial building. Mr. Kennedy stated they did consider that, and they could increase those numbers although he does not have those numbers in front of him right now. Mr. Grenier stated most new appliances have Energy Stars and toilets are low flush. He stated the Township has a Green Building Ordinance for public buildings, and a straight LEED Certified building is not that much different from a typical modern building. He stated that might be different when you go to Silver, Gold and Platinum depending on the location.

Mr. Grenier stated for Mixed-Use Overlays of this type, he would want to promote pedestrian access as much as possible. He stated with regard to green roofs and alternative energy, it is possible that some buildings could have a green roof; and that does provide a benefit to the developer. Mr. Kennedy stated they could eliminate the Alternative Energy Bonus.

Dr. Weiss stated he feels that everyone agrees that they should have limits on the woodlands disturbance and the impervious surface.

Dr. Weiss stated there was a concern expressed about the size of the Retail boxes. He asked if other than the Wegmans, is there a way to limit the size of buildings in the Overlay District. Mr. Truelove stated they may want to consider floor area; and while he understands the concern about having an open option for any Retailer with a certain size to come in, he would suggest that since they are going to be looking at modifying the Bonus Table and some other items, Mr. Kennedy and Mr. Majewski could consider this further. He stated his office could weigh in as well. Dr. Weiss stated the reason he would consider this is because not only are they discussing this Ordinance in particular, it will also serve as a template for further development outside of the O/R District. He stated if they fail to do this the way they want to do it, it might create problems in the future. He stated that since they are already considering a number of changes, he feels Mr. Kennedy, Mr. Majewski, and the developer could meet in the next week or two to consider this further as to how to make this work.

Mr. DeLuca stated as the developer of the Retail, if it made the Board feel more comfortable, they could limit Large Retail to anything in excess of 20,000 square feet and exclude grocery store from that definition. Mr. Lewis stated he feels that would be very constructive. Dr. Weiss asked that they do that.

Ms. Blundi noted the architectural details; and Mr. DeLuca stated they are more than willing to meet with Ms. Blundi or any other Board member as they develop the specifics for the property. He noted that Wegmans does have very specific requirements for their parking lot lighting, but with regard to the rest of the Commercial and the main roads, they could discuss those with Ms. Blundi and discuss architecture for all of the buildings. He stated they will specifically work with HARB on the rehab and re-purposing of the two historic buildings and are more than willing to meet with Ms. Blundi or other Board members to discuss the architectural and landscaping features of the site. Mr. Blundi stated she appreciates that, and based on Mr. DeLuca's properties, she knows that they have great designs; however, to the extent that they are looking at this not just for this property but also potentially for other properties, the more tight language they can have, the better. Mr. DeLuca stated they are willing to do that; but he would suggest that they do it as a work group, and then bring it to the full Board of Supervisors with more specifics.

Dr. Weiss stated they want to have an acceptable Ordinance, and Land Development will come later; and if they want to talk about possible Land Use that influences the Overlay, he does not have a problem with that. He stated that they have work to do over the next week or two, and they will re-visit this at a later time. He stated since they do not have an Ordinance in front of them that they can all agree on, the Board will postpone the Decision until a future date.

Public Comment

Dr. Weiss stated they will take Public Comment until 10:30 p.m. and continue Public Comment when they re-convene discussion of the Ordinance.

Ms. Lisa Tenney, 156 Pinnacle Circle, thanked the Board for listening to their comments. She stated she would be in favor of a "Bonus of not developing this property because it just creates problems." She stated they are changing the Zoning. She stated currently Lower Makefield needs the following in the O/R: agriculture, cemetery, Nursery/Kindergarten, emergency services, financial services, general business and Government offices, all of which we do not have, as well as research and development facility and light manufacturing. She stated we do not have these for our tax base. She stated she is not sure that the Township ever contacted the Bucks County Economic Development Commission to see what could be brought in. She stated she feels they could

be better “conservers of the land.” Ms. Tenney stated she appreciates that the Board is fighting for the 65% impervious surface ratio, and she feels less land destroyed means more “plants, and green, and open space.” She stated this development will change the “tapestry” of the Township. Ms. Tenney stated of particular concern is the intersection of Stony Hill and Township Line Road which is where LMT residents exit to get to Newtown and New Jersey. She stated if they put in three lights, they are adding fifteen minutes to get to those destinations. Ms. Tenney stated she is concerned about the Retail space that is not designated as Wegmans or apartments. Ms. Tenney stated she has previously stated her concerns for Mixed-Use Overlay Zoning in general, and she had indicated that it is typically used in older towns that have new buildings and old buildings as a way to unite the town and increase connectivity. She stated she believes that this particular change makes it just “another development,” and this is not the intent of a Mixed-Use Overlay. She stated she does not feel that they can make it safe to go across the bridge on Stony Hill Road. She stated there is not enough room for two cars let alone pedestrians and bikers, and she does not know that there is a way to widen that at this point. Ms. Tenney stated she feels “this could be the greatest thing for the town, but it could be the worst thing.” Ms. Tenney stated all of this work has been done pre-COVID-19, and she feels they have additional considerations especially with the Retail saturation.

Mr. Larry Borda, 508 Heritage Oak Drive, stated he gets the impression that everyone is in a hurry to get this done; and he is not sure why given the fact that the Township Revenues will be limited to \$200,000 as a function of this project. He stated he does not understand why they do not wait to advertise the meeting on this so that conditions are such that people can gather together at the Township, express their opinions, have a chance to look at the Plans in full, and totally understand the traffic recourse and what the Studies are saying. Mr. Borda stated he might like to have a lawyer and an engineer present with him, and all of that is made very difficult with this venue given the complicated nature of the issues being presented. Mr. Borda suggested until Governor Wolf lessens the restraints on people and subjecting ourselves to Corona Virus, he feels it is huge mistake not to give the citizens a chance to gather in place and see how these people present, have a chance to question the experts, and see how the experts present. He stated this venue is a very difficult complicated one evidenced by the difficulty everyone has had and the fact that it took three hours to “supposedly address nothing other than Moving the meeting itself.”

Mr. Borda stated with respect to the Traffic Study, he does not think the Study included any assessment of what the impact, if any, would be on the intersections of Route 1 and Oxford Valley Road and Big Oak and Oxford Valley Roads. He stated those will be two main entrance points for people coming over from the other side of Route 1 which Wegmans will draw from. Mr. Borda stated he believes that those two intersections are maxed out, especially the one at Route 1 which is currently stacked up at the lights almost to capacity. He stated this project will add to the burdens that will be on that intersection, and the Traffic engineer should be looking at those intersections in terms of what the impact would be regardless of whether or not the PennDOT criteria called for specifically looking at those intersections.

Mr. Borda noted the letter from SAFE Highway Engineering dated March 13 where on Page 2, paragraph 1 it stated: "The mechanism to finance the improvements in each scenario are to be chosen by the Township whether they be through direct funding, acquisition of Grant funding, or a combination of both." Mr. Borda asked how much funding they are talking about. Mr. Fiocco stated it is his understanding that the developer is proposing to fund these improvements on their own at the request of Wegmans. Mr. Borda asked Mr. Fiocco if his comments in his letter dated March 13 were before he knew that the developer was going to pay for the entirety of any and all traffic improvements required for this project.

Mr. Ferguson stated after Mr. Fiocco came on as the Township traffic engineer and after the Planning Commission meeting, he asked Mr. Fiocco and his firm to identify what they would estimate would need to be done to make traffic better after the development than before the development. Mr. Ferguson stated Mr. Fiocco and his other traffic engineer came up with the idea of off-site traffic improvements, and they drew up the letter referenced by Mr. Borda to present to the developer. Mr. Ferguson stated that was presented to the developer at a meeting. Mr. Ferguson stated following that the Township solicitor and Mr. Harris independently came to the conclusion that as much as they had asked Mr. Fiocco to be creative, the Township could not require the developer to make off-site improvements under the provisions of the MPC. Mr. Ferguson stated Mr. Fiocco's letter was drafted from the perspective of how the improvements could be paid for from a global level. Mr. Ferguson stated, as he had noted previously at a Public meeting, Wegmans saw the Study and saw what the net effect of traffic would be with the off-site improvements, and determined that would be a Condition of what they wanted to have even though the Township could not insist on it.

Mr. Borda stated Mr. Ferguson is indicating that the developer will pay for the entirety of any traffic improvements that are required for the Permitting for this project, and Dr. Weiss agreed.

Mr. Borda noted Paragraph 2 of the same page of the SAFE Highway Engineering letter. Dr. Weiss advised Mr. Borda that he had exceeded his five minute Public Comment period. Mr. Borda stated he waited three hours to make a comment. Dr. Weiss stated while he understands, the Board is not going to make a decision this evening; and Mr. Borda is welcome to make further Comment at the next meeting and continue his discussion.

Mr. Bryan McNamara, 1412 Heather Circle, stated he made a comment at the last Public Meeting that it seemed like all five Board members were “for this;” and he feels that has been confirmed at tonight’s meeting from the basic questions they are asking the developer, and that they are just “fringe issues” other than Mr. Lewis’ comments regarding the density issue. Mr. McNamara stated Mr. Majewski indicated that the development was based on the Township’s priorities, and he feels they need to know what the Township’s priorities are since they know that Mr. Dwyer came in with the apartment concept before Mr. DeLuca came in with the “Retail and Restaurant concept,” with the idea that two hundred apartments was the number he needed to make a profit on this piece of land, and that is why the “density is magically coming to that number” to support Edgewood Village and having a walking path to there. Mr. McNamara asked what are the Township’s priorities.

Mr. McNamara also asked if the overpass will be “widened for 295” and include two lanes and a bike lane. He also asked how this is not Spot Zoning if they are crafting this Ordinance to only effect this piece of property. He stated the Board is also indicating that they are concerned as to how this “could be taken to other properties in the area,” which would be Shady Brook Farm, the forty acres owned by the Hospital on the corner, Breezy Vale Farm across from that, and the eighty acre Torbert Farm which is about the same distance away from the Village as this property is. Mr. McNamara stated one thing he hopes that we can agree on is that we do not want this area to become like the King of Prussia area which would result in huge amounts of traffic.

Mr. McNamara stated he feels the developers are being generous to themselves with the Bonuses they are writing into the Plan, and he feels that Bonuses are supposed to “be the other way.” He stated Mr. Majewski had mentioned that in the northern end of the Township “vast swaths of open space” were saved which is the majority of our farmland which is in Farmland Preservation where they put

the houses on smaller pieces of land and let larger swaths of farmland remain that could be farmed. Mr. McNamara stated this is not the case here, and it is the complete opposite; and they are just trying to get “more and more.” Mr. McNamara stated he does not know how putting in an electric car charging station gives them an extra apartment per acre, making their buildings more energy efficient saving themselves money gives them more apartments per acre, or putting in a bench so people can sit between the “drive-through McDonald’s that might be coming or the other Restaurant that might be coming” will help us. He stated Mr. DeLuca has built something similar in some respects on Street Road, and he “has connections with Chick-fil-A, Roadhouse Restaurant, ALDI, and the bank there; and the rest are single-family homes.”

Mr. McNamara stated he does not see that the developer is giving the Township and the residents so much back that warrants the developer getting the extra density which “far surpasses anything that is on our books.”

Mr. McNamara stated he feels the Board should be facing the Public and not putting this on a Zoom meeting. He stated it is difficult, and he was dropped off twice; but fortunately he was able to get back on line. Mr. McNamara again asked what are the Township priorities since Mr. Majewski stated at the beginning that this is all based on the Township priorities. He asked if the priority is bringing in more Tax Revenue with the way to do this being by building other properties. Mr. McNamara stated if that is the case, he does not feel \$200,000 a year is worth it.

Dr. Weiss advised Mr. McNamara that he was over his five-minute time limit, but he will try to answer one of his questions. Dr. Weiss stated as far as priorities of the Township, he feels in this area since they know the property will be developed in some way, his number one priority is to get the best possible development as far as the Township is concerned. Dr. Weiss advised Mr. McNamara that he could call or e-mail the other Board members to find out what are their priorities.

Mr. Grenier stated from a Township priority perspective, there is a governing document that highlights our Township priorities, and that is the Comprehensive Plan; and this is something that they considered in the Comprehensive Plan as an option.

Ms. Gail Friedman, 699 A Rose Hollow Drive, stated she previously sent comments to the Board and many of them have been addressed. She stated even with the proposed changes, this remains a loosely-written Ordinance;

and as people have pointed out, it will afford the developers wide latitude not only in the District to which it applies, but it will also influence the pieces of property in the O/R District to which it does not apply. Ms. Friedman stated it minimizes green open space and buffers at a post-COVID-19 time when the demand on areas like this is very great as can be seen by the numbers of people walking and biking which is likely to continue for the foreseeable future.

Ms. Friedman stated one or more reviewers have pointed out that the parking does not meet standards applied to the same use, particularly Residential, elsewhere in the Township. Ms. Friedman stated she feels it is a mistake not to have adequate parking and possibly have people parking on Township streets or elsewhere, particularly when the developer is acknowledging that the Retail sector is going to be auto-dependent and the apartments might well be shared by two individuals each having a car.

Ms. Friedman stated there have been repeated references to the TND as an arbiter of Residential density, and she stated that District applies to a small area near the Historic District and was enacted purposely to enable similar Village-like development there. She stated she does not feel that it is an appropriate measure of Residential density in a “green fields construction area.”

Ms. Friedman stated she would like to know where the money for the construction of the proposed \$6 million in traffic improvements is coming from. She stated she read in the Traffic Impact Study done by the Applicant that \$2.5 million would come from the Applicant and another \$4 million would be in Grants. She asked if Wegmans is committed to paying that \$4 million or are we still looking at Grants to fund the rest of the full improvements needed to make traffic “bearable” in that section. Ms. Friedman stated there have been repeated references to King of Prussia, and she would like this area to look like Lower Makefield with more green space, which besides being “cheaper,” would possibly be better used and more typical of this area than gazebos, concrete benches, amphitheaters, and fountains typical of King of Prussia.

Dr. Weiss advised Ms. Friedman the total cost of the traffic improvements will be borne by the developer, and not a penny will be done by the Township.

Ms. Helen Heinz, 1355 Edgewood Road, stated she is a member of the Historic Commission; and with regard to the historic house, most of the Historic Commission members are extremely concerned about what preservation means in terms of standards for the preservation of the house. She discussed the history of an individual who lived on the property. She stated it is a lovely house and barn in a “special Residential Zone,” and she would encourage the developer to look at re-designing to keep the green space around the house as much as possible. She stated they should definitely remove the second driveway that is just above the main entrance that passes within 10’ of the historic structure as that will cause structural damage to the house. She stated they could keep the one that is close to the Office Park. She stated the second one is unnecessary and should come out of the Plans.

Ms. Heinz stated she wondered why the TND was not utilized for this, but she understands that the house is the only historic piece on the property; and they do want to have more of a Commercial Zone, but they should at least have the standards that the TND has. Ms. Heinz suggested that they encourage the developer with Bonuses that mean something to Township residents by improving the Retail space across Stony Hill Road and as you come down to Township Line Road and encourage them to think about Retail along the edge of the Stony Hill Road sector with parking behind that. She also suggested that Wegmans turn their building to the side and connect to the Office Park which will result in easier access to 295. She stated they should make sure that there is no connection through the Residential/Retail Unit to the Wegmans by vehicle or people will be cutting through to avoid the traffic lights.

Ms. Heinz asked that they do what they can to save the historic structure even if it has to be a Residential Club house for a gated community that is located in that section. She stated the Bonuses she would look for would be breaks for panoramic vista, a Façade Easement for owner-occupied houses and Retail structures, and a Façade Easement on the house and the barn as possible tools. Ms. Heinz stated there is also the power of taxation and they could implement that for anything they want the developer to pass on to future owners in Lower Makefield. She stated she would encourage them to look at condos and townhouses instead of apartments.

Dr. Weiss stated while it is close to 10:30, he understands that there are three callers still on the line; and he agreed to take those three but no more this evening.

Mr. Lou Merlini stated his firm is the owner of the majority of the Office Buildings at both the North and South Campuses of the Lower Makefield Corporate Center, 1020 Stony Hill Road. He stated he is calling to generally voice their support for the Mixed-Use Overlay. He stated as Mr. Dwyer mentioned earlier, they view this as generally positive for the adjacent Office Buildings; and they believe that the modern Office user is looking for this type of mixed-use amenity adjacent to their Office space. He stated he recognizes that the Applicants will have to go through a detailed Land Development process. He stated they would be happy to see this Plan come together.

Mr. Robert Abrams, 653 Teich Drive, stated when this meeting was scheduled he mentioned that it was in conflict with the School Board meeting so he missed part of the meeting; however, from what he understands nothing is “set in stone.” He stated the developer does not seem to have a “true, unqualified game plan and the Township does not seem to know what they want. He stated they are destroying the history and the beauty of the area.

Mr. Abrams stated when Mr. Borda was speaking he had some questions that he would have liked to discuss with Mr. Borda but because of this venue, that would be difficult. He stated this “venue is absolutely ridiculous and it is designed to use the disaster to try to push through something on the residents that may not be there and that people do not want.” Mr. Abrams stated he is trying to understand the reason for this since it cannot be taxes as the infrastructure will cost more than the Township will receive in taxes on an annual basis with the addition of Police and Fire and amenities. He stated this is a “loser to the current residents in the District. Mr. Abrams stated they do know if it is “going to be a Wegmans a Burger King drive-through, or a bank drive-through.” He stated all of the “Offices will be coming up to the corner at lunch time for the Burger King drive-through,” which will be a disaster.

Mr. Abrams stated they need to discuss this when people can meet to discuss it with Plans put on a screen to be talked about by the residents. He stated the idea of “ramming it through with a virtual meeting and saying ‘We did our job,’ is bogus.” Mr. Abrams stated the meetings should be public and everybody should attend and have concrete ideas as to what is going to happen. He stated they are destroying history, and once it is destroyed, you never get it back.

Mr. Abrams stated he was on for Public Comment for last evening’s meeting until 11:00 p.m., and he understands that not until 11:15 p.m. or 11:20 p.m. did they finally have Public Comment which “is a disgrace.”

He stated Dr. Weiss is “treating Public Comment as garbage, so he puts it at the end so he can silence the Public.”

Ms. Caroline Havrilla, 15 Lower Hilltop Road, stated she is not in favor of this development; however, she believes that she will have to accept it. She stated the biggest consideration that she has not heard anyone talk about which the Township has been trying to deal with for the last several years is the sewer impact. She stated there sewer issues, maintenance issues, and filtration issues; and she asked the Board to consider the sewer issues as well as the impact to nature and wildlife.

Dr. Weiss asked Mr. Ferguson to speak to the sewer issue as to whether they have the capacity to build the development. Mr. Ferguson stated the approval as far as capacity runs through DEP and Bucks County Water and Sewer. He stated a couple of years ago, we could not accommodate this because we were under a Moratorium as were several other Bucks County Municipalities and were out of compliance with sewer-related issues. He stated the 537 Plan is now in place, and we are in the midst of working on improvements that have been submitted and approved. He stated this kind of development project can apply for capacity. He stated the infrastructure would be put together by the developer and would not be a cost to the Township. He stated this would need to be approved by DEP and Bucks County Water and Sewer, and at this point he has not heard of any issues from either of them with having this project added to the Management Plan for the Township.

Dr. Weiss stated at this point they do not have an Ordinance to advertise, and they will recess this meeting and advertise a future date as soon as they come to an agreement as to when that can be done. Mr. Truelove stated the Board should Move to Table the Advertisement Motion and whenever the meeting is resumed, it can be removed from the Table and amended according to whatever work is done over the next few weeks.

Mr. McCartney moved, Mr. Grenier seconded and it was unanimously carried to Table the Motion to advertise.

The meeting was adjourned at 10:38 p.m.

Respectfully Submitted,

James McCartney, Secretary

