

TOWNSHIP OF LOWER MAKEFIELD  
PLANNING COMMISSION  
MINUTES – JULY 22, 2019

The regular meeting of the Planning Commission of the Township of Lower Makefield was held in the Municipal Building on July 22, 2019. Mr. Wallace called the meeting to order.

Those present: Chad Wallace, Chair  
Craig Bryson, Vice Chair  
Charles Halboth, Secretary  
Ross Bruch, Member

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

DISCUSSION OF MINUTES OF MAY 13, 2019

Mr. Halboth stated he had not had an opportunity to review the Minutes of May 13, 2019 so they were not approved at this time.

PRICKETT PRESERVE AT EDGEWOOD – MIXED USE PRESENTATION  
TAX PARCEL 20-016-040 & 20-016-040-001

Mr. Steve Harris, attorney, was present representing Shady Brook Investors L.P. and DeLuca Yardley L.C. who are the partners proposing the Mixed Use Overlay District which is before the Planning Commission this evening. Mr. Harris stated they have filed a Petition to amend the Zoning Ordinance and Map and a second Petition to amend the Comprehensive Plan to be in coordination with the Amendment to the Zoning Ordinance and the Map because the Municipalities Planning Code requires that. Mr. Harris stated depending on the ultimate language of the Comprehensive Plan that is adopted, they may or may not be in a position to withdraw the Petition for the Comprehensive Plan Amendment; but they wanted to make sure they had everything filed with the Township that could be required.

Mr. Harris stated the Petition for the Amendment to the Zoning Ordinance is an Amendment to the Zoning Ordinance and the Zoning Map so that there is no question as to whether or not it is the Map that is being changed in addition to the Zoning Ordinance because that has become a popular form of Appeal for these kinds of Applications.

Mr. Harris stated in the first paragraph of each Petition, he noted that the area was shown as 14.855 gross acres; and that is incorrect as that is just Shady Brook's portion. He stated the entire parcel is 37.72 gross acres.

Mr. Harris stated this evening after a brief introduction, Mr. Vince DeLuca and Mr. Dwyer will go through a slide presentation of the proposed Mixed Use Development. He stated Mr. John Kennedy is also present who will answer questions regarding the proposed Overlay District Ordinance.

Mr. Harris stated the Petition for the Amendment to the Zoning Map as well as the Petition for the Amendment to the Comprehensive Plan requires that each of them be sent to not only the Township's Planning Commission and the Bucks County Planning Commission for a recommendation which is the normal process, but also there is a requirement to send a copy to the Pennsbury School District as well as the School Districts that adjoin the Municipality, and all the Municipalities that adjoin Lower Makefield; and they have forty-five days in which to comment before the Board of Supervisors can take action on the Application. Mr. Harris stated the Planning Commission has three options – recommend approval, recommend denial, or they can decide to move it onto the Board of Supervisors and let them make a decision.

Mr. Harris stated the Petitions are self-explanatory, and they were formally filed with the Township today.

Mr. Bryson stated they have officially submitted both Petitions to the Township today, and Mr. Harris agreed. Mr. Bryson asked with the documentation was there any wording of the Overlay. Mr. Harris stated attached to each of the Petitions is a copy of the proposed Ordinance. He stated he understood that Mr. Majewski had sent each of the Planning Commission members an electronic packet over the weekend, and that information is in there. Mr. Harris stated there is also a copy of the proposed map. Mr. Harris stated he also handed out this evening a map that breaks down the actual Tax Map Parcels because the map they had initially attached to the Petition was schematic; and the map he has provided to the Planning Commission members this evening shows each of the individual Tax Map Parcels that would be effected.

Mr. Vince DeLuca was present and stated he is one of the principals in the Retail portion of the Plan. Mr. DeLuca stated Mr. Bob Dwyer is also present, and he represents the owners of the Residential portion of the property; and they have combined to do a “live, work, play” submission. He stated they have a slide presentation that mirrors the presentation that they made to the Board of Supervisors on June 19.

Mr. DeLuca stated the property encompasses the Prickett property, which was the antique dealer on Stony Hill Road. He stated there are two historic structures on the site which they propose to preserve – the existing house, parts of which are from the mid-1700s, and the barn from the 1800s. He stated those structures will be an integral part of the Retail area. He stated there are also some Heritage Trees which they will preserve.

Mr. DeLuca showed a slide of the surrounding area including some of the structures in Edgewood Village as well as the office campuses and Flowers Field, which is his firm’s Residential development. Mr. DeLuca also noted Shady Brook Farm. Mr. DeLuca stated the entire site is approximately 37 acres fronting along Stony Hill Road and 295, previously I-95. Mr. DeLuca noted the two buildings they will preserve which are the historic house and the barn. He noted the large footprint which is the Wegmans Food Market, with whom they have a signed Agreement for a 100,000 square foot use. He stated the six buildings around the existing house will be future Retail, hopefully upscale restaurants. He stated there was legislation passed which lowers the threshold requirement to get Liquor Licenses on the April, 2020 ballot. He stated they have not done any “formal courting of any of those tenants,” since everything is predicated on the approval and Wegmans coming to the site.

Mr. DeLuca stated Mr. Dwyer represents the owners of the Residential piece which will have 200 luxury apartments equally split between one and two bedrooms with a club house. He stated this will result in their “live, work, play” concept with Residential, Retail, and being adjacent to the Lower Makefield North Campus. Mr. DeLuca stated there is an agreement with the North Campus to have a pedestrian interconnection, and they are working with them to have a vehicle collection although the owners of the North Campus have not formally agreed to that yet. He stated he is providing them with statistics as to why that benefits both the North Campus and the Prickett Preserve community. Mr. DeLuca stated there will be a signalized intersection that will enter Prickett Preserve and line up with the Shady Brook main driveway.

Mr. DeLuca showed slides of the Retail area including how they intend to keep the house and the barn; and intertwine the outdoor spaces with a stage, some terraced lawn area, and a fountain area to invite the community and residents of Lower Makefield to share in the experience of the Retail Village. He stated the house and the barn to be preserved will be part of the community area proposed.

Slides of the Residential portion were shown. Mr. Dwyer stated Equus owns that property and has developed apartments like this throughout the region. He stated the closest one is in New Britain Township on County Line Road, which is an identical sized property although that one has more units. Mr. Dwyer stated they propose 100 one-bedroom units, and 100 two-bedroom units with rents in the \$1,700 to \$2,000 per month range. He stated the average square footage is approximately 1,000 feet per unit. He stated it will integrate nicely with the Retail and the exterior bike paths that exist as well as one that is being proposed that will cross over 295.

A slide of the various uses in the area was shown as well as their proximity to the Historic District of Edgewood and the North and South Campuses of the Corporate Center. A slide showed the 5-minute walk from the Historic Commercial District which Mr. Dwyer stated is the basis for their request. He stated since this project is within walking distance of the Historic District, they believe that it will support not only Edgewood Village but also the Corporate Center. Mr. Dwyer stated over the years he has talked about this area being the “missing link” to Edgewood Village and the Corporate Center adding both areas need some help. He showed a map showing the distance from the Historic Commercial District.

Mr. Dwyer stated they are present this evening to get the Planning Commission’s review and recommendation. He stated at some point in time, they will go through the Public Hearing process with the Board of Supervisors; and if they are successful in getting support from the Township Supervisors, they will have the Ordinance in place and then proceed through the Land Development process. He stated that would be after the re-Zoning since they need the re-Zoning to be resolved first. He stated there will be detailed traffic engineering, fiscal impact reports, and environmental impact statements, etc. during the Public Hearings and also during the Land Development process. He stated they are committed to resolving all issues.

Mr. Wallace stated they indicated that they had a signed Agreement with Wegmans, and Mr. DeLuca agreed. Mr. Wallace stated typically Wegmans sell beer and wine, and he asked if that is included in the Agreement; and Mr. DeLuca stated the contingency they have with Wegmans deals with time and Zoning. He stated the signed Agreement anticipates Wegmans opening the store in 2023, and Wegmans needs eighteen months for construction. Mr. DeLuca stated they would deliver a pad

site to Wegmans. Mr. DeLuca stated based on those criteria, there is a timeline in the Agreement. He stated Wegman intends to operate the store the way they do in Pennsylvania with beer and wine sales. Mr. DeLuca was asked if there is a contingency in the Agreement with Wegmans that they need to have beer and wine sales in order to go through with the development of the facility, and Mr. DeLuca stated there is not.

Mr. Wallace asked if Wegmans gave an idea of what they expect in terms of dollar volume they anticipate doing. Mr. DeLuca stated they have not given a specific volume for this store, nor is their Lease predicated on any dollar volume or percentage of renters. Mr. DeLuca stated he believes that Wegmans as a corporation does about \$6 billion a year in Retail sales. Mr. Wallace stated he would think that before Wegmans would approve an Agreement to come to Lower Makefield that they would have some kind of understanding or make an economic judgement as to what they could produce out of this store. Mr. DeLuca stated while he is sure that Wegmans has done that, they have not shared that with him as that would be Wegmans' proprietary information. Mr. DeLuca stated he is comfortable with the Wegmans' signature on the Lease that the "financial deal is a good deal for us."

Mr. Wallace asked the number of parking spaces, and Mr. DeLuca stated Wegmans has a specific parking requirement of six spaces per 1,000 square feet; however, in a shared situation with combination Retail, that goes down to five as long as there is shared parking. Mr. DeLuca stated Wegmans' parking requirement is greater than the Township's typical parking requirement.

Mr. Wallace asked about the path connection that was discussed. Mr. Dwyer stated there is a bike path on their side of 295 on the opposite side of Stony Hill Road that goes up to the overpass and stops. Mr. Dwyer stated there is nothing there that connects into the Village. Mr. Dwyer stated the Plan is to have a connection which will require them to go through PennDOT. He stated they will tear up the road and reduce lane widths across the overpass. Mr. Dwyer stated that is actually consistent with the Edgewood Village Study and Traffic Reports which called for the reduction of lane widths into Edgewood Village to reduce traffic speeds and help it become more pedestrian friendly. He stated the developer would do all of that and put in a safe pedestrian crossing over the bridge and connect it into the Village so that there is a circular connection from Edgewood Village to the Corporate Center and this Mixed-Use facility so that there would be more pedestrian and bicycle connections.

Mr. Harris asked that Mr. DeLuca show the walking connection between the Retail area and the Corporate Center, and Mr. DeLuca noted the location of the sidewalks and trails and where there are connections to existing paths.

Mr. Bruch asked the amount of square footage of the Retail; and Mr. DeLuca stated in addition to the Wegmans, it is approximately 55,000 not counting the existing house and barn. Mr. Bruch asked for an estimate of how many Retail units that would include, and Mr. DeLuca stated they assume that if Liquor Licenses are permitted in Lower Makefield, they believe there could be two high-end restaurants of approximately 7,500 square feet each. He stated they also feel there would be a pharmacy of 10,000 to 12,000 square, a financial institution of 3,500 square feet, and probably multiple in-line Retail uses in a building that would be approximately 20,000 to 25,000. He stated 50% to 60% of that would probably be restaurants without liquor and then some other high-end Retailers.

Mr. Bruch stated on the Overlay Map, Tax Parcels 20-012-001-003 and 002 are left vacant, and he asked if there is any future intention for that southwest corner of the parcel. Mr. DeLuca stated those are the basins. Mr. Dwyer stated with the approval of the Office a number of years ago, there was a lot of swapping of ground that took place. He noted a developable portion of their property that is currently being used for some stormwater management, but they intend to use the balance of that for more stormwater management. Mr. Dwyer stated they will probably reconfigure that stormwater management so that some of it is usable for open space as well. He stated this would be reviewed during Land Development.

Mr. Bruch asked for a description of the demographics of the New Britain development. Mr. Dwyer stated in New Britain the average household income is approximately \$125,000 and it is primarily empty nesters and dual-income young adults with no children. He stated there are 232 units there, and there are only seventeen total school-age children. He stated 10% are retirees. He stated there is very low vacancy, and it has been a big success. He stated it is a very consistent demographic with what is in Lower Makefield. He stated the School District in New Britain is Central Bucks South which is as good a School District as Pennsbury. He stated the anticipated number of school-age children is based on the Rutgers Study which is used in the Fiscal Impact Report; and it suggests that for the Lower Makefield development, there would be eleven school-aged children that would go to Public School from the 200 units that they are proposing. Mr. Dwyer stated the name of the development in New Britain is called Madison at New Britain. Mr. Dwyer stated he had sent information on that development to the Township.

Mr. Bruch asked if they intend to seek a Waiver for the woodlands requirement, and Mr. Dwyer stated the Ordinance proposed would not require a Waiver. He stated the proposed Ordinance would provide bonuses for doing certain things, and they would not need that Waiver based on the new Ordinance and the level of disturbance they are proposing.

Mr. Wallace stated they are asking the Planning Commission to provide a recommendation whether they feel there should be a Zoning Ordinance change allowed, and Mr. Harris agreed. Mr. Wallace stated the Planning Commission is limited as to the information being provided including traffic information and economic impact.

Mr. Bryson stated they are not seeking approval for this Site Plan, and Mr. Harris agreed. Mr. Bryson stated they are seeking a recommendation just for a Zoning change that might accommodate something like this, and Mr. Harris agreed. Mr. Bryson stated although this proposal is their intent, the underlying issue for tonight is that they want to change the Zoning Ordinance to allow a Mixed-Use development. Ms. Kirk asked Mr. Harris to explain the difference between asking for an Overlay District as opposed to an absolute Zoning change.

Mr. Harris stated they are not asking for the underlying Zoning to be changed. He stated it is the “modern thing to do” to propose these Overlay Districts. He stated one of the things that the Township’s Comprehensive Plan talks about is the need to have some Mixed-Use developments. He stated overlaying on the top of the O/R District is this Mixed-Use Overlay District which would allow the proposal that they are presenting. He stated if the Ordinance were adopted, they would still have to prepare and file a fully-engineered Plan, and go through all of the issues including traffic. Mr. Harris stated what is ultimately approved may be different from the initial presentation because of the need to make various compromises during the Subdivision and Land Development process. He stated all they are asking for at this time is a recommendation that the proposed Zoning Ordinance and change to the Map be approved. He stated once there is an approval for that, the developer would then go through the full Subdivision and Land Development process which would include environmental, traffic, and fiscal studies.

Mr. Bryson stated he wanted everyone to understand that whatever is recommended this evening, it does not mean they are approving or not approving the Wegmans.

Ms. Kirk stated it should be noted to the public that what they are proposing is an Overlay District encompassing the existing Zoning for this area similar to what was done for the Overlay District for Edgewood Village. She stated this is not meant to replace the current Zoning, but it is adding an additional regulation that can be used for the development of the property.

Mr. John Kennedy, principal of Kennedy and Associates Planners and Land Use Consultants, was present. He stated they were hired to provide planning services on the lay out of the site and also on the Zoning itself. Mr. Kennedy stated the Planning Commission has been provided a draft Ordinance which is entitled, “The Mixed-Use/MU Overlay District” dated 7/17/2019. Mr. Kennedy stated the Comprehensive Plan which the Township has been working on for many years and is about to be adopted contemplates and recommends a Mixed-Use development in the O/R District. He stated what they are proposing, as Ms. Kirk noted, would be an Overlay District. He stated these are used commonly in many Municipalities. He stated the underlying Zoning would not change, and it would still remain O/R; and someone could develop the property under that Zoning if they chose, and all they are doing is placing an Overlay which gives someone an additional option for development.

Mr. Kennedy stated Page 1 is the Purpose and Intent. He stated one of the major reasons for this Ordinance is to promote economic development within the Township and to provide major tax revenue for the Township. He stated they are also trying to create a combination of Commercial and Residential Uses in the O/R District which will allow people to live, work, and play in close proximity. He stated by targeting this location, they are trying to encourage smart development in proximity to the existing traffic, sewer, and water infrastructure that is there today. He stated this does not mean that there will not be improvements to that infrastructure to accommodate the developer as there would be. He stated they are also trying to encourage vehicular and pedestrian interconnections between the two developments and the adjacent development, and they are working with the Office Park to try to create a vehicle connection with them.

Mr. Kennedy stated with regard to establishing the Overlay District, they have some criteria for eligibility which is noted on the bottom of Page 1. He stated the tract must be located in the O/R District with a minimum gross tract size of 30 acres. He stated their tract size is 37.29 acres for the base area. He stated the tract must also have a minimum of 1,000 feet of frontage on an arterial road; and at least some portion of it must be within one quarter mile, which is 1,320 feet, from the H/C Historic Commercial District. Mr. Kennedy stated the reason why they chose that number is because a quarter mile is a fairly common distance in planning since it roughly represents a five minute walk.

Mr. Kennedy noted Page 2 has a variety of permitted uses, and basically this allows non-Residential Uses and Residential Uses. He stated shown are a wide variety of uses, and they have tried to keep out any kind of “noxious-type uses,” and also encourage uses that would promote economic development. He stated any part of a Mixed-Use Development must have a mixture of both non-Residential and Residential



to truly be Mixed Use. Mr. Kennedy stated in this case it makes sense that it be a little bit denser so they are proposing the ability for single-family attached or multi-family dwellings. He stated they also have some accessory uses which would be customarily found with those permitted uses.

Mr. Kennedy noted Page 3 under Development Regulations, and they have reiterated the minimum tract size. He stated this is also where there is a requirement for a mix of uses. He stated he has written numerous Mixed Use Ordinances, and one of the main concerns they run into in any Township is how they will know that they will not build anything other than a shopping center or nothing but an apartment complex; and this is where the Township has that protection as there must be both, and you cannot build 100% of either/or. Mr. Kennedy stated there are requirements that no less than 50% of the base site area shall be dedicated to non-Residential Uses and no more than 40% of the base site area shall be dedicated to Residential. He stated with regard to the proposed project it is tilted a little bit more toward the non-Residential type uses.

Mr. Kennedy stated another component he likes to include in Mixed-Use Developments which he feels is very important is some type of “neighborhood open space.” He stated he knows that open space is very important in Lower Makefield, and the Township works hard to preserve a lot of it in regular land developments. He stated this is a little different in the sense that they are not talking about open fields and large green areas, rather this is improved open space, which is more expensive. He stated this would be such things as parks, pocket parks, plazas, gardens, water features, walking paths, seating areas, etc. He stated these are areas where people can gather and socialize. He stated they have shown the main gathering area which is the area between the two historic buildings that are to be preserved, and they envision that as a gathering place for the community possibly on special Holidays. He stated it has been designed so that by blocking off just a couple of internal driveways, they could accommodate quite a few people and have special events. He stated a minimum of 10% of the net buildable area must be developed as neighborhood open space.

Mr. Kennedy discussed some of the other requirements and standards including the permitted density, and there is a base density of twelve dwelling units per acre. He stated this is the same as the Township’s R-4 Multi-Family District and also the TND District. He stated they also have a clause regarding special conveyancing which is a standard clause that is found in many shopping centers and involves creating the ability to sell off a pad. He stated if Wegmans were to indicate that they needed to own their store, this would provide the ability to do that.

Mr. Kennedy noted Page 4 where there are area dimensional and design standards including building coverage and impervious coverage of 35% and 65% respectively, and this is the same that exists in the O/R District now. He stated they do have some ability to increase the impervious coverage slightly through “bonus provisions.” Mr. Kennedy stated there are also setback and height requirements. He stated they are showing a 50’ height requirement, which is the existing standard in the O/R. He stated there are also requirements for Residential in terms of maximum building dimensions and building separations for each of the dwelling types permitted. He stated at the bottom of Page 4, they discuss bonus provisions, and this is something that is becoming increasingly common in many Ordinances. He stated they recently used this in Abington Township, Upper Dublin Township, and Limerick Township. He stated the concept is that if in a given District there is a certain set of base standards such as density, etc., if the developer wants a higher density, they should give the Township something for that which would be useful, desirable, and valuable. He stated a method they have found to be very successful is having a table/list of different types of standards; and a developer may use some or all of them. He stated these bonuses could enable an increase in impervious coverage which would be an increase from 65% to a maximum of 70%. He stated there is also one for woodland clearing, and there is a woodland disturbance allowance of 30% with a maximum of 60% if the developer does certain things. Mr. Kennedy stated this is similar to what is found in the Township’s Ordinance currently under the Age-Qualified community in the C-3 District which currently allows 60% clearing. He stated in terms of density there is a maximum increase of an additional 3.5 DU per acre if the developer does certain things. He stated those are the three categories of bonuses the developer can earn. He stated on Page 5 there is a Table which lists all of the bonuses with a description of the bonus and a listing of what the bonuses would provide. He stated the potential bonuses are for historic building preservation, significant off-site pedestrian connections, energy-efficient buildings and construction, alternate energy sources, use of green roof, and interconnective pedestrian/vehicular driveways.

Mr. Kennedy stated the bottom of Page 5 deals with parking standards. He stated for non-Residential they have five spaces per 1,000 and for Residential, 1.5 spaces per dwelling unit for multi-family and single-family attached would be two spaces.

Mr. Kennedy stated they also show parking setbacks of 20’ which would apply to the entire tract.

Mr. Kennedy stated at the bottom of Page 6 is a section on the Site Capacity calculations.

Mr. Kennedy stated with regard to the Mix requirement on Page 3, the intention of this is you take the entire site and cut it into two pieces either Residential or non-Residential, and then items such as the density is based on the Residential

portion. He stated the impervious coverage and the building coverage are based on the entire site since it is an integrated community. He stated what has been proposed is very similar to other Mixed-Use Ordinances that he has prepared in the past.

Mr. Halboth stated at the bottom of Page 4 it shows 3.5 dwelling units per acre, and he asked if that acreage is calculated as the entire tract or just the Residential portion; and Mr. Kennedy stated it is just the Residential.

Mr. Wallace stated the subject of changing the O/R District in this area has been debated for a number of years for different projects, and it was also discussed at length during the Comprehensive Plan discussion. Mr. Wallace stated he sees in the Comprehensive Plan there is language that has been added back since the Planning Commission made their recommendation. He stated that in April, 2018 the Planning Commission recommended to the Supervisors that language about the consideration of Mixed Use be removed from the Comprehensive Plan. He stated that language was since put back in by the Board of Supervisors. Mr. Harris stated they are aware of this. He stated he believes that one of the reasons this detailed proposal has been put together was to allow the Planning Commission to look at how it would work.

Mr. Bryson asked if this will be Subdivided. Mr. Kennedy stated it will not be a traditional Subdivision. Mr. Bryson asked if it will be a Financial Subdivision, and Mr. Kennedy agreed. Mr. Bryson asked why the language is included that it can be subdivided. Mr. Bryson stated the minimum tract has to be 30 acres; however, he is concerned that once they cut it into “whatever pieces”, if they subdivide it in the middle, they will not meet the 30-acre requirement. Mr. Kennedy agreed. Mr. Bryson stated if it is going to be subdivided, then they need to put language in or take out the 30 acres since legally it would not work, and they will not meet the requirements of the Overlay. Mr. Kennedy stated he disagrees, and that is exactly why Clause E on the bottom of Page 3 has been inserted. He stated this is a very common Clause and a common concept.

Mr. Harris stated the Section noted by Mr. Kennedy is Special Conveyancing. He stated he was involved in the development of Newtown’s Goodnoe tract, which was developed as an overall concept much as this is although that did not have a Residential aspect. Mr. Harris stated in the Newtown development, there were developers who wanted to own their store. Mr. Bryson stated while he understands that in a traditional Subdivision if they were going to take this Lot and subdivide it in two to meet the minimum 50%/40%, they would not be at 30 acres; and Mr. Kennedy agreed that is true for a traditional Subdivision.

Mr. Wallace asked for an explanation of a Financial Subdivision. Mr. Bryson stated the ownership gets very “convoluted.” Mr. Harris stated Wegmans may indicate that they do not want to be a tenant and they want to own their own store; and in order to do that they have to finance it. He stated they would make a Lot for Wegmans which they could then finance, and there would be a Master Declaration and Irrevocable Cross Easements which are noted in E1. Mr. Bryson stated he understands that, but he feels the words “Traditional Subdivision” need to be dealt with. He stated Wegmans will want their own parcel so they can maintain it. He stated in a Traditional Subdivision, they will not meet the 30 acre requirement; although he does understand a Financial Subdivision.

Mr. Harris stated possibly in A, Tract Area, they should clarify this to indicate that in a Traditional Development a Tract size of 30 acres is required, but nothing would prevent individual Lots from being created for ownership by individual entities; and Mr. Bryson stated he would be in favor of that. Mr. Harris stated the initial proposal has to be approved as 30 acres or more; but once it has been approved, there is nothing to prohibit carve-outs/Financial Subdivisions to permit individual units to be owned by individual owners provided that the Master Declaration and Irrevocable Cross Easements are in place. Mr. Bryson stated he was in favor of this. He added he has seen it where the boundary of the Overlay has been established, and anything can happen inside of it. Mr. Kennedy stated they did point this out in E2, although they could strengthen that.

Mr. Bryson noted the bonuses and he particularly noted the one that indicates 20,000 square feet of green roof would get them 5% additional impervious and 20% additional woodland disturbance. Mr. Bryson stated 20,000 square feet over the “entire thing” could not be seen on the map, and by doing that they get one and a half dwelling units per acre, 20% more additional woodlands disturbance, and 5% additional impervious coverage. Mr. Harris stated they are dealing with individual buildings. Mr. Bryson stated this indicates 20,000 square feet of total roof area. Mr. Kennedy stated they would do it on an entire building or not; and for the purpose of the Zoning Ordinance, they would have to put a minimum amount in. He stated if someone chose to do a green roof, they may end up doing 50,000 square feet because of the building they pick. Ms. Kirk stated she feels they need to define that it is 20,000 square feet of the total roof area of a single building.

Mr. Halboth stated he feels they should go back to some of the earlier comments which were made that we are talking about the concept here of the Overlay District. He stated he feels this seems that it is getting very specific as to project-specific or building-specific issues. He feels this should be Tabled or put in as a term to be considered subsequently by the Parties. He stated he does not feel they can talk about this now until they see what the product is going to look like.

Mr. Kennedy stated they used this same exact language in both Abington and Upper Dublin, and their reasoning was they really wanted to try to encourage people to build energy-efficient, green buildings. Mr. Halboth stated he is not saying that would not be an ultimate goal; however, he does not feel that they can talk about it and make it part of an Agreement “in the abstract,” and they have to begin to see what the product is going to look like before they can make a decision. Mr. Kennedy agreed that is true. He added this represents a menu, and there is no requirement for them to do a green roof; and they could use other bonuses. He stated right now the only bonus that they have actually committed to is the historic building preservation since they would really like to preserve the buildings and integrate them in with the Plan. He stated other than that, they have not necessarily decided exactly which bonuses would be used. Mr. Bryson stated from earlier statements, he believes that they will because there are provisions in the Ordinance that would take care of the forested areas with the trees coming down. He stated he is looking for the ones that have deductions in the forested areas, therefore it leads him to believe that they are going to take credit for those. Mr. Kennedy stated for some of them, but they are not using all of them. Mr. Bryson stated the statement was given that there is language in the Ordinance that would prevent them from having to comply with the woodland “degradation.” Mr. Bryson stated with that being said, he is looking for the ones that have the reduction of woodlands, and he can only conclude that historic building preservation, off-site pedestrian connections, and the green roof will be needed in order to meet the woodland provision in the Ordinance. Mr. Kennedy stated that is not necessarily true. He stated Mr. Dwyer did make the statement about the off-site pedestrian connection so right now they have committed to the first two bonuses, and they would utilize them. Mr. Kennedy stated he would not jump to the conclusion that they were building green roofs as that has not been evaluated yet.

Mr. Bryson stated he is in favor of reductions and is not discrediting getting bonuses for certain things adding there is a Section in our Ordinance that takes care of that. Mr. Halboth stated he agrees, and his point was not that he disagreed with any of these concepts; but he feels it is premature to discuss them without having a real product to look at to see what the effect would be.

Mr. Kennedy stated he understands that; however, with Zoning they need to put rules together and codify them in a Zoning Code and then the project would come along.

Mr. Bryson stated he feels the historic building preservation seems reasonable and he feels it reads well.

Mr. Majewski stated early on for this site, he was approached by a number of developers proposing all kinds of projects, permitted and not permitted; and one of the key aspects that he tried to relay to all of them was that the preservation of the existing house and the barn would be looked upon favorably by the Township because of the nature, age, and excellent condition they were both in. He stated this is the one developer who took that into consideration as others were not considering them in their lay out.

Mr. Harris stated the bonus provisions are not “endlessly cumulative.” He stated they are all capped, and this is noted at the bottom of Page 4. Mr. Kennedy stated that is where they have that there is a combined maximum of 70% impervious coverage, adding they are already allowed 65%. He stated under the woodlands disturbance it is similar as they are allowed 30%, and they have an additional 30%. Mr. Bryson stated he does not know how much acreage of forested area there is. Mr. Kennedy stated they are in the process of doing that calculation right now, and they need to get an arborist on site. Mr. Majewski stated there is a slide that shows the site as it is right now. Mr. Kennedy stated it is fairly open. He stated the one area that has the most trees is in and around the existing buildings; and Mr. Bryson stated he agrees, although he does not know exactly where the property line is. Mr. Majewski stated the woodlands on the site are primarily around the Prickett parcel. Mr. Bryson stated there is also an area in the upper right hand corner when you come over the bridge and look down on the site. Mr. Majewski stated most of that is “not great” from what he has seen. He stated it is primarily the fringe area along 295 and down along the North Campus of Lower Makefield Corporate Center where there is a tree row. He stated there is also a tree row along the road and another tree row along the bed of the former location of the road which is the top embankment of the existing detention basins.

Mr. Bryson stated he feels everyone agrees there should be a bonus for anyone who saves historic structures. Mr. Pockl asked if there are any other historic structures throughout the Mixed-Use Overlay District besides on this property. Mr. DeLuca stated there is a chicken coop and a garage with an apartment over it, but he does not know the age of those buildings. He stated they have identified the two significant structures with historic significance. Mr. Majewski stated he believes Mr. Pockl is talking about the other properties that could be subject to this Ordinance, and he particularly noted the Floral Vale area where he believes there is an existing historic home. Mr. DeLuca stated his company was the developer of Floral Vale, and they renovated the existing home at the back left hand corner of the property if you look at it from Township Line Road. Mr. Pockl stated there is potential for this language to not only benefit this parcel but also other parcels within the Overlay. Mr. DeLuca stated they did not get a bonus for the renovation in Floral Vale.

Mr. Bryson noted with regard to the pedestrian connection, sustainable design, and a walkable community, he feels everyone is in favor of those; however, the way it reads, he feels it is vague. Mr. Bryson asked if there is a “sidewalk/inter-connection section” in the Comprehensive Plan, and Mr. Majewski stated there is. Mr. Bryson stated as long as it ties into that, he would be in favor of that. Mr. Harris stated what they are proposing is a walkway over 295 connecting with Edgewood Village.

Mr. Pockl stated he feels it would benefit everyone if there were a Definitions Section included or that it refer to the Definitions outline in the overall Zoning. He stated if there is any language included in this Ordinance that is not defined in the Zoning, that would need to be included in Definitions within this District.

Mr. Bryson noted the bonus for energy efficiency for buildings which states: “An energy star score of 75% for at least 30% of the total building.” He stated it would be difficult to reach that number for a “100,000 square foot box.” He stated he assumes the homes will all be 75 plus in order to hit that number. Mr. Dwyer stated they will try to hit those numbers for the apartments. He stated they built the LEED-Certified project at Floral Vale. Mr. Bryson stated the problem is they have to commit to that before the Land Development process in order to get the bonuses, and Mr. Harris agreed. Mr. Bryson stated someone also has to audit it to make sure they hit that number, and Mr. Kennedy agreed. Mr. Bryson stated that would be a huge evaluation. Mr. Dwyer stated if they take advantage of that provision, they would have to commit to that. Mr. Bryson stated this is being written not just for this site so something needs to be included that the owner is responsible for the audit to make sure they hit it if they decide to take the bonus, and Mr. Harris agreed.

Mr. Bryson noted “alternate energy sources” and read the language that is included which requires that they provide at least “10% of the expected annual energy used for the building,” and he asked what “building.” He asked if this would be all the buildings, the total site, etc.; adding that if they commit to this up front, this would have to be audited to make sure they hit this once it is built. He stated although it is commendable to include this and he hopes it happens, it is difficult on the “back end if they do not meet it, to fix it.” Mr. Bryson stated the developer would have to commit to paying for the audit because the Township will not do it. Mr. DeLuca stated there are third party consultants who do this, and that could be part of the Building Permit Application. Mr. Bryson stated they also have to clarify “building.”

Ms. Kirk asked if the installation of these alternative energy sources is going to create an additional use that would not otherwise be permitted at the site under this Ordinance. Mr. Kennedy stated he does not believe so. Mr. DeLuca stated the only question there could be wind. He stated solar or geothermal are not structures.

Mr. Bryson stated he feels they need to clean up the wording with regard to the green roof. He stated 20,000 square feet over the entire site “is nothing,” but 20,000 square feet per Residential unit would be significant.

Mr. Majewski asked how large one cluster of the buildings for the Residential units will be. Mr. Dwyer stated it would be approximately “155.”

Mr. Bryson stated rather than 20,000 square feet, he feels it should be a certain percentage over the entire site. Mr. Kennedy stated it could be done that way, but they do need to have some standard.

Mr. Majewski stated the neighborhood open space is the area between the historic house and the historic barn, and Mr. Harris stated that is one of the places. Mr. Majewski stated that would need to be 10% of the site area, and Mr. Kennedy agreed adding that would be cumulative. Mr. Kennedy showed on the slide the major neighborhood open space piece; but added they also talked about a pocket park in the Residential area, so the total would be 10%. Mr. Bryson stated language should be included to identify this, and there should be a Plan that identifies where all of that space is. Mr. Kennedy stated that will be done as part of Land Development. He stated there would be a Plan showing where all the Residential and Non-Residential land is; and out of that, they would also show where the neighborhood open space is.

Mr. Bryson stated he would like to see another bonus for some kind of stormwater management over compensation similar to LEED credits if they go “above and beyond.” Mr. Kennedy stated a lot of Townships are asking for that. Mr. Bryson stated the Township’s Stormwater Management Ordinance is good, and Mr. Pockl stated it is in line with DEP’s requirements. Mr. Bryson stated he would like to see more if they could as a bonus, and Mr. Kennedy agreed that would be good idea.

Mr. Pockl asked how Lot G fits into the minimum tract area of 30 acres since it looks like Lot G is much smaller than 30 acres. Mr. Kennedy stated it would depend on if something were developed as a “tract.” He stated in their case, they are merging all of the properties together.

Mr. Pockl stated under Permitted Uses they have Commercial Recreation, and he asked if that would be a bowling alley, movie theater, etc.; and Mr. Kennedy agreed. Mr. Dwyer stated they could also have a dinner theater.

Mr. Pockl asked if there are any other existing uses on other parcels within the Overlay District that are not listed here. Mr. Kennedy stated it should be kept in mind that the underlying Zoning is not changed at all so that would not be an issue although he would



like to look into this more closely. Mr. Pockl asked if there are any prohibited uses, and Mr. Kennedy stated there are not in the Ordinance that they have right now. Mr. Kennedy stated if there are things the Township would want to expressly prohibit, they could add them. There was discussion about the potential of going to the Zoning Hearing Board, and Mr. Kennedy stated if uses are prohibited, this gives the Zoning Hearing Board “express direction.” Mr. Pockl stated the Township may want to consider if there are specific uses that they do not want to go in there, so they could be added as prohibited uses.

Mr. Pockl stated he feels they should spell out the criteria required for getting the Use Permit. Mr. Majewski stated that is something they have started doing in the Township where they require people to submit a Zoning Use Permit so the Township can verify that the Use is actually permitted prior to them moving forward with a project or changing Use. Mr. Harris stated he feels they would that would be in the Building Permit Regulations. Mr. Majewski stated it is in the Zoning Ordinance. Ms. Kirk stated the criteria for submission of a Request for a Zoning Permit for a specific use is already listed under our Zoning Ordinance, and Mr. Majewski agreed.

Mr. Pockl stated under “Permitted Density,” they have the density for the Residential side, but nowhere is density defined for the Commercial. Mr. Kennedy stated Commercial does not typically have density, and Commercial relates to intensity of the use of the land which is basically the building coverage and the impervious coverage. He added in a Mixed-Use Development, usually that is regulated across the entire site. Mr. Bryson stated usually there is a square footage restriction, and Mr. Kennedy agreed. Mr. Kennedy stated they do have building coverage and impervious coverage for the whole site. It stated it typically complicates things if you start to regulate Residential on the whole site. Mr. Bryson stated they could go with floor/area ratio, and Mr. Kennedy stated they could do that as have done that previously. Mr. Bryson stated he is not concerned about this specific Plan since it looks like they are all single-story buildings so it should not be an issue; however, this is going to be a document that carries out throughout the Township so something should be put into it for a floor/area ratio based on how much is the percentage of Residential to Commercial. Mr. Kennedy asked if there are any other Districts in the Township that utilize floor/area ratio, and Ms. Kirk stated she does not believe so. Mr. Kennedy stated he is familiar with floor/area ratio, and it can often be confusing to some people in terms of how it is regulated; but he added he is happy to look into it. Mr. Bryson stated if they were to take a Lot and do a financial subdivision, theoretically for impervious coverage, they could put one home on half and make the other side entirely impervious.

Mr. Kennedy stated in theory you could. Mr. Bryson stated the way to control it from doing something like that is controlling the floor/area ratio. Mr. Kennedy stated he feels the overall impervious coverage is the impervious coverage, and it does not matter whether it is a Residential building or a Commercial building. Mr. Bryson stated if the maximum is 60% impervious surface, you would like to see that 60% spread over both parcels as fairly as possible. He stated they would not want to see half the site wall-to-wall impervious from tip to tip, and then the Residential have five or six homes and have all of the impervious on the Commercial side. Mr. Majewski stated he does not believe it would work that way because they would still be required to have parking lot aisles separating parking every so often, buffers, and stormwater management. Mr. Bryson stated they could do the basins on the Residential part which is what they are doing now. Ms. Kirk stated maybe they could have a prohibition under a Mixed Use that a section of the tract could not be used wholly as a parking area. Mr. Bryson stated the issue is there is an impervious coverage maximum, but it does not state that it must be distributed evenly; although he added he does not necessarily want to do that. He stated he does like the lay-out shown.

Mr. Pockl stated there is a 35' maximum building height, but they have a Commercial property, and they could build a 10' basement "down;" and then they would have another floor of Commercial space in the basement plus the first floor and the second floor which then fits under the 35'. He stated they would be increasing their Commercial space. Mr. DeLuca stated they would still be governed by a parking ratio whether it is floor/area ratio or gross building area.

Mr. Bryson stated they could build a parking garage. Mr. Majewski stated a parking garage is not a permitted use.

Mr. Bryson stated he still feels there should be some mechanism in place so that there is some density control. Mr. DeLuca asked if the parking ratio and impervious coverage take care of that. He stated if they have 100,000 square feet of Commercial space and the Ordinance requires five parking spaces per 1,000, and they have 65% impervious, or with bonuses possibly 70%, they could only do what the site permits them to do. He stated they have a building coverage ratio, a parking ratio that they need to honor, and there are impervious surface requirements as well as a height restriction. Mr. Kennedy stated there is also the Mix, and they cannot just do all Commercial.

Mr. Pockl stated for the green roof bonus, he believes the major component of the benefit of a green roof is the reduction of stormwater volume and the improved stormwater quality. He stated to provide a bonus of installing a green roof and then take an additional 20% woodland disturbance, which has its own stormwater

management benefit and stormwater quality benefit, and additional impervious coverage, which is three times what the size of the green roof would be, he feels is excessive. He stated he feels there needs to be a balance in stormwater. He stated he does support Mr. Bryson's idea of having a stormwater management component within the bonus, but he feels the bonus ratio proposed is excessive. Mr. Kennedy stated they could look into revising the numbers. He stated it is similar to the energy efficiency and the alternate energy, and they are trying to encourage a certain type of behavior. He stated green roofs are actually considerably more expensive to build, and they are also expensive to maintain over time so that is what a developer will look at. Mr. Bryson stated he feels they are more appropriate in urban settings where there are buildings on top of each other. Mr. Kennedy stated he feels they can be used anywhere. Mr. Bryson stated the DEP does not really give good credit for having a green roof.

Mr. Pockl stated within the parking areas, they show that the internal cartways should be 24' wide, and that is two-way traffic, and he feels they should add a provision for 12' wide for one-way traffic. Mr. Pockl stated for the multiple-family dwellings they require one and a half parking spaces per dwelling unit and two spaces per dwelling unit for single-family attached. He asked if any of that parking will be held in reserve, and it was noted that it will not be. Mr. Dwyer stated what they have indicated is what they need to support the project. Mr. DeLuca stated there is flexibility as far as the shared parking, but that needs to be analyzed and agreed to as they go through Land Development.

Mr. Pockl stated they are proposing an Ordinance for the entire Mixed-Use area. Mr. Bryson stated he does not feel it would be a problem to put a provision in that indicates you could put parking in reserve and get a bonus for that even though they may not take advantage of it. Mr. Bryson stated he feels six per 1,000 is a lot of parking. Mr. Kennedy stated they could add a clause for reserved parking.

Mr. Wallace stated they need to consider that across from this property there is a lot of land that is O/R; and if they allow for Mixed-Use on this parcel, it would open up the door for a lot of other areas that could be used for Mixed-Use. He stated there is the Jefferson/Aria plot which could come in and request it as well. He stated they need to consider that aspect as well which is why the Planning Commission debated so much about this O/R area and the Mixed-Use as they were concerned about the overall impact and not just this tract. He stated he feels everyone should consider the potential impact this could have on the large amount of land that is across the street and the wider area.

Mr. Lee Pedowicz, 247 Truman Way, stated tonight they are just looking to grant a change in the Ordinance for this piece of property. He stated he has specific questions but feels it is probably not appropriate to bring them up tonight. He stated he is in favor of alternative energy, and they have indicated they would have wind generators, solar panels, etc. and they are going to generate 10% of their energy usage. Ms. Kirk stated what they are presenting is an Ordinance that would operate as an Overlay on any area within the O/R District. She stated this is not specifically for this project alone. Mr. Majewski stated it is not the entire O/R District, and it is just that portion of the O/R District within a quarter mile of the Historic District.

Mr. Pedowicz stated they indicated that there is a 35' height requirement and if they are going to put a "windmill" there it will be a lot higher than 35', and they are not going to generate a lot of energy with it. He stated it is the same thing for the solar panels.

Mr. Pedowicz stated he would also like to know what putting in apartments will do to taxes and to the School District. He asked if School buses would be allowed in there. He stated he was at the Board of Supervisors meeting when they introduced this, and they indicated that the historic buildings would be used for restaurants or some Commercial use. Mr. DeLuca stated they would be renovated and put into use. He stated the house is about 2,500 square feet, and the use for that could be by an accountant, lawyer, etc. and possibly property management for the property. Mr. DeLuca stated the intention for the barn is to repurpose and maintain it which is what they discussed with the Board of Supervisors. He stated a restaurant is one of the potential uses, and there has been talk about a high-end salon.

Mr. Wallace stated while there are a lot of questions that could be addressed for this specific Plan that is being presented tonight, what is really being discussed is should we change the current Zoning District which is Office Research to allow for Mixed-Use and Residential to go into that.

Mr. Pedowicz stated with regard to the parking Wegmans has indicated that they need five spots for 1,000 square feet, and he asked if they are just considering the Lot right outside their store or the whole site.

Mr. Majewski asked if they could discuss the potential impact from the Residential component, and Mr. DeLuca stated they have done a Preliminary Financial Impact Analysis which they would submit with the Land Development. He stated their initial projections are that they would generate \$1.3 million of additional tax revenue and \$1.1 million of that would be the net result after calculating eleven school-age children at \$13,000 per child to educate so the School District would benefit in excess

of \$1.1 million. He stated the Township would benefit slightly over \$200,000 of additional tax revenues. Mr. Bryson asked if that is the delta if it were developed as currently approved as Office, and Mr. DeLuca stated it is specifically what this Plan they are presenting would generate. Mr. Dwyer stated an Office would generate less income on an annual basis.

Mr. Dwyer stated with regard to the 200 dwelling units, if you break out the Fiscal Impact Report on that and account for the eleven school-age children at \$13,000 of cost per year per student, it generates \$90,000 surplus for the Township and about \$500,000 surplus to the School District every year. He stated when you add the Retail, it is much higher than that. He stated the Residential on its own has a positive surplus as well.

Mr. Wallace stated Mr. Majewski has indicated that this Ordinance would only apply to an area within a quarter mile of the Edgewood Village District, and Mr. Majewski agreed. Mr. Majewski stated the map shows the area, and it would not include the Aria parcel. Mr. Wallace stated if something like this were come about for the Aria parcel, that would have to be an additional Overlay Ordinance as opposed to this Ordinance under discussion applying to the Aria parcel; and Mr. Majewski agreed.

Mr. Majewski stated Mr. Dwyer still has the active warehouse project, and he asked Mr. Dwyer if he has an idea of the delta between the tax revenue generated by the warehouse versus Residential. Mr. Dwyer stated of all the uses, the warehouse generates the least positive impact and the highest problem with traffic, etc. He stated it also “hurts” the adjacent property owners more so than this project would as the owners of the North and South Campus have testified to previously. Mr. Dwyer stated there is still a “surplus” with the warehouse because there is very little cost associated with that for the Township or the School District relative to a warehouse. He stated it is not as valuable of an asset, and the assessed value is far less than what they have proposed here.

Mr. Pedowicz asked what would happen if the Overlay is approved and then Wegmans and these developers pull out. Mr. Dwyer stated if they would back out, the property will not get developed; and it will sit for another nine years and Mr. Dwyer will probably come in and try to get something else. Mr. Bryson stated Mr. Dwyer may not use the Mixed Use the next time he comes in, and he may use it as the O/R or put in the warehouse or an Office building. Mr. Wallace stated if the change is approved, it does change the ability to allow for Mixed Use which someone else could do; and Mr. Bryson agreed. Mr. Wallace stated making this change does impact whether or not someone else could do something if these developers pull out.

Mr. Pedowicz stated while he is not saying he is for or against this, he feels this is something they would want to do which would “open doors down the road unless it is going to open too many doors.”

Mr. Bryson stated the existing Offices are not 100% leased, and he feels it is a “dead zone.” He stated this land is eventually going to get developed. Mr. Bryson stated he was always in favor of a Mixed-Use approach to these properties, and he feels that it gives more options for viable development. He stated there are some people who would like to have a Wegmans as well as some people who do not want another office building that will sit there empty or a warehouse that is an “ugly box.”

Mr. Pedowicz stated he understood there was a Petition with 1,000 signatures saying they wanted a Wegmans.

Mr. Wallace stated the Planning Commission has discussed multiple options in terms of Mixed Use. He stated some of it was Retail with apartments over top, and there were a lot of iterations of plans to change the existing O/R District in that area to allow for different types of development that could potentially be there. He stated it is pretty restrictive right now as O/R.

Mr. Pedowicz asked what would happen if they approve this for this developer and someone else comes in. Mr. Pedowicz asked if they could dictate what future developers would have to do. Mr. Wallace stated once they make this change, it then makes the next opportunities a little bit easier for anybody else to want to do that. Mr. Pedowicz stated to develop it, they would have to accommodate what they are going to bring in.

Mr. Pockl stated this is a development that is encouraging bicycle use and vehicular interconnections, and he asked if they want to require in the Ordinance a connectivity to public transportation. Mr. Bryson stated he would be in favor of that, and he asked if that would be considered a bonus or a requirement. Mr. Pockl stated he feels it should be a requirement. Mr. Bryson stated he does not believe there is a bus route in this area, and Ms. Kirk agreed. Mr. Pockl asked if Bucks County provides something to the Corporate Center, and it was noted they do not. Mr. Bryson stated he feels it would be beneficial if there was a shuttle service from the Residential to the Regional Rail Line if people want to go into the city or the airport. He stated he does not believe there is any SEPTA service close to here. Mr. Pockl stated he feels they would want to bring people into the shopping center. Mr. Bryson stated they could include as a bonus a dedicated Zipcar lot that would help those in the apartments who do not own a car. He stated he feels this may be a viable bonus. Mr. Kennedy stated they

could also consider providing electrical charge stations which is something they recently added in a development. Mr. Bryson stated they could include a transportation bonus section.

Mr. Pockl stated he has seen Mixed-Use Ordinances where they have architectural or façade standards for Commercial areas along the roadway, and the Planning Commission may want to consider recommending that for the Ordinance.

Ms. Marilyn Huret, Kings Road, stated she takes issue with the comment about 11 children coming from the Residential area. She stated they have not taken into consideration that there are a number of people who would be looking to downsize and selling their homes. She stated with 200 Residential units, assuming that 100 of those people come from Lower Makefield who would be selling their large homes, it could bring in 100 new families into the Township who are going to be sending their two to four children to the Pennsbury School District. She stated the developer stated that the Rutgers Study only indicated there would be 11 children living in these new apartments, but she would like to know what does the Rutgers Study say about people moving into the Township with the homes turning over. Ms. Huret stated she feels there are a number of people who wish to downsize and stay in Lower Makefield. She stated she would probably look at something like this new development and then sell her home and probably a family with children would be moving into her home.

Mr. Bryson stated part of the reason he likes the Mixed Use is because he feels there is a shortage of residences for empty-nesters wanting to downsize who want to stay in Lower Makefield. Ms. Huret stated there is Polo Run, but there are no elevators there. Mr. Bryson stated the empty-nesters would be selling their homes anyway, and this proposal would provide a way for empty-nesters to stay in Lower Makefield. Ms. Huret stated once they sell those homes, people with families will move into them.

Rabbi Ira Budow stated he has been a resident of Lower Makefield for forty years and was one of the first people who bought into Makefield Estates, and they chose the area because they liked the “country.” He stated he is concerned about the other Lots, and if these things come to pass, they are changing the whole culture of this beautiful area. He stated he goes to I-95, and traffic is “amazing like Long Island.” He stated if this happens, he will sell his home and not stay here because it is not the place that he moved into. He stated they are “threatening” the whole culture of this area. Rabbi Budow stated he is loyal and he knows the people here. He stated when he came here there was not one supermarket, and he had to go to IGA, next to Cramer’s Bakery “which was a disaster.” He stated then McCaffrey and Giant opened and then ShopRite. He stated he is loyal to them, and they could go out of business. He stated

he runs Abrams Hebrew Academy and has been there for thirty-eight years. He stated there was a “great idea” in Richboro to open up another Hebrew School fifteen years ago, and when they put that School in, they “cannibalized” his School.

Rabbi Budow stated we owe some loyalty to the people who have been supportive of our community. He stated he knows Wegmans pretty well, and if you want to go to Wegmans there is one in New Jersey that is fifteen minutes away. He stated it is a great store which includes a Kosher section. He stated he told them that they needed a Supervising Rabbi so he took a number of Rabbis there; however, they indicated they could not do anything there, and he would have to call the Corporate Headquarters. Rabbi Budow stated if they need anything Kosher they “knock on Jim McCaffrey’s door and he takes care of it.” He stated we owe loyalty to people; and if they are going to start cannibalizing the other supermarkets two of them could close. He stated he hopes there is a study to make sure that whatever is being done will not make two other supermarkets close down because of this. He stated if you go into Jim McCaffrey’s place, on the wall there are all the charities that he has helped all “over the place;” and that is “old-time community,” which is why he moved here. He stated he also questions whether they will make all the money they discussed in their presentation.

Mr. Paul Eschallier stated he has lived in Lower Makefield for 18 years. He stated while they called this an Overlay, he calls it Spot Zoning. He stated if they take this one property and give it the Overlay Zoning, he feels the Shady Brook property and the Hospital property will want the same. He stated if the Township denies them, he feels that would open up the Township to litigation. Mr. Eschallier stated they indicated that they would do a study of traffic impact, but he has done some research himself. He stated a Wegmans does \$1.5 to \$2 million a week, and their average sale is \$30 to \$40 per person which means there would be 43,000 to 50,000 cars per week; and he feels that is a conservative number since he is not including the Residential or the additional Retail. He stated if you try to drive the By-Pass during the heavy times of day, it is gridlock now; and he does not know how much more infrastructure they would need to accommodate that many cars.

Mr. Eschallier stated he is not against development or the mixed usage of the property; however, he looks at the Newtown Village that is currently being developed by the Acme. He stated it used to be farmland, a restaurant, and an ice cream parlor; and he questions if we need all of that here and to re-live what Newtown is “making mistakes of.” He asked if we cannot learn from them and slow down and take a good look at this. He stated Lower Makefield is a nice, bedroom community which is why he moved here. He stated he does not want it to become Marlton, Cherry Hill, or big box stores. He stated he does not need a Target Center or a Wegmans as there are three grocery stores already.



Mr. Eschallier stated he feels there is a good possibility that Lower Makefield could go “wet” in the next few years, and that would open up some opportunities for this mixed usage. He stated he feels they could attract a hotel to come in which would be much less impactful than a Wegmans and Retail space. He stated he feels they need to develop smart and look at the impact on the community including traffic. He stated 50,000 cars a week is more than he would like to see. He asked that the Planning Commission protect them as they want to see it remain the same as much as they possibly can.

Ms. Sally Eschallier, Austin Road, stated she has lived in Upper and Lower Makefield for over forty-five years; and she has seen a lot of changes happen in this area – some good and some bad. She stated she does not feel we need a Wegmans in this area. She stated she agrees with what the Rabbi stated about community, and she feels it is important that we support the people who are already here. She stated Wegmans is a great place, and she goes to the one in Princeton which is only fifteen minutes away. Ms. Eschallier stated she also goes to Giant and McCaffrey’s as well; and she feels that if Wegmans comes, it will impact those two grocery stores. She stated they are anchors in those shopping centers, and she questions what will happen to those shopping centers if people stop going there. She stated she also feels the increased traffic will be “awful” if this Overlay Zoning is allowed, and she feels all the farmland around that is “going to fall.” She stated it is going to “look terrible and will be awful,” and it is not what the Lower Makefield residents want in our community. She stated it will also effect restaurants since a lot of people go to Wegmans to eat, and they will say “goodbye to Edgewood Café, Vince’s Pizza,” and all the things that we love about our community. She stated she feels it will impact us to the point that we need to slow down and think about the way we are developing our area. She stated the Planning Commission is “our guardians,” and she knows that they have our best interest “at hand;” however, the way they were talking earlier, it seemed like they already have made up their mind about this since they were going over all the bonuses like it was a “done deal.” She stated they have not even decided if they are going to do the Overlay so the discussion was “disheartening and will be disheartening to a lot of people.” She stated she feels like the Planning Commission knows a lot of details “like they have already met with these people,” and their decision is already made which is “really sad.”

Mr. Steve Rotuno, 88 Flint Road, Langhorne, asked if it has been determined that the existing shopping centers and food markets are not enough for the Township. Mr. Wallace stated that has not been determined. Mr. Wallace added that what they are discussing is not really this specific development, it is whether or not to approve the change. Mr. Rotuno stated basically they want to change the Zoning of it, and Mr. Wallace agreed. Mr. Rotuno stated he is a business owner in Lower Makefield.

Ms. Kirk stated the Planning Commission has four options. She stated they can make a recommendation to the Board of Supervisors to approve the proposed Amendments as presented, they could make a recommendation to deny the Petitions as proposed, they could take a position of not making any recommendations to the Supervisors at all; or in light of the discussion, they could request that the Applicant re-word the proposed Ordinance that was presented to reflect the changes and carry those to another date. Mr. Wallace stated he would like to consider the fourth option.

Ms. Kirk stated the Planning Commission could Move to recommend submission of a Revised Proposed Ordinance by the Applicant and Continue it to a date certain although she does not know how quickly those proposed revisions could be worked up and distributed to the Board in time to review before the scheduled Hearing. Mr. Harris stated they could be ready by the next meeting. Mr. Majewski stated the next Planning Commission meeting would be August 12 which is the second Monday of the month.

Mr. Wallace moved, Mr. Bruch seconded and it was unanimously carried to recommend submission of a Revised Proposed Ordinance by the Applicant and Continue it to August 12.

Mr. Bryson stated he will be unable to attend the meeting on August 12.

There being no further business, Mr. Halboth moved, Mr. Bruch seconded and it was unanimously carried to adjourn the meeting.

Respectfully Submitted,

Charles Halboth, Secretary

