

TOWNSHIP OF LOWER MAKEFIELD
PLANNING COMMISSION
MINUTES – SEPTEMBER 23, 2019

The regular meeting of the Planning Commission of the Township of Lower Makefield was held at the Pennwood Middle School Auditorium on September 23, 2019. Mr. Wallace called the meeting to order at 7:30 p.m.

Those present:

Planning Commission: Chad Wallace, Chair
 Craig Bryson, Vice Chair
 Ross Bruch, Secretary
 Anthony Bush, Member
 Adrian Costello, Member

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

Mr. Wallace stated this is a Continuance of the last meeting. He stated at the prior meeting there was a Sign-Up sheet for Public Comment, and there are still individuals they need to hear from on that Sign-Up Sheet. Mr. Wallace stated with regard to Public Comment, he stated that if a point has been made it is not necessary to reiterate it multiple times. He stated this is the third time the Planning Commission has discussed this matter. He asked that those speaking try to be brief and not to reiterate the same point that has already been brought up.

Mr. Bryson stated they will go down the list of those who were on the list but did not have an opportunity to speak at the last meeting. He stated once they have heard from those individuals, those who have not yet spoken may make a brief comment but not rehash the same concerns over and over.

Mr. Wallace stated the purpose of this meeting is to discuss an Overlay District that has been proposed for an area of the Township that is currently Zoned Office/Research. He stated they are not here about a Land Development Plan as a Land Development Plan has not been proposed, and they are not here to talk about whether or not we should build a Wegmans. He stated this is just a discussion as to whether or not there should be an Overlay District in this area or other areas. He asked that those making Public Comment keep that in mind.

APPROVAL OF MINUTES

Mr. Bruch moved, Mr. Wallace seconded and it was unanimously carried to approve the Minutes of September 9, 2019 as written.

DISCUSSION AND MOTION TO RECOMMEND APPROVAL OF PETITION FOR AMENDMENT TO THE ZONING ORDINANCE AND MAP TO CREATE A MIXED-USE (MU) OVERLAY DISTRICT WITHIN THE OFFICE RESEARCH (OR) ZONING DISTRICT

Tax Parcels 20-16-39, 20-16-40 & 20-16-40-1, 20-12-1-3, 20-12-2-2

Mr. Bryan McNamara, 1412 Heather Circle, asked why they are allowing the developer to dictate what our Zoning should be as opposed to the Board of Supervisors if they want to change it.

Mr. Majewski stated the Zoning Ordinance allows for the Applicant to make a Petition to the Township to amend Zoning, and there is a process which involves the Applicant going to the Board of Supervisors who will consider the Amendment and have a Public Hearing to either accept it, reject it, or accept it with Conditions. Ms. Kirk stated anyone can put in a request for a Zoning Amendment that would have to be reviewed, and it cannot just be dismissed.

Mr. Costello stated a developer came to them with an idea because he got negative feedback about a different idea. He stated the Supervisors had some input and this meeting is to make sure they get input from the community and for the Planning Commission to look at the regulations to see if they feel it is the right thing for the Township.

Mr. McNamara stated it was brought up at the last meeting that the Township is not always transparent. He showed a “flyer” that the Township sent out in July. He stated the Board of Supervisors voted to change the Master Plan so that we now have to consider these types of uses. He stated if the Township wanted to be transparent, they should have included it in the Newsletter they sent out; but they did not.

Mr. McNamara stated at a meeting it was brought out that four of the Supervisors met privately with the developer, and he does not feel Mr. DeLuca would have even considered proposing such broad changes to our Zoning including changes to density in both housing and Retail if he did not have assurances from the four Supervisors he met with privately.

Mr. McNamara reminded Mr. Bush that they fought long and hard to stop big box that was going to be approximately one mile away, so it is disheartening to hear him speak favorably about this development and what could potentially be built across the street as well.

Mr. Bush stated he has not stated one way or the other about where he stands on this. He stated everyone in this room received mailings at home with misleading information, and he asked Mr. McNamara to not continue that here.

Mr. McNamara stated they can read the Minutes and see what Mr. Bush's comments were. Mr. McNamara again stated that they all fought together against the big box development a mile down the road from this location. Mr. Bush stated they are not talking about what happened ten years ago.

Ms. Kirk stated this forum is not meant to be a forum for discrediting or publicly attacking a member of the Planning Commission, and it is for whether you are for or against the proposal. She stated that is all they would like Mr. McNamara to discuss with the Planning Commission.

Mr. McNamara stated while this is true, they are talking about transparency. He stated there are two new members on the Planning Commission. He stated at the June 19 Board of Supervisors meeting, Mr. Costello talked very favorably about this development, and then two meetings later the Board of Supervisors appointed him to the Planning Commission to oversee this Zoning change. Ms. Kirk stated she has no idea how that occurred, but this is in front of the Planning Commission at this time. Ms. Kirk stated they are interested in what Mr. McNamara's position is on the proposed Zoning Ordinance.

Mr. McNamara noted the Minutes of October 5, 2016 where Mr. Dwyer was talking about his fourteen acres, and indicated he did not feel this was a good site for Retail because it would hurt Edgewood Village if they put Retail on his fourteen acres when they discussed Retail at time. Mr. McNamara stated on November 2, 2016 Mr. Dwyer again stated that he believed Retail would be harmful to Edgewood Village. Mr. McNamara asked what has changed since 2016. Mr. McNamara stated also in 2016 Mr. Dwyer had asked for approval of 192 apartments, not 200, and he indicated at that time that they needed fifteen apartments per acre to make their money back on what they spent for the tract as it was bought as Office/Research which is the most expensive land to develop.

Mr. McNamara stated on August 12, the Township Manager got a letter from a neighboring property owner stating they wanted the same Zoning that is being proposed here. Ms. Kirk stated that is not in front of the Planning Commission at this point. Mr. McNamara stated on September 4 the Township Manager had still not given that letter to the Board of Supervisors. Ms. Kirk stated there has been no formal Application submitted. Mr. McNamara stated this should be

brought out to the public so everyone can see what is going on. He stated it is not about just one development/one Retail establishment. Mr. McNamara stated the Newtown Planning Commission already approved a “Super Wawa” to go on the By-Pass.

Mr. McNamara stated we already have in our Master Plan that if anyone comes in with a Plan, we have to consider Residential, Commercial, Entertainment and “like things” on anything zoned O/R so that is all the land across the street. He stated where the Aria Hospital was going to go, the sign that indicated it was for sale for medical office/research buildings has come down since August 12 when the Master Plan was changed. Mr. McNamara stated it is not just one thing, and it is the bigger picture with what the whole area is going to look like, and everyone needs to keep that in mind.

Mr. McNamara stated on October 5, 2016 Supervisor Reis stated she did not feel this was a good spot for Residential. He stated he does not feel this is a good spot for the massive development that will come in.

Mr. McNamara stated at the previous meeting someone had asked if there could be a Referendum; and while there is not a Referendum for this, everyone can vote on November 5 for people who do not want this development as there is a clear choice. He stated people should make their voices heard on November 5.

Mr. Wallace stated Mr. McNamara made a comment about the letter sent from Shady Brook Farm. Mr. Wallace stated the owners of Shady Brook Farm wrote a letter asking that they be included in the Overlay District and get the same type of Overlay applied to their property. Mr. Wallace asked Ms. Kirk how the Planning Commission should handle that. Ms. Kirk stated the Applicant before the Planning Commission this evening has presented a proposed Overlay District that has specific distance requirements to Edgewood Village, and it would apply to properties within a quarter mile of Edgewood Village. Ms. Kirk stated a letter came in from Shady Brook Farm but they did not submit any formal Application or Petition to the Township, and they just asked that the Township extend that distance to include their property as well.

Ms. Kirk stated what is in front of the Planning Commission is a proposal to limit the Overlay District to within a quarter mile of Edgewood Village so it would not apply to Shady Brook Farm.

Mr. Mark Simon, 2062 Leedom Drive, stated he does not feel this should be turned into “the corner of Route 1 and Oxford Valley.” He asked if the Overlay is granted does the Township have any legal basis not to grant it to Shady Brook. Ms. Kirk stated it is within the Township’s domain to ascertain if an Overlay District should apply and whether there should be distance requirements; and she does not know of any Case Law that says if it is granted in its present form, it must therefore apply to all other properties within the same District. She stated this is the same thing that was done with the Traditional Neighborhood Overlay for the area of Edgewood Village.

Mr. Simon asked about the “notion of fairness,” and Ms. Kirk stated she could not address that. Mr. Simon stated he understands that they are trying to limit the issue to this particular Applicant, but he feels that this issue is broader than this Applicant because the owners of the Shady Brook tract are looking for the same right to develop that property “whichever way he wants to.” He stated people have focused on the traffic during the holiday; however, he drove the road recently at lunch time trying to get from Township Line onto the By-Pass and it was backed up beyond the two lanes where you make the left turn. Mr. Simon asked the Planning Commission to consider that when they are looking at this property, it will establish some kind of legal precedent for Mr. Fleming to argue that he would be entitled to develop his property the same way; and they will forever change the nature of the Township, and it will never be the same.

Mr. Simon stated he understands that there is a member of the Board of Supervisors present, Mr. Lewis. Ms. Kirk stated Mr. Lewis is the Liaison, and he simply reports back to the Board of Supervisors what occurs at these meetings; and this is not meant to be a forum to question Mr. Lewis. Mr. Simon stated his question would be whether Mr. Lewis or any other members of the Board of Supervisors received any campaign contributions from any of the developers of the Prickett property.

Mr. Wallace stated there are other factors that are “out there,” that the Planning Commission is being asked to not necessarily look at; and he does not feel that is the best course of action to take. He stated he feels they have to consider what the unintended consequences could be of approving this Overlay. He stated when you consider the letter that Mr. Fleming wrote, his position is that while he was not necessarily proposing to build anything, he felt if the Overlay District was allowed across the street from his property, it would devalue his property; and he was asking to be included in order to keep his property on the same par should he ever want to sell the property. Mr. Wallace stated Ms. Kirk is advising that the Planning Commission should not be taking that into consideration, but he asks how they can do that.

Ms. Kirk stated Mr. Fleming and the Shady Brook Farm property are not Parties to the current Application by virtue of the way the Application is prepared for the proposed Overlay District which measures a quarter mile from Edgewood Village, the Traditional Neighborhood. She stated Shady Brook Farm is not part of this Application; however, the Planning Commission can make its own informed decision as to whether such an Overlay District with those distance limitations would negatively affect the District and the Planning Commission could then recommend a Denial of the proposed Overlay District Petition. Ms. Kirk stated this is not any different from when the Township sets about to designate certain Zoning Districts within the Township.

Ms. Kirk stated the Planning Commission in reviewing and making recommendations on the updated Comprehensive Plan, in reviewing the proposed use of the property, in reviewing this Application, and taking into consideration comments from the public are what the Planning Commission uses in its determination of whether or not to recommend Approval, Denial, or No Action.

Mr. Brian Ferrier, 511 Heritage Oak, and Mr. Bob Lang, 2111 Dawn Lane were called to speak, but did not respond.

Mr. Jeff Hall-Gale, 823 Stark Circle, stated he is a local attorney who has lived in the area for thirty years. He stated he has great concerns with the project, and he wants to make sure they have all the necessary information before a critical decision is made that could impact the Township for years to come. He stated as noted previously, there should be an Environment Impact Study, Economic Impact Study, and an opinion from the County before they allow the Overlay. He stated this is not something that should be rushed especially when other properties could seek the same Overlay relief. He asked if they will do an Economic or Environmental Impact Study at any point. Ms. Kirk stated that is not part of this Application. She stated it is not to do the development, and it is simply the proposed Zoning. She stated there is no formal development in front of the Planning Commission, and it is just a concept of what it could be.

Mr. Gale asked if they will be done in the future. Mr. Majewski stated it is a requirement of the Subdivision and Land Development Ordinance that a complete Environmental Impact Assessment be done which includes transportation impacts, fiscal impacts, environmental impacts, etc. He stated it is very comprehensive.

Ms. Elizabeth Parker, 1170 Quarry Commons, Mr. Carl Sposato, 1721 Buchanan Way, and Ms. Mary Augustin, 2009 Sylvan Terrace were called to speak, but did not respond.

Mr. Grant Kalson, 976 Lehigh Drive, stated he feels that informally 70% of the people that are speaking here are against this and possibly 25% to 30% are for it. He stated if the Planning Commission recommends to the Board of Supervisors against it, and then the Board of Supervisors votes against it, that would leave the warehouse option. Mr. Kalson stated the Board could also vote against that; and asked if they do, what would happen next. Ms. Kirk stated the warehouse option is being processed through the Township's Zoning Hearing Board since under the current regulations for Zoning, a warehouse is a permitted use by Special Exception; and that does not have to come in front of the Planning Commission per se. Ms. Kirk stated what is being considered tonight is a request to change the Zoning Ordinance and add an additional component, and that requires Planning Commission review.

Mr. Kalson asked if the Board could vote against the warehouse; and Ms. Kirk stated it would be the Zoning Hearing Board, and they could Deny the Application if they do not believe it meets the Conditions of the Special Exception. Mr. Kalson asked what would happen then if "both of those ideas are discarded." Ms. Kirk stated it is the Applicant's property, and they could make an Application and construct in accordance with the O/R District.

Mr. Bryson stated half of the site is currently approved for 185,000 square feet of Office, and they could apply for a Building Permit and start construction. Mr. Kalson stated they have made it clear that they are not going to do that; and Mr. Bryson stated while that is true, they could still potentially build Office. Mr. Wallace stated there are rights that the property owners currently have. He stated they could propose anything that would fit into the current Zoning or make another Zoning change request.

Mr. Charles Paraboschi, 1 Highland Drive, stated he feels he is "on the younger side of the homeowners" who have attended the meeting. He stated he has lived in Yardley all his life, and he lives and works in this area. He stated he works at 800 Township Line Road, and the median age is twenty-eight years old. He stated they recently hired five people out of College, and three of them left in the last year because they said that was nothing to do here. He stated it is difficult to buy a house here because the homes are expensive, and the apartments are expensive

as well. He stated he feels increasing the amount of availability in a Mixed-Use Retail environment would attract more young people like himself. He stated if they are trying to attract young professionals to this area, he feels the Mixed-Use Ordinance is what they need.

Mr. Paraboschi stated it would be much easier for them to put in a warehouse. He added that the Office Complexes on Township Line Road are all very underutilized at this time. He stated if they put a warehouse in with 50 Amazon trucks a day going back and forth to the highway, the Office Complexes will never get filled. He stated while he would love the area to remain a big, open green space, that is not reality since this is on private property; and it is more likely that it will be turned into a warehouse, if the Township denies this. He stated they will then not attract young professionals or young families, and the Township will be aging away which could be devastating for the economy in general. He stated he feels if the Mixed-Use is put in, they will probably be more readily able to fill up the Office Complexes and have more income in the Township. He asked that they consider making this Mixed-Use.

Mr. Nathan Cadle, 1237 Edgewood Road, was called to speak; but he did not respond.

Ms. Lisa Tenney, 156 Pinnacle Circle, thanked whoever sent the mailer so that she knew to come to the meeting and find out what was going on in the community. She stated she moved here three years ago as a result of a job relocation from Connecticut to New Jersey along with six additional families who also purchased homes in Lower Makefield. She stated they came here because of the “family-oriented, quaint town of Yardley, and the beautiful neighborhoods lined with trees and sidewalks.” She stated like Connecticut Lower Makefield had a mix of a few farms and suburbia and very nice amenities. Ms. Tenney stated what is different about Lower Makefield from Connecticut is that there is Retail “right around the corner,” so it is more convenient from where she once lived. Ms. Tenney stated if this “pathway to continual Mixed-Use continues,” the character of the Township will change, and that will make it “any Town USA.” She stated Lower Makefield “will lose its edge” for people who are going to be relocating if it “just looks like Langhorne or an extension of Langhorne.”

Ms. Tenney stated while she knows that apartments are hard to find, Oxford Valley Mall is going to have 600 apartments built in 2020.

Ms. Tenney stated in Connecticut a decision of this magnitude would result in a town-wide vote, but she does not get to vote here; and it is the Planning Commission and the Board of Supervisors who get to vote. She stated she is asking the Planning

Commission to consider what the other lifelong residents have had to say more than what the developer has to say as his interests are for the stockholders. She asked that the Planning Commission choose facts over rhetoric to guide their decision.

Ms. Tenney stated the one fact that the developers provided was inaccurate, and they calculated the net profits to the Pennsbury Schools of \$1.1 million stating the costs of educating a “regular student” was \$11,000. She stated the cost in the 2019/2020 academic year is actually \$13,000. She stated 17.2% of students will qualify for Special Education and that is a cost of \$33,440 per student. She stated if there are 100 students entering the School system, taxes will go up. Ms. Tenney stated if the developer is not going to pay for the research, the Planning Commission should do the research as they represent her vote. She stated this is important, and this decision is going to change the fabric of Lower Makefield if it passes; and “it could be good, but it could equally be bad.” She stated it will affect the future generations.

Ms. Cheryl Hennessey, 1354 Yardley-Newtown Road, and Mr. Robert Schreiber, 548 Heritage Oak Drive were called to speak; but they did not respond.

There were no further names on the Sign-In Sheet.

Mr. Wallace asked if anyone else wished to make comment, they could come up at this time.

Ms. Cynthia Weiss, 1308 Yardley Road, stated she has lived in the Township for over fifteen years in a home that was built in 1946. She stated she is currently the Chair of the Township’s Financial Advisory Commission, and she previously served on the Township’s Economic Development Committee. She asked the Planning Commission to approve the Mixed-Use Overlay. She stated she understands that this recommendation will serve as the first piece of a very lengthy and detailed process including a study by PennDOT of the requirements for road improvements along with other very important approvals.

Ms. Weiss stated during her tenure on the Economic Development Commission, the members lamented the lack of ratables as over 90% of the income comes from Residential sources. She stated during the time of the “development boom” millions in revenue from Impact Fees was coming in from the developers; however, that has not been the case for years. She stated in 1980, the Township had 17,351 residents, and by the year 2000 the Township had 32,681 residents. Ms. Weiss stated she understands from others who have lived here their entire lives, it was a time of great consternation when the Township was considering the development of the

McCaffrey's and Giant Shopping Centers; and we now have a population of 32,000 with three grocery stores. She stated for those who complain about taxes and who travel outside of the Township to shop, the answer is clear that we need a bigger revenue base and services for our residents.

Ms. Weiss stated some in the Township have talked about the benefits of a warehouse which has been proposed by the apartment developer, Equus; and she understands the approval process for a warehouse could be moved forward should this Overlay be denied. She stated instead of apartment dwellers and a work, live, play Mixed-Use facility, we will see the construction of a warehouse. Ms. Weiss stated once there is a warehouse, we will either have more warehouses, a bank, memory care facility or some other allowed use. She stated Wegmans will not want to co-locate with a warehouse. She stated the remaining farms around this area will then sell out to warehouse companies, and the bucolic landscape will become warehouses with vans and eighteen-wheel trucks coming and going twenty-four/seven. She stated the Office buildings will continue to have a difficult time as has been mentioned which means less revenue to the Township as those Office building owners come into the Township and ask for relief from their taxes since they are not filled up.

Ms. Weiss stated PennDOT will not force the same level of road improvements that they would for Residential and Retail uses. She stated PennDOT does not care about the Shady Brook Light Show or how much traffic a warehouse would bring; but they would care if it is Mixed-Use, and the developers would have to improve the road which is currently rated an F.

Ms. Weiss stated the purpose of Government is not to select one business over another, rather it is their purpose to insure that the residents have adequately-paved roads and make decisions that can serve the greatest number of residents both now and in the future.

Ms. Weiss stated in terms of people coming to this forum to voice their displeasure about Mixed-Use that should not be viewed as the sample of what the residents of Lower Makefield believe to be right or wrong. She stated it is a group of people who "may or may not have had something better to do this evening, and the last two evenings." She stated there are many people who have to work or have children at home, and they may be very much in favor of the Mixed-Use, but they do not have the opportunity to come to these meetings in the evening.

Ms. Alison Weinberger, 1707 Yardley -Morrisville Road, stated she was in Retail for a many years; and she stated anything that goes into big box Retail is a destination. She stated when they do the PennDOT Traffic Study, they cannot do it “in Yardley, during the week, during School.” She stated they need to do it at Oxford Valley, at King of Prussia, and East Hanover, New Jersey where a big box supermarket had an opening weekend when 30,000 people came; and State Troopers had to come help with the local traffic. She stated when you put in a big box destination it will bring in people from Newtown and New Hope, and it will not just be a “Yardley situation.” She stated they need to be aware that this will be a domino effect since this is one of eight parcels. She stated they need to think long-term. She stated she does not feel it is likely that eight warehouses will come to one location, and she feels people are being scared into thinking that is the only option. She stated no one should be here to “bully one another.”

Mr. Wallace stated with regard to the Traffic Study any Traffic Study that would be done would be very comprehensive.

Ms. Christina Martin, 8 Fayette Drive, stated there is no guarantee about the traffic right now because we do not know what will go in this Mixed-Use if it is approved. She stated they need to think about the fact that the road that this is on is “used by all to go to work, go to school, and go to play, and to do anything so it will greatly affect us.” She stated it will also greatly affect the infrastructure of our community.

Ms. Martin stated she disagrees with the person who talked about having more young people to “use the apartments,” as she doubts these apartments will be affordable for young people.

Mr. Matt Williams, 1311 Chase Road, stated he has only been here for three years, and he is “probably on the younger side;” and he is wholeheartedly against this. He stated he does not feel it is his job to provide amenities for employees who are here part-time, and his priority is to have the best area for his family and his neighbors. He stated if there is a domino effect, they should make sure the neighborhood knows about that and it is fully “digested before it is put into effect.” He stated he hopes there is more follow-up. He asked when these meetings are held, and Mr. Bryson stated the Planning Commission meets twice a month at the Township Building on the second and fourth Monday.

Mr. Mark Cercone, 2150 W. Wellington, stated when he received the flyer in the mail from “Citizens United,” he was upset with the way they described things; but when he looked into the situation himself, went on-line, and did some research, he found the beautiful Plan that was being proposed for this Overlay development. He stated he has lived here for thirty-three years and like many of the long-time residents he wants these additional services and choices that this proposed development will bring. He stated they are tired of having to drive to other communities and into New Jersey to get the types of things that we should be able to purchase here.

Mr. Cercone stated he has a five-page letter he prepared, and he would like to submit it to the Planning Commission, adding that he has already written to the Lower Makefield Township “Administrators.” Ms. Kirk stated information for the Planning Commission could be given to the Director of Building and Planning, Mr. Majewski, who would distribute it to the Planning Commission members.

Mr. Cercone stated he has heard a number of comments made about why this should not be done such as it will change the landscape, and change the Township; however, he feels they will change one part of it, and not all of it, and people should not put things out of proportion. He stated there were also comments about the loss of revenue if a store like Wegmans came in, and that they would put others out of business. Mr. Cercone stated he feels there are probably businesses behind the effort to try to stop this because they are worried about competition. He stated in his business, he knows that competition should not be feared, and it should be embraced because it gives the residents more choices and it makes the existing businesses better because it forces them to change their model and improve what they offer to the Township residents as well.

Mr. Cercone stated there are many people who cannot come to the meetings because they do not have the luxury of time to be here like other people do. He stated if those who are in favor of this planned development were able to attend, you would need an auditorium ten times the size of this auditorium.

Mr. Daniel Simon, 2067 Leedom Drive, stated he grew up here and would like to raise a family here which is why he is opposed to this project. He stated there are three considerations that weigh strongly in favor of denying the proposed Overlay District. He stated the first is that the externalities that it will impose on the Township to the benefit of others who are not living in the Township are very large. He stated we have a number of grocery stores already in the Township, and there is no Contract with Wegmans to come here. He stated they are not promising a Wegmans, but they are “promising a drive-

through restaurant which is one of the potential solutions here.” He stated they are also promising a lot of apartments “which strangely no longer have any electric vehicle charging stations or bike racks.”

Mr. Simon stated the traffic is generally poor along Stony Hill, and when he was young and they went to the Shady Brook Light Show they had to wait an hour to come from Leedom Drive to get there. He stated during the holidays people shopping at Wegmans with the Light Show is going to be completely unmanageable. He stated they will need to make Stony Hill and the By-Pass twice as large. He stated he feels this development will result in substantial investments required by the Township, the State, the County, and perhaps the Federal Government to make this livable.

Mr. Simon stated the second concern he has is related to precedent. He stated his father spoke about this earlier. He stated his father is an attorney, and Mr. Simon stated he is in Law School. He stated the Planning Commission at this point has complete discretion whether to grant the petitioners’ requests, and the petitioners have a very high burden; and they are asking the Township to change its laws to allow them to do what they want to do. Mr. Simon stated if the Planning Commission recommends approval, and the Board of Supervisors accepts that, he understands a denial of a request by another person located across the street would be subject to an arbitrary and capricious review by Courts; which means that the Board would be subject to litigation if they chose to deny Mr. Fleming’s “perhaps” request. He stated that cost is something they need to consider when deciding whether to go forward with this project because while there may not be a request right now, one could very easily be filed; and the Board would have no reason “beyond just whimsy” to deny a subsequent request because they regret making the decision that they made with this one if they choose to approve it.

Mr. Simon stated he will not come here after Law School, and he will go to New York; however, he wants to come back to raise a family. He stated there are many places he could go in New Jersey or outside of New York which have a Wegmans and lots of tax bases, and lots of taxes accordingly; and while he wants to come back here, he sees it slowly “slipping away.” He stated while he agrees that this is just about one part of the town, every time they change one part of the town, the town itself changes; and it will never be the same as it was. He stated he recognizes that they cannot stop change, but that does not mean that they have to grant them the “extraordinary relief” that they are seeking from the Township. He asked that they deny the request and ask them to consider alternative plans for the property that they acquired.

Ms. Marjorie Christiansen, 859 Gainsway, stated she has lived there since 1972. She stated she would like to put a “hold on.” She stated most of the homes in her development are \$500,000 to \$700,000 homes, and the traffic is “unbelievable” with three different garbage collectors; and there is garbage collected every day except Sunday. She stated people are working more in their homes, and every day including Sunday, FedEx, UPS, and Amazon trucks are there. She stated in the “School season,” there are School buses. She stated this is just on her block and in her area. She stated her road has multiple cracks, and it looks like they live on “Tobacco Road.” She stated several years ago our tax money went into paving a parking lot of the Levittown YMCA, and she stated that money should have been spent repaving out community. She stated the Township does not have a Residential Light Ordinance, and she is fighting neighbors to put shields on their lights because her house is being lit up all night long, and that is “light trespassing.”

Mr. David Shoneman, 198 Cinnabar Lane, stated he is from Connecticut and he has an engineering degree, an MBA, and he is a lawyer. He stated he feels we are asking the wrong questions. He stated after a long and costly battle a project will prevail unless there are real reasons such as safety and environmental for a Court to say “no.” Mr. Shoneman stated the question he is focused on is how will the LMT taxpayers benefit and what is the developer willing to give LMT. He stated now is our time to negotiate what the community wants and not after a long Court battle when money has been spent. He stated he would be happy to be part of a team to negotiate a compromise.

Mr. Shoneman stated we should be looking at things the developer can give back to the community such as infrastructure improvements, and perhaps cell towers. He stated “huge money” will be spent fighting this.

Mr. Shoneman asked how will the projected \$1.1 million for the Pennsbury School District “tax base” be allocated and will it help the LMT taxpayers – not those who live in Yardley, not those who live in Falls, and not those who live in Tullytown. He stated he has been here twenty-two years, and his School taxes have more than doubled but the quality of education has not.

Mr. Bush stated it is not the role of the Planning Commission to engage in negotiations with the developer over financial terms at this time.

Mr. Ray Christensen, 859 Gainsway Road, stated it had been stated that people had a hard time getting to this meeting; however, he has never not gone someplace he felt it was important to go, and he would get a babysitter, and if he was passionate enough, he was there so he does not understand that as an excuse. He discussed the difference between change and progress, and he asked if this is really better or is it just another change.

Mr. Christensen read a poem he wrote about the Flowers Field development. He expressed concern with LED lights that will probably be in this new development.

Mr. Frank Gabriel, 1683 Delaware Rim Drive, stated not everybody has to have one of everything. He stated people came to the Township in droves between 1950 and 2010 because “this is what we are.” He stated the identity of LMT, although it has slightly changed, is a bedroom community; and people want to be here because of what it is. He stated he appreciates the young man who indicated that he would like to come back here when it is time to raise his family. Mr. Gabriel stated our identity has been defined for quite some time.

Mr. Gabriel stated he is not in favor of big box “anything,” and he recognizes that may mean someone may have to drive a little further for their groceries. He stated we have a great community, and we do not need to change the character “even on the edges or fringes;” and we have adjacent towns that suffice.

Mr. Steven Nadel, 1388 Heller Drive, asked based on what people have stated tonight, how is the recommendation of the Planning Commission “done;” and he asked if it is done based on the overriding factors of what people are saying or is it done based on what the Planning Commission will talk about or have already talked about. He asked if 70% of the people here are against it or 70% of the people are for it, would that be an overriding factor or is it not a factor. He asked how would the public know the difference.

Mr. Wallace stated the Planning Commission is an advisory panel that makes recommendations to the Board of Supervisors. He stated they get information from the public, the developer, and various agencies; and they make a determination from multiple sources of input as to how they take the recommendations.

Mr. Nadel asked what are some of the recommendations; and Mr. Wallace stated they could recommend to the Board of Supervisors that they approve the Overlay District, they could recommend not to follow through with it because they feel it is not in the best interest of the Township, or they can ask for additional information. Mr. Nadel asked what would be the basis for their decision if it is not the input from the people.

Mr. Bryson stated there is certain criteria and legal precedent based on the Pennsylvania State Municipal Code. He stated the Planning Commission is an Advisory Board to the Board of Supervisors. He stated this is the third meeting the Planning Commission has had on what it being proposed as a Mixed-Use Overlay. He stated at the first meeting which was held at the Township Building the Planning Commission reviewed the proposed Overlay, and asked the Applicants to make changes based on the Planning Commission's general consensus as a board which was discussed at that Public Meeting. Mr. Bryson stated legally the Planning Commission members cannot discuss this outside of the Public Meeting, and he has no idea how the other Planning Commission members will vote. He stated everything they do is in a public forum.

Mr. Nadel stated his question was what will be the basis for the decision that they will be making. Mr. Bryson stated a Motion will be made and if someone Seconds it, they will take a vote. Mr. Nadel stated there is therefore "no consensus information," and the Planning Commission members each have different views, and then the majority rules; and Mr. Bryson agreed. Mr. Wallace stated the Planning Commission can have discussion and share that information in a public forum, but the Planning Commission members cannot speak about it privately amongst themselves. He stated any discussion they have will be done in the view of the public.

Mr. Nadel stated his "discomfort" with this process is if 70% of the people here do not want, it could still get voted the other way "because twelve people on the Board did not go with what the people wanted that they are supposed to be governing for." Mr. Wallace stated there are 32,000 residents in Lower Makefield Township, and there are not 32,000 people present tonight. Mr. Nadel stated there could be a Public Referendum but there is not. Mr. Bryson stated they cannot have a Public Referendum. Mr. Nadel stated while he understands that, there were people who made the effort to come so their voices were heard; and he feels that should stand for something, and it should not be twelve people "sitting back and not listening to the people who made the effort to come here and have their voice heard because we live in a Democracy."

Mr. Wallace asked Mr. Nadel what would be his indication that the Planning Commission is not listening to the people who are voicing their opinions. Mr. Bryson stated they made huge accommodations to hear everyone. Mr. Wallace stated the meeting they had at the Township Building was “so overrun with individuals” that they changed the meeting location for two nights to allow for as many people to speak as possible.

Mr. Nadel stated they indicated that they do not have “to regard what the people say here,” and it can be based on something else. Mr. Bush stated no one stated that. Mr. Wallace stated they did not state they would disregard what anyone stated. He stated they have gotten multiple points of input. He stated the Planning Commission members are volunteers, and review lots of different things. He stated they take multiple points of input from various resources, and they take they take their responsibility seriously. He stated they make recommendations based on what they think from all the sources of input that they have as to what they feel is in the best interest of the Township.

Ms. Kirk stated the people who sit on the Planning Commission have professional experience in these areas, and they have a professional background related to Land Use planning, development, engineering etc.; and they can draw on their professional experience.

Mr. Nadel stated he is not disagreeing with that or the fact that they are trying to make a decision, but he is trying to find out how that decision is made. He stated when he asked what was some of that input, he did not get an answer; and those “other inputs” could be the overriding factor and not what the community wants. He stated he does not know how the decision is being made so he does not feel comfortable about the process. Mr. Nadel stated he wants to know that the voices of the people are being heard.

Mr. Wallace stated any information that the Planning Commission is provided is public knowledge, and the public can review any information that has been provided to the Planning Commission.

Mr. Nadel stated when they talk about a sense of community, that is very important when people make choices as to where they want to live. He stated certain communities such as Hopewell have certain Zoning that they put in for their housing because they want the community to stay a certain way. He stated Zoning was put in here originally because the community wanted it to be a certain type of community, and that was one of the things that brought him here. Mr. Nadel stated he wants to make sure his voice is heard and people are understood, and that they

understand the basis “for the information;” and he does not understand that. He stated there is no environmental impact or economic impact; and these “are big things that are going to change the community.”

Mr. Wallace stated part of the challenge that Mr. Nadel and others are probably having is that there has not been a proposal for a development, and they cannot do an Impact Study on something that has not been presented. He stated the discussion is whether or not the current Zoning that is on the property of the two property owners should be changed to allow for different types of building. He stated they would still have to submit a Land Development Plan which would have to go through a full Land Development process, and that is when Traffic Studies and Economic Impact Studies come in. Mr. Wallace stated while he understands Mr. Nadel’s point, he is putting “the cart before the horse.” Mr. Nadel stated he understands that point of view except that a statement was put out that there will be an economic impact of \$1.1 million, and he does not know how that has been ascertained; and he asked if that is based on a 94% occupancy rate, etc. Mr. Wallace stated multiple statements have been made from various groups that oppose or support this that may just be information that those groups are sending out. Mr. Wallace stated the only information they have on impact is what the developers have brought to the Planning Commission’s attention that the developers feel will be the impact. Mr. Wallace stated the Planning Commission can take that information in consideration based on who is presenting the information to them. Mr. Nadel stated that is the only information they have to base their decision on; however, Mr. Wallace stated he disagrees, and the Planning Commission has received information from others.

Mr. Wallace stated they are not here tonight to decide what the impact would be of a particular development if they change the Zoning since these developers could walk away. He stated there is no guarantee that Wegmans or this proposal will ever be submitted. He stated they are not discussing whether or not that is possible, rather it is whether or not the Township should consider additional uses in that area. Mr. Wallace stated to do specific studies, they need a proposal; and he asked how they could do those studies without a proposal. Mr. Nadel asked how they can make an informed decision without having some basis for that decision. Mr. Nadel stated he feels since there is a lack of information to be in favor of the proposal, he would be against it.

Ms. Christine Toy-Dragoni, 3 Elm Avenue, stated she has been a resident of Lower Makefield for nineteen years; and Lower Makefield has changed every year of those nineteen years. She stated one thing that she feels has been the same is that every time something comes up, there are people who want to stop everything after they got what they wanted – “their big house, their in-ground pool,” and their certain stores that they like; and that is where they want it to stop. Ms. Dragoni stated she does not have a strong opinion one way or other, but this comes up every time there is a possibility of something new. She stated people say Lower Makefield should stay the way it always has been, but that is different for every single person in the room depending on what year they came here.

Ms. Dragoni stated the mailer she received and the information that is “out there is very unfair.” She stated they are indicating that they either have a Wegmans or it will stay “beautiful Yardley green space;” and that is not what she heard tonight. she stated she heard that the way it is Zoned they have the right to put warehouses on there now as it stands. She stated she understands that they would have to get the Overlay to do Mixed-Use.

Mr. Wallace stated they have the right to build Office/Research there, and they are also petitioning the Zoning Hearing Board to get a Special Exception to be able to build a warehouse. Ms. Dragoni stated they would have to get a Zoning change for Mixed-Use, and Mr. Bryson agreed.

Ms. Dragoni stated she feels that the mailer that was sent made it seem like they could have “beautiful Yardley” or they could make this change. She stated this is not the Township’s property, and it belongs to someone else who has rights to it that we do not; and members of the Planning Commission agreed.

Mr. Thomas Kearney, 1473 Merrick Road, thanked the Planning Commission for volunteering their time. He stated he has lived here since 1997, and he has seen a lot of change, the vast majority of which was good. He stated he is in favor of this Mixed-Use Overlay development. He stated he goes to every business, doctor, etc. that he can in Lower Makefield Township. He stated change, improvement, and progress are inevitable. He stated our responsibility is to do it as smart as possible, and a prudent and pragmatic manner. He stated he is in favor of anything that keeps his taxes lower as long as it is done in a smart, responsible, pragmatic manner. He stated he supports this Mixed-Use Overlay, and he strongly urged that the Planning Commission consider it.

Ms. Michelle Anthony, 1841 Windflower, stated her property is in Flowers Field where she has lived for two years. She stated she has lived in Lower Makefield Township for thirty-six years. She stated she is totally in favor of the Planning Commission recommending the Overlay. She stated she has Millennial children, and she feels this proposal will bring a lot more young people to our community which she feels is necessary. She stated she looks forward to being able to walk over to Prickett Preserve and enjoy that space. She stated she does not want to walk over to a warehouse or a storage facility. Ms. Anthony stated the property is going to be developed whether it is DeLuca, Equus, or someone else; and she feels it should be something that is beneficial to the residents and will keep our taxes more in check. Ms. Anthony stated she has lived in two DeLuca homes, and they do excellent work and care about the community. She stated she hopes the Planning Commission will recommend approval of the Overlay for this area so that we can all enjoy a new environment in Lower Makefield Township and an environment that will be done with quality because they do good work.

Ms. Wendy Ertel, 653 Bayberry Lane, stated she has lived here for about fifteen years. She stated she still has children in the Pennsbury School system. She stated she know the “500 neighbors in her development, and she knows 500 neighbors in the development across the street and she does not see one of them here tonight.” She stated most of them are parents with young children, and they are home taking care of them. She stated most of those here are older people “which is great.”

Ms. Ertel asked how much taxes they expect this development to bring in. Mr. Bryson stated he has no idea, and that will be considered when the actual project is submitted and they submit their reports. Mr. Wallace stated the developer stated that it would be \$200,000 to the Township and \$1.1 million to the School District. He stated that was just the developer’s estimate. He stated without a Plan submitted, it is hard to “get a good handle on that.” Ms. Ertel asked if that would be annually or monthly, and Mr. Wallace stated it would be annually.

Ms. Ertel asked if they expect that this project will be financially lucrative and beneficial to our Township; however, Mr. Wallace stated he does not know. Mr. Bryson stated they are not voting on a project, rather they are voting on an Overlay for a Zoning District.

Ms. Ertel stated she has gone on Stony Hill Road and she goes to Shady Brook Farm on a regular basis, and she has been an “active part of the immediate local community for many years.” She stated there is definitely a long-standing problem with the road in front of Shady Brook Farm. She asked the plans without this development to improve the traffic currently. Mr. Wallace stated he cannot speak to that. Mr. Bryson stated that would be

a question for the Board of Supervisors. Mr. Majewski stated there are no plans to improve that road absent this development. Ms. Ertel asked if this is something that the Planning Commission has addressed; and Mr. Wallace stated they have not, and that would be addressed by the Board of Supervisors. Ms. Ertel asked if it is something that people have complained about, and Mr. Wallace agreed they have. Ms. Ertel asked if the Planning Commission has considered making that road into a “highway or a double-layered highway,” and Mr. Wallace stated they have not. Mr. Bryson stated Ms. Ertel keeps asking about the plans for that road; but what they are discussing tonight is the Zoning Overlay for a piece of property. He stated if a development is submitted, all of those things will be addressed.

Ms. Ertel asked what factors they are considering for making the decision, and asked if it is predominantly what will help our Township, to attract more people to our town, to get more residents, or to “somehow benefit our local area since this is a small town with only 32,000 people which is not very much as she has more followers on her Facebook page.” Ms. Ertel asked what factors they are looking at.

Mr. Bryson stated as he has discussed at previous meetings, the Township has a Comprehensive Plan in which they try to look at the entire Township, project what is going to happen in the next ten years, and plan it out. He stated the last time the Comprehensive Plan was discussed, it was brought up that this area that is slated for Office is not moving financially. He stated Office is a soft market right now. He stated they discussed if they should encourage an Overlay to consider other uses for these pieces of property in the area; and as a planner, he was in favor of that. He stated he is not a “big fan” of Office; and he feels the proposed use will have less traffic than 360,000 square feet of Office. He stated the a.m./p.m. distribution is different for an Office compared to a big box grocery store. He stated if you go to a grocery store between 7 a.m. and 9 a.m. during the a.m. peak traffic distribution, the parking lots are empty. He stated there is no traffic for that type of use in the morning. He stated half the traffic problems that would be relevant in any kind of O/R would not be relevant in this case with the exception of the Residential as those people will be leaving there to go to work. Mr. Bryson stated he was always in favor of an Overlay because, in his opinion, it would cut the traffic down half of the time during the day.

Mr. Bryson stated he has listened to everyone’s concerns, and there are things when it comes through Land Development that he had not considered previously, that he will now consider.

Mr. Wallace stated they have proposed an Ordinance, and the Planning Commission gave them feedback on it. He stated an item that was in there that they had a question on was the density of the Residential housing, as currently the Ordinance suggests that a minimum of 40% be open for Residential and 50% be considered for Retail, so there are options there which they are debating as to whether or not that is appropriate for the Overlay. He stated Ms. Ertel should read the Ordinance if she has not done so.

Ms. Ertel stated she is involved with football players with concussions, elderly people, and children; and she knows that there is a great need in our community and around the U.S. for residences for people who cannot drive. She stated when she first saw the proposed development it was given to her by an individual who is a lawyer for “a big supermarket.” She stated her immediate thought was it was a “wonderful thing” because it looked like they would create a development where people who do not have the ability to drive cars because of their numerous disabilities would be able to live on their property and be within walking distance of a supermarket and have their needs met and not be relying on cars. Ms. Ertel stated in the audience it is predominantly an older population, and many of them are going to be in this situation themselves in the near future if they are not already in that situation. She stated many people here may be in that situation where they are unable to drive or they lost their memory.

Mr. Bryson asked Ms. Ertel if she had a question. Ms. Ertel stated her question is what is the plan to create residences in the Development Plan. Mr. Bryson stated he is sure that there will be sidewalks from the housing to the Commercial, and there will be an interactive space since that is what Mixed-Use is all about so that people can go to the grocery store, restaurants, etc.; and they could walk from their home to the development. Ms. Ertel asked if the people who are creating this development are here, and it was noted the developers were present. Ms. Ertel asked that the developers tell them what they have proposed. Mr. Bryson stated there is no Development Plan yet, and this is just consideration for Zoning to allow a Mixed-Use Development; and they have not submitted a Plan that shows anything exactly. Ms. Ertel asked if the Planning Commission feels this will be good for our community, and Mr. Bryson stated he does.

Mr. Mike Brody, 509 Brookbend Court, stated if they were to vote on this tonight, it would be voted on as currently written. Mr. Bryson stated they could Condition approval to have the Supervisors look at certain things. Mr. Wallace stated the Planning Commission often recommends Conditional Approvals asking the Board of Supervisors to address specific items that have been brought to the Planning Commission’s attention.

Mr. Brody asked if they removed the Bonuses for electric car charging stations, and Mr. Bruch stated they did. Mr. Brody asked if any other Bonuses were reduced since the last meeting, and Mr. Wallace stated they were not.

Mr. Bruch stated revisions were discussed at a previous meeting based on the questions and recommendations that the Planning Commission had made previously.

Mr. Brody asked about specifics on the apartments; however, Mr. Bryson stated they are only discussing the proposed Ordinance. Mr. Brody asked if there is anything proposed for a border in the proposed Ordinance that would be in between I-95 and the proposed development. Ms. Kirk stated that would be part of Subdivision and Land Development if a Plan comes through. Mr. Brody asked if the existing tree buffers will remain, and Mr. Bryson stated that is not part of the Overlay itself. Mr. Wallace stated the Ordinance does include language as to woodland preservation and Bonuses they are looking to get; and while there is language around that, it is not specific to what Mr. Brody is asking about.

Mr. Brody stated he feels they should consider the fact that there are issues with residents and the “lit-up greenhouse;” and they should try to prevent the Township having to deal with how people feel about lights. Ms. Kirk stated the Subdivision and Land Development Ordinance has specific regulations that address lighting.

Mr. Brody asked if the Ordinance contemplates open space, and Mr. Bryson stated it does. Mr. Wallace stated the Ordinance allows for a variety of different types of open space, and it does give some Bonus criteria if things are built such as connected pathways, benches, etc. Ms. Kirk stated there is a whole Section that deals with neighborhood open space that speaks to the percentage of what is proposed to be open space. Mr. Wallace stated the specifics as to how they should be laid out could be discussed, and the Planning Commission could make a recommendation as to how to change that.

Mr. Brody stated he feels they are a “good size in terms of the max” so he would try to limit the Bonuses.

Mr. Wallace stated the proposed Ordinance is on-line, and Mr. Majewski agreed that the proposed Ordinance and the latest red-line version from the Applicant is available on the Township Website. Mr. Wallace asked if all other applicable information is included such as letters, etc.; and Mr. Majewski stated they do not have every piece of correspondence as the Township Website does not lend itself to sharing files in that way, but there is a lot of information posted.

Mr. Tom Will, 389 Trend Road, stated there is a lot of concern about traffic and congestion and if this will eventually “look like Route 1.” He stated he feels if they think out ten to twenty years, it very much could expand and eventually look more like Route 1. He stated the character and the culture of Lower Makefield in that area will go away. Mr. Will stated if we need development, there are other parts of Lower Makefield that could be considered that are much less congested and do not have the same traffic issues that are going to come into play here; and he feels everyone knows that when a “Traffic Study is done, it is never done.” He stated they have to re-do I-95 all the time. Mr. Will stated traffic engineers do not look twenty years out and handle the volume that they could. Mr. Will stated he feels this land and maybe Shady Brook or others in the area could potentially be a solar, electric farm; and it would still look and act like green fields, and would have no traffic. He stated the owners of that land could make money which means that the Township can make money, and that would not involve any new students for the Pennsbury School District. He stated that has the possibility of satisfying the financial needs and eliminating any traffic congestion, and they could have a future expansion in the Township somewhere else other than in this congested area. He stated he hopes people will “open their minds” as to the real alternatives versus a warehouse or what is now proposed.

Ms. Justine Seman, 1259 Yale Drive, stated she came here in 2000 and within four months of putting money down on the house, hundreds of trees were taken down on Scammel’s Corner, which is at the top of Afton Avenue; and it took at least ten years before they got down “to the substance of what is going to be talked about here.” Ms. Seman stated there is “plenty of time” for people to come and voice their opinions about things. Ms. Seman stated none of the people on the Board this evening were involved with the Scammel’s Corner issue, and prior to that they fought in Sandy Run to not have the “big green FiOS boxes.”

Ms. Seman stated she has lived in a number of States and neighborhoods, and every time she thinks about something she would like Lower Makefield to consider, they are already planning on it; and they do a great job. She thanked everyone for all the time, effort, and hours they put into this job. She stated she feels the Overlay is a good idea, and she knows that there will be many opportunities to voice their opinions on the project.

Ms. Vanessa Fiori, 1995 Woodside Road, thanked them for giving the residents the opportunity to be heard. Ms. Fiori stated two weeks ago several people stated that the estimated \$200,000 a year would be a stretch for the facilities that would be required to service this project. Ms. Fiori stated she is not sure that the residents know that our Sewer system is aging, and she does not believe that it will be able to handle “three hundred units plus public bathroom facilities, and plumbing

necessary for a supermarket and other Retail outlets and restaurants. She stated currently our Township Manager is proposing the sale of our Sewer system to a “large conglomerate to manage it for us;” and there have been several articles that have appeared in the Philadelphia Inquirer which have outlined the situation in Townships such as Limerick and the Philadelphia area which have sold their sewage systems to large conglomerates, and they are very unhappy that they did so. Ms. Fiori stated retaining control of our own Sewer system is something that she feels our Township should fight for, and there is a grass roots organization that is working on that. She stated this is a critical issue as it relates to further expansion.

Ms. Fiori stated sewage and water systems are very important issues for us to take into consideration and for the residents of Lower Makefield to think about as to where we want our Sewers to go; and whether we want it to go a large corporation, since we do not know what they might do.

Mr. Bryson stated they will not be able to build unless they have conveyancing capacity at the Sewer system, and the onus is on the developer to submit their Application that would go through the DEP.

Ms. Fiori stated she feels they should be asked to re-do our whole system. Mr. Bryson stated he has seen developers build their own sewage treatment plants.

Mr. Wallace encouraged Ms. Fiori to make her points at the Sewer and Board of Supervisors meetings since they would be better able to address her comments. Ms. Fiori asked when the Sewer Authority meets, and Mr. Majewski stated they meet the fourth Thursday of the month.

Ms. Pamela Zamel, 1435 Robinson Place, stated her concern is the history in terms of how much development has already happened in recent years. She stated she has lived here for twelve years, and within a few miles of her home there have probably been five to six housing developments put in place. She stated it is changing the landscape. She stated she also lives less than a half mile from the Scudder Falls Bridge Project, and there is tremendous light pollution and noise pollution that has really changed the landscape of her neighborhood. She asked that they consider how much development has already occurred since there has been a lot. She stated her concerns are mostly environmental in nature.

Mr. Scott Machlovitz, 7 Delaware Rim Drive, stated everyone who is against the Overlay development talks about the proposed development, but not the actual Overlay. He stated they are going to have to wait for the details of the proposed development project. Mr. Machlovitz stated they have already told us that if we do not do this Overlay, we are going to get a warehouse. He stated the Township has options; and if they approve the Overlay, the people can come out and discuss the development project. He stated he is familiar with the developers and has seen what they build, and he agrees with the people who spoke previously that they build excellent projects whether it is Retail, Commercial, or Residential. He stated he feels the Planning Commission should approve the Overlay.

Ms. Beth Cauley, 1355 James Court, stated it was stated that there would be more traffic with an Office building versus a Wegmans. She stated she has written to the Board of Supervisors because she is not in favor of the development, and she got a response that stated there are 40,000 trips a week to a grocery store; and she asked how an Office building could have anywhere near that number of trips since people go to work, they stay at work for eight hours, and then they leave, and they are not there on the weekends.

Mr. Bryson stated when they do a Traffic Study, they do it based on two time periods – the a.m. peak and the p.m. peak which is basically when people are going to School and work which is 7 to 9 in the morning and 4 to 6 in the evening. He stated this is done Monday through Friday during the School year. Mr. Bryson stated that parcel could be 360,000 square feet of Office, which is the 180,000 square feet already approved for Office and another 180,000 square feet that the other property owner could get approved for Office. Mr. Bryson stated his office is next to the Wegmans in Warrington, and he also does a lot of work in King of Prussia where there is a Wegmans as well; and those parking lots are empty between 7 and 9 in the morning. He stated the traffic in and out of a Wegmans during the a.m. peak would be basically zero. He stated the Wegmans would be 100,000 square feet compared to 360,000 square feet of Office; and Office would generate more parking. He stated the demand at Wegmans between 4 p.m. and 6 p.m. is higher. He stated when they do Traffic Impact Studies, he will request that they also study Saturday as well. He noted a previous speaker discussed the volume done at the Wegmans, and Mr. Bryson stated he has read that 60% to 70% of the revenue for grocery stores is generated on the weekends. He added that the By-Pass in general is not “jammed” on Saturdays and Sundays. He stated from a traffic standpoint, he feels this proposed use would alleviate the a.m./p.m. “nightmare of more Office.” He stated if they put something that is Mixed-Use that has a lot of Retail, it will benefit the traffic. He stated he is not saying the traffic will go away, but it will help by the nature of the development.

Mr. Bryson stated he is a planner, and he does this for a living; and he knows that if you shift traffic peaks from 7 to 9 in the morning and 4 to 6 in the evening during the weekday and shift it to the weekend, it helps the problem.

Ms. Cauley stated if there are 40,000 trips a week that is a lot of traffic. Mr. Bryson stated he believes that number is probably the count on the By-Pass at the intersection, and he does not believe they will get 40,000 on Township Line Road. Ms. Cauley stated it was John Lewis who responded to her e-mail so they can ask him. Mr. Wallace stated he is just talking in general, and he has not seen a Traffic Study. Ms. Cauley stated she feels that 40,000 would not be unreasonable. Mr. Bryson stated that 40,000 would be distributed over a week, and Ms. Cauley stated that would be approximately 6,000 a day. Mr. Bryson stated while he understands that 6,000 a day sounds high, in the “world of traffic” it is not detrimental.

Ms. Cauley stated as a resident she personally would prefer a warehouse with eighty, eighteen-wheel trucks a day to 6,000 vehicles. Ms. Cauley stated she also feels it would be good for an “age-assisted facility.” She stated she read a list of ten different things it could be such as a cemetery, age-assisted facility, and there are many other options besides this large development. She stated an “age-assisted facility is a nice thing to have,” and she stated the population of the Township is aging, and that would be a great thing where people could still stay in the Township. She stated she feels these other things should be considered.

Ms. Cawley stated she is confused as to how they can approve an Overlay when they do not have the development. She stated it seems they are “putting the cart before the horse,” and she feels they would want to see the Plans to see if this is worth even approving the Overlay or should they “shoot it down” before they approve the Overlay so that there are not twenty different developers coming back with different Plans.

Mr. Wallace stated they can only work with what they have right now.

Ms. Cauley stated she does not mind driving fifteen minutes to the Wegmans in New Jersey, and “it is not a big deal.” She stated she is very happy “that traffic mess is on Route 1 in Princeton and not around here.” Ms. Cauley stated after Wegmans will come an Application for Target, and an Application for Walmart; and they cannot discriminate as to which big box they allow in or not. Ms. Cauley stated Newtown also “provides tons of facilities.” She stated she has lived here her whole life, and she has never felt inconvenienced. She stated she does not want a grocery store right next to her house, and she would rather get in her car and drive ten to fifteen minutes. She stated she does not feel anyone in the Township has been denied any services or conveniences. Ms. Cauley stated she feels Wegmans would do very well at the Oxford Valley Mall with the six hundred apartments they will have.

Ms. Cauley stated she feels this will open a “Pandora’s Box.” She stated it will end up looking like the Oxford Valley Mall area, and she does not feel people want that in Lower Makefield. She stated if people want to live in a city, then they should live in a city. She stated she does not feel this will attract many Millennials, as she does not think “Yardley is an exciting town for young people.” She stated she feels Lower Makefield is a bedroom-community, and a family-oriented community; and this is what makes the Township so nice.

Ms. Karen Papastrat, 526 Heritage Oak Drive, stated she has been here thirty-five years. She stated everything gets developed. She stated her main concern is that we have as much open space as possible, as you can never get it back. She stated when this goes through, they should do everything they can “to extract open space from the developer” whoever it is to try to save as much as we can for our environment. Ms. Papastrat stated Shady Brook was one of the farms that was able to survive, and they were able to survive because they “modified what they were selling.” She stated they “changed, and they are here, and people love them.” She stated everyone wants them to stay; and while they may not be able to stay forever, they should consider what would take its place. Ms. Papastrat stated she does not know “who changes the percentage of open space that we have left.” Ms. Papastrat stated it was noted that there is a certain percentage, and Mr. Wallace stated in this Ordinance there is a certain percentage. Ms. Papastrat stated what she is asking is how much open space we are saving as we are not saving as much open space as some of our neighbors are in Bucks County.

Mr. Robert Abrams, 652 Teich Drive, stated he requested information from the Pennsbury School Board, and the average cost per student is \$21,500. He stated he previously indicated that they “will open up a can of worms and have lawsuit on top of lawsuit.” He stated now there is a letter that has come to the Township from the Shady Brook attorney that they will be seeking the same Overlay, which will give them the same opportunity to develop their land, to put in big box stores, apartments, etc. He stated this will totally change the area.

Mr. Abrams stated the current Township taxpayers will be taking on some of this developer’s expenses because the \$200,000 they indicated they would pay in new taxes will not cover Police cars, safety, and equipment that will be needed. Mr. Abrams stated he pays \$2,000 a year in taxes, and the developer wants to pay \$200,000 a year on two hundred apartment that are producing income for him monthly. Mr. Abrams stated they are going to have “box stores and a strip mall; and the developer wants to pay half of what I pay for income-producing property as opposed to my Residential.”

Mr. Abrams stated when the Planning Commission makes their decision, they need to consider the long-term consequences to the residents and to the Township as a whole. He stated they are not considering the damage that it will do in the long term. He stated if the Planning Commission cannot do that, they should not make a decision at all.

Public Comment was closed at this time.

Mr. Costello asked if this is approved, would they have the same level of Traffic Study they would have if a warehouse were proposed. Ms. Kirk stated she understands that PennDOT would have a say in the Traffic Study. She stated the Traffic Study would be generated by the International Code used by traffic engineers based on the proposed use. Ms. Kirk stated under Office/Research a warehouse is a permitted use subject to compliance with certain Conditions, one of which is the traffic issue.

Mr. Wallace stated they have a situation where they cannot do a Traffic Study because there is not an official proposed Plan; however, he feels it would be helpful to have a Traffic Study to see what the traffic could be given a Zoning change for a Mixed-Use Overlay.

Mr. Bruch asked if they could make it a Condition of the Planning Commission vote that the Board of Supervisors wait for and review a Traffic Study. Mr. Wallace stated there is not a proposed Plan before them.

Mr. Costello stated he feels “the process works the way it works,” and at some point whatever is developed there, there will be a Traffic Study; and we have to trust that the Township traffic engineer and the developer’s traffic engineer will put a comprehensive Study in place. Mr. Costello stated he knows that before anything is constructed there, they will have a Traffic Study; and if there are issues there, they will have to be addressed.

Mr. Wallace stated there could be an alternative proposal that they are not aware of for this area.

Mr. Costello stated this does not change the fact that this is still O/R property; and they could approve the Overlay; and the proposed project may not go forward, and it could go back to a warehouse anyway. He stated it does not change the fact that this is O/R, and all it does is give the property owners another option that might be felt to be more beneficial than what we have currently.

Mr. Bush stated it is good to see so many in the community who are engaged in this process and who came out to voice their opinion, and he added their voices are being considered. Mr. Bush stated it is also important to note that this proposed Mixed-Use Overlay Ordinance is consistent with the Master Plan which suggests consideration in the O/R District, and it is consistent with the adjoining uses in Edgewood Village Overlay District that exists. He stated it is also next to a highway which is ideally where you would want to put development. He stated everyone is concerned about traffic.

Mr. Bush stated there is a “desperate and on-going need for Mixed-Use housing here, and we just do not have enough of it.”

Mr. Bush stated there is also a concern by many about the request by Shady Brook to be considered for this Application, although they are not part of the Application; and they have represented that they do not have any intention to change the existing use of the property at this time.

Mr. Bush stated although the Planning Commission is being asked to look at a very technical issue – changing the Overlay Ordinance or not – there are “big picture issues.” He stated he feels they do need to trust the process so that everything can move forward. He stated the Planning Commission is not in a position tonight to make decisions about environmental impacts, traffic etc.; and “those are really questions for another day.”

Mr. Wallace stated he is concerned about the ramifications of the “surrounding other eight parcels of the O/R District.” He stated while he understands that they have not been part of this proposal, he feels it would be negligent on the Planning Commission’s part not to consider what those implications would be. He stated several people mentioned the potential for litigation that could arise which would involve cost.

Mr. Wallace stated in reviewing the Bucks County Planning Commission letter that was submitted to them today and some of their recommendations, he feels they make sense. Mr. Wallace noted Item #7 when they talk about recommending to the Township that we create a Design Manual for the O/R District which he feels makes a lot of sense. He stated they have indicated that if there is going to be a decision made to change the Zoning that before that is done, the Township put together a Design Manual including architectural style, density, façade treatments, site development, public space amenities, etc.

Mr. Wallace stated he feels it would be in the best interest to reach out to other Parties that are available to the Planning Commission, and ask for their additional input about this before they make a decision on whether or not to move forward with this particular Overlay District because of the unintended consequences that could arise that they are not taking into consideration. He stated although we are being told that we should not really be doing that or it is not part of the official Application, he does not see how the Planning Commission can make a recommendation without taking into consideration the fact that the property across the street and other parcels could be developed too. Mr. Wallace added he is not saying it would be a bad thing to happen if those other areas would develop to be Mixed-Use as well; however, he feels there needs to be more consideration given on the potential impact of a recommendation made to the Board of Supervisors.

Ms. Kirk asked Mr. Wallace which additional Parties he is referring to, and Mr. Wallace stated they have not had input from the Township's Environmental Council or from the "Historical Society" about the two historic buildings that are on the site. Ms. Kirk stated they did submit a letter to the Planning Commission at the last meeting. Ms. Kirk reminded the Planning Commission that the property that is subject to the proposed Overlay District is privately owned. She stated the "Historical Society" may have recommendations as to what should be the use of the buildings on the property; however, those buildings are not on a National Registry, and they are privately owned. She stated if today the property owner wished to demolish those buildings, there is nothing that the "Historical Commission" or the Township could do to stop them. Mr. Wallace stated by putting the Overlay over it, it establishes a precedent for density levels that are available; and maybe those are not the density levels that the Township really wants, and maybe the Township wants more or they may want less. Mr. Wallace stated they are not taking that into consideration. He stated if the Township approves this Zoning Overlay for this piece of property, it is going to lock us in to that density and this Ordinance and apply it to those other pieces of land that the Township may not want it to apply to. He stated they may not want this universally applied to all of those other properties.

Ms. Kirk stated part of the Planning Commission's recommendation could be if they are inclined to recommend approval, that it would be with the specific provision that it is subject to the existing distances as set forth in the Ordinance as well as the recommendations by the Bucks County Planning Commission. Ms. Kirk stated the Planning Commission needs to make a recommendation on the proposal in front of them. She stated if the Planning Commission does not feel that the proposed Ordinance in its present form "satisfies the inquiry," then the recommendation of the Planning Commission would be to the Supervisors not to approve the proposed

Overlay District. Mr. Wallace stated they could add Conditions to it, and Ms. Kirk agreed. Ms. Kirk stated she does not feel it is incumbent of the Planning Commission to demand the Township to put forth certain additional reviews by other agencies when it is not the Township's request for the Ordinance.

Mr. Costello stated while they may not agree with the rationale, the Board of Supervisors agreed enough with it to send it to the Planning Commission to look at. He stated the rationale for the Overlay on these parcels, along with a couple of other parcels that are in the Office Zone, are within walking distance and walkability to Edgewood Village. Mr. Costello stated "it is more of a stretch that after making improvements that everyone sees coming if this happens on Township Line Road to include Shady Brook Farm as part of a pedestrian solution to Edgewood Village." Mr. Costello stated while we may see concerns, there is a clear definition of what the Planning Commission has been asked to approve. Mr. Costello stated Aria could send a letter or someone could send a letter who wants to do something different and run a business out of their home nearby; and he asked what point do we say that there is a process if you want to do something in the Township.

Mr. Wallace stated he feels they need to make sure that the Ordinance has flexibility so that it is locking in any specific density or any other requirements to any other parcel. He stated he feels that would be the process course since making a decision on this is going to impact the rest of the area. Mr. Bryson stated it is difficult to make a decision based on hypotheticals.

Mr. Bryson stated what has made this complicated is that the Applicants came in with a development with the proposed Overlay suggestion. He stated the way he has seen it previously an Overlay is proposed which is either passed or denied, and then a Plan is submitted. He stated once a development Plan is proposed the Applicants will come back before the Planning Commission.

Mr. Bryson stated during Preliminary and Final Development, the Applicants are going to have to do a significant amount of work including various studies. He stated the developer is running a risk by not doing this now since there may be wetlands in the area where they have structures proposed. He stated when they do the Environmental Study if they find there are wetlands, they may not need the Ordinance that has been proposed. He stated the onus is on the Applicants once they have a Land Development Application to do all the studies and to meet the Overlay Ordinance if it is passed. Mr. Bryson stated there have been legitimate concerns expressed about traffic, pedestrian circulation, etc.; and he feels that the developers will have to do significant improvements to the roads, etc. He stated the Township Ordinance includes

Traffic Impact Study parameters that they will have to do in conjunction with PennDOT. Mr. Bryson stated he feels we are making this more complicated than what it is, although he appreciates everyone's concerns. He stated the process will vet those concerns.

Mr. Bryson stated here have been people who have stated they want to stop the development; however, even if we did not have this Overlay Ordinance, legally we could not stop development on this parcel. He stated they already have approval for half of the property, and they can build that. Mr. Bryson stated if a developer submits a Plan in accordance with the Zoning and Subdivision and Land Development Ordinances, legally the Township cannot stop them.

Mr. Bryson stated the Planning Commission needs to decide if they are in favor of the Mixed-Use and generally satisfied with what has been proposed and to send it to the Board of Supervisors. Mr. Bryson stated he agrees that they need to Condition it as they received a report today from the Bucks County Planning Commission; and he would include as a Condition that they have to satisfy this letter "to the liking of the Board of Supervisors."

Mr. Bryson moved and Mr. Bruch seconded to Approve the Ordinance as proposed Conditioned upon the Supervisors reviewing and considering the Bucks County Planning Commission recommendations.

Mr. Wallace stated while he is not opposed to Mixed-Use in this area, he believes that by locking us into this specific Ordinance on this property it has the potential to create difficulties for the Township in the future on other parcels of land because they may not want the specific dynamics of this Ordinance to be applied to those other areas. Mr. Wallace stated he feels that should be considered before we make this change. He stated once this is locked in and it has been re-Zoned based on these parameters, this developer could walk away and not propose a Plan; and someone else could come in with a different Plan as long as it meets the Ordinance requirements.

Mr. Bryson stated the Township could always withdraw the Overlay. Mr. Bush stated the Township did that about ten years ago. Mr. Wallace asked how that would be done, and Mr. Bryson stated they could recommend to the Board of Supervisors withdrawing the Overlay Ordinance. He stated it would then go to the Board of Supervisors who could vote on it and "get rid of it."

Ms. Kirk stated there is a Motion that has been Seconded, and she feels a call for a vote is appropriate at this point.

Mr. Costello asked if they could add some additional Conditions.

Ms. Kirk stated at this point the Motion is to recommend that the Proposed Mixed-Use Overlay Zoning District in its present form, be approved by the Board of Supervisors subject to compliance with recommendations provided by the Bucks County Planning Commission.

Ms. Kirk stated if there is going to be a request for additional Conditions, they need to ask the person who made the Motion to amend the Motion or vote on the Motion in its present form and see where it goes. She stated if the Motion does not pass, then another Motion could be made.

Mr. Costello stated he just got the letter from the Bucks County Planning Commission this afternoon so he has not reviewed everything. He stated he looked at the Bonuses and he feels there is a lot of “fluff” and what the maximums are. Mr. Costello stated he would recommend to the Board of Supervisors that they tighten up the Bonuses.

Mr. Wallace stated with regard to the Bucks County Planning Commission letter he asked how they would comply with some of these since some of them are just statements. Mr. Bryson stated he is asking the Supervisors to look at the letter and consider it. He stated the Bucks County Planning Commission has made some suggestions, and he is asking that the Supervisors consider them. He stated his Motion was that the Township Officials should consider them. He added he does not agree with all of them. Mr. Wallace stated typically the Planning Commission puts on Conditions that are more hard and fast. He stated some of the guidelines they are asking the Board of Supervisors to consider are open-ended.

Ms. Kirk stated her suggestion is that they call a vote on the current Motion as it has been presented and see where it goes. Mr. Bruch stated they could Amend the Motion and cite specific paragraphs within the letter that the Planning Commission feels they should not consider, and they could amend the Motion to withdraw those specific paragraphs but keep the remaining.

Mr. Wallace stated he would like the Board of Supervisors to review all of the suggestions that were in the letter, and he would not want to eliminate any of them; however, he feels potentially we should be asking for more specifics particularly around density. Mr. Bruch stated he feels that is a good point, and he feels the Motion is asking them to consider that although they could emphasize specific paragraphs in the letter.

Mr. Wallace stated he would move to Amend the Motion that the Board specifically take into consideration Item 2 d. related to density of the Residential area.

Mr. Bush asked that they also emphasize that the Overlay Ordinance should not be extended beyond a quarter mile radius from Edgewood Village.

Mr. Bryson moved to amend the Motion to recommend approval of the proposed Mixed-Use Overlay Zoning Ordinance as presented subject to consideration of the recommendations as noted by the Bucks County Planning Commission in their preliminary letter dated September 23, 2019 with specific consideration for density as set forth in Section 2 d. of the Bucks County Planning Commission letter as well as a specific provision that the Overlay not be extended to more than the quarter mile radius as set forth in the proposed Ordinance.

Mr. Costello stated he wants to make sure that the Township is somewhat protected so that the Bonus provisions do not provide too much “wobble-room” in every area. Mr. Wallace stated there is a Section in the Bucks County Planning Commission letter that discussed this, and they made a specific point about addressing those concerns about the Bonuses so they may want to make another Amendment to the Motion to the Board that they fully vet the Bonuses. Mr. Costello stated they need to be tied to what the Township considers to be Township priorities and they should prioritize the right areas as he does not feel they are all equitable, so that whoever is the developer, they make sure they are putting the most effort in areas the Township wants.

It was agreed to Amend the Motion to prioritize the Bonuses to fully reinforce that they are consistent with Township priorities.

Mr. Bryson agreed to accept that Motion. Mr. Bruch Seconded the Motion. The Motion carried with Mr. Wallace opposed.

Mr. Majewski thanked the Pennsbury School District for hosting them again this evening. He also thanked WBCB for live streaming the last meeting, although they were not available this evening.

OTHER BUSINESS

Mr. Majewski stated he e-mailed the Planning Commission about changing the date of the next Planning Commission meeting from October 14 to October 7, as October 14 is a Holiday. Mr. Majewski stated he will confirm that they will have a quorum on October 14.

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There being no further business, Mr. Bryson moved, Mr. Wallace seconded and it was unanimously carried to adjourn the meeting at 10:15 p.m.

Respectfully Submitted,

Ross Bruch, Secretary