

TOWNSHIP OF LOWER MAKEFIELD  
PLANNING COMMISSION  
MINUTES – JULY 27, 2020

The regular meeting of the Planning Commission of the Township of Lower Makefield was held remotely on July 27, 2020. Mr. Bryson called the meeting to order.

Those present:

Planning Commission: Craig Bryson, Chair  
Ross Bruch, Vice Chair  
Tony Bush, Secretary  
Adrian Costello, Member  
Dawn Stern, Member

Others: James Majewski, Director of Planning & Zoning  
Barbara Kirk, Township Solicitor  
Andrew Pockl, Township Engineer  
Frederic K. Weiss, Supervisor Liaison

APPROVAL OF MINUTES

Mr. Costello moved, Mr. Bruch seconded and it was unanimously carried to approve the Minutes of July 13, 2020 as written.

PROPOSED MIXED-USE OVERLAY DISTRICT ZONING ORDINANCE AMENDMENT  
DISCUSSION

Mr. Bryson stated over the last few weeks he has received calls from those who were confused as to the process taking place as it was felt that this had already been approved, and he asked Mr. Majewski to provide an explanation as to where we are in the process and why it is back before the Planning Commission.

Mr. Majewski stated the Ordinance was initially generated by a Petition from the Applicant to amend the Township Ordinance to provide for a Mixed-Use Overlay within the Office/Research Zoning District. He stated the Board of Supervisors decided they wanted the Township's Planning Commission to review it before they advertised the Ordinance for a Public Hearing.

Mr. Majewski stated it went through the Planning Commission where a number of changes were made to the Ordinance, and on September 23, 2019 the Planning Commission made a recommendation to the Board of Supervisors that the Ordinance be moved forward subject to reviewing some density bonuses and considering some of the comments contained in the Bucks County Planning Commission informal review letter that they had done as a courtesy for the Township.

Mr. Majewski stated since last September, the Applicant has been working on considering traffic issues recognizing that traffic was one of the major issues with the potential development. He stated the Applicant finally went back to the Board of Supervisors at a public meeting where the Board of Supervisors reviewed the proposed Ordinance and requested certain changes to the Ordinance which the Applicant agreed to. Mr. Majewski stated the Applicant finally came up with the draft that is before the Planning Commission this evening dated June 26, 2020 which is the current version. Mr. Majewski stated this Ordinance includes a number of changes from when the Planning Commission last reviewed it in September, 2019; and it therefore had to come back before the Planning Commission for their recommendations to the Board of Supervisors on the latest draft.

Mr. Majewski stated the Ordinance has also been forwarded to the Bucks County Planning Commission which is reviewing it at this time, and they should have their comments to the Planning Commission by August 5, which would allow the Lower Makefield Planning Commission to vote on their recommendation formally at their meeting on August 10, 2020. He stated the Board of Supervisors will hold a Public Hearing on this matter on August 17 at 6:30 p.m. moving the time of the meeting up by one hour to give the public a better opportunity to be involved in the process.

Mr. Majewski stated the Ordinance will be advertised in the newspaper; and it needs to be advertised in two successive weeks not more than thirty days before the Public Hearing and not less than seven days before the Public Hearing. He stated the Ordinance has been on the Township Website for about one month, and it has also been posted on the front door of the Township Building so that those who do not have a computer can see it there along with some of the display boards that the Applicant had presented.

Mr. Bryson stated tonight they are not looking for a Motion of approval. He stated the Planning Commission received a copy of this approximately two weeks ago, and the plan was for the Planning Commission to review it and come this evening with questions for the Applicant and to get clarification. He stated at this time, it is not the intention of the Planning Commission to put it to a Motion this evening; and it is more of a fact-finding and a presentation by the Applicant to go over the changes made since the Planning Commission saw this.

Mr. Bryson stated present this evening are Mr. Vince DeLuca, Mr. Bob Dwyer who are the Applicants, Mr. Kenneth Amey who will discuss the financial impact, Mr. Chris Williams, the traffic engineer, and Mr. John Kennedy, the planner who was the author of the document.

#### Overview of Changes Since the Planning Commission Recommendation on 9/23/19

Mr. DeLuca stated he represents the Commercial side of the Mixed-Use development and Mr. Dwyer represents the apartment side. Mr. DeLuca stated a slide presentation prepared has been prepared; and Mr. Kennedy will review the Ordinance, Mr. Williams will review the traffic improvements proposed, and Mr. Amey will handle the financial presentation. He stated they will then turn it over to the Planning Commission for comments and questions.

Mr. DeLuca stated with regard to the proposed development, nothing has changed from the presentation made before the Planning Commission in September. He stated the property is approximately thirty-seven acres and is located at the corner of Stony Hill and Township Line Roads, known as the Prickett property and the Capstone property. He stated looking at the property toward 295, the right-hand side of the property is planned for two hundred apartment units. He stated a common drive entrance will divide the apartments from the Commercial area; and that drive, which will be signalized, will align with the Shady Brook driveway. Mr. DeLuca stated to the left headed north of the site is 55,000 square feet of Mixed-Use in multiple buildings, a 100,000 square foot supermarket, which will be Wegmans, and the preservation of the barn and house which is included in the 55,000 square feet. He stated both the barn and the house are to be rehabbed and utilized; and they anchor the neighborhood open space. He stated the Plan has a significant amount of open space which are shared public areas to promote the Mixed-Use, pedestrian-friendly, “live, work, and play” neighborhood that they are creating.

A slide was shown of an overview of the neighborhood open space area. He stated looking to the left of the gazebo/terraced area it shows the preservation of the existing house, and to the right is the preservation of the barn. He stated they have shown some mature trees which the Township classifies as Heritage Trees, and their Plan preserves those trees and incorporates them into the open space. He stated at the top of the Plan, the corner of the proposed Wegmans can be seen. He stated the other buildings will be multi-tenant buildings for Retail tenants.

A slide was shown of the apartments in three-story buildings with a club house and pool. He showed the common entrance to the site which is signalized and is across from the Shady Brook driveway. He noted on the slide the six buildings marked Retail, the barn, and the existing house. He noted the top left-hand corner which is the Wegmans.

Mr. DeLuca stated these are all the same slides that they showed to the Board of Supervisors and the Planning Commission at all of the meetings, and this has not changed.

A slide was shown which is a blow-up of the neighborhood open space with the existing house on the right-hand side. He stated the house will be rehabbed, and they had discussed it being used for a sole-proprietor type office such as an accounting office, law office, or a Real Estate office or the management office for the Park as it is not conducive to Retail space. He noted the barn on the upper left-hand side of the slide. He stated the expectation is that will be rehabbed as a restaurant. He stated when they originally made the presentation, they were talking to upscale BYOB-type facilities; however, now that Lower Makefield has passed the Liquor Referendum, they are in discussions with a couple of restaurants which would have liquor for the barn. Mr. DeLuca noted the open areas around the site, and he stated they would be able to put in a decent amount of outdoor dining space for the restaurants that they do attract based on the lay-out.

A slide was shown of the historic buildings that will be preserved. He stated the top three pictures are the existing house, and the lower three are the barn.

Mr. Dwyer showed a slide of the apartment complex that they developed in New Britain Township several years ago which is very similar to what they are proposing in Lower Makefield. He stated it is a three-story product with a recreational facility/pool, open space, and trails.

Mr. John Kennedy stated he will discuss what has changed in the draft Ordinance since the last time the Planning Commission saw it. He stated the Planning Commission previously saw a draft dated 8/8/19; and they took a lot of the suggestions and incorporated some of those changes along with the input from Bucks County Planning Commission, and a draft was generated dated 9/16/19. He stated that is the draft that was recommended to the Board of Supervisors for approval by the Planning Commission on September 23, 2019. Mr. Kennedy stated the Applicant continued to work on drafts working with input from Township staff, and at the same time they were working on the Traffic Study. He stated in June, 2020, they had a draft dated June 2, 2020; and that was discussed with the Board of Supervisors at their meeting on June 11. He stated during that meeting there were changes recommended, and the Applicant incorporated them into the draft that was used at the June 25 meeting. He stated that created the draft the Planning Commission is reviewing today.

Mr. Kennedy stated there is a red-line comparison which shows the changes that have been made. Mr. Kennedy noted Page 2, and the major changes on this page came out of comments made by the Board of Supervisors. He stated two of the uses were made into Conditional Use – Commercial Recreation and Drive-Throughs. He stated there were also minor changes with regard to Large Retail Stores.

Mr. Kennedy noted Page 3 which outlines the Conditional Uses that were added, and they also added some criteria for the drive-through windows and for the Commercial Recreation either indoor or outdoor.

Mr. Kennedy stated a number of small “clean-up items” were made throughout the document.

Mr. Kennedy noted Page 4 and stated they were asked by staff to increase the Neighborhood Open Space and clarify what it is. He stated they increased the Neighborhood Open Space from 10% to 15%.

Mr. Kennedy noted Page 5 where there were a series of changes some of which were requested by the Board and some of which were requested by the staff. He stated one of the things they were asked to do was to fix the impervious coverage ratio as opposed to allowing Bonuses for that, and they did agree to fix it at 65% which is what the underlying O/R Zoning allows for impervious coverage. He stated there are a number of changes throughout

the balance that are in response to that change. He stated they were also asked to make a change in the maximum amount of clearing; and while they still have Bonuses for that, that changed to 50%.

Mr. Bryson stated they need to make sure that they meet the requirement for the 15% open space. Mr. Kennedy stated they do meet that requirement. He stated it includes the amphitheater as well as some of the very wide sidewalk areas and the walking paths. He stated it was tight when the requirement went from 10% to 15%, but they are comfortable that they can meet that. Mr. Bryson stated that would have to be public space that anyone can access, and Mr. Kennedy stated it is space that is open to the public. He stated there is a small area that would be open just to the residents such as the pool.

Mr. Kennedy stated at the bottom of Page 5 there was a significant change that came out of the Board of Supervisors meeting, and they had asked for a maximum size for a footprint of a Commercial building with the exception of the supermarket. He stated the Applicant agreed that none of the other smaller buildings could be any larger than 20,000 square feet. He stated the reason for that was that even though they are at 155,000, the Board wanted to be assured that they would not get three large box stores. He stated they also added a definition of supermarket to make sure that it was geared specifically toward a grocery store.

Mr. Kennedy noted the bottom of Page 5 going into Page 6, with regard to the architectural design; and this was something that the Lower Makefield Planning Commission and the Bucks County Planning Commission had discussed which was added. He stated Item #3 was a response to a Board comment, and that gives the Township's HARB a look at the historic buildings – what the uses would be and how they would be preserved; and the Applicant agreed to that.

Mr. Kennedy noted the Bonuses, and he stated that they struck out the 70% impervious coverage under the Bonuses, and that will be fixed at 65%. He stated they changed the woodland disturbance from 60% maximum to 50% maximum. He stated they also decreased the maximum density, which had been three and a half, and it is now two and a half. Mr. Kennedy stated all Bonuses with regard to adding impervious coverage have been stricken. He stated they also generally reduced many of the actual numbers in the Bonuses. He stated Alternate Energy was completely eliminated. He stated there was significant discussion about the Bonuses at the Board of Supervisors meeting.

Mr. Kennedy stated Page 8 has clean-up items. He stated on Page 9 with regard to Retail Store Large, this was not necessarily directly-connected with their project; however, in the process of looking at the square footage limit in the various definitions in the Ordinance, a typo was discovered, and Mr. Majewski had asked that they correct that in the amendment.

Mr. Kennedy stated they also added in provisions for signage tying the Residential signs to the current Residential sign standards in the Residential portion and the non-Residential portions/Commercial standards; and these are all references to the existing Sign standards, and they are not proposing any changes to them. He stated they are just adding the reference to the Mixed-Use District.

Mr. Bryson stated it seems that with regard to the changes, everything has become a little more restrictive than when the Planning Commission saw it last. He stated he just wants to make sure that the Applicant meets everything that was changed since they seem to be more restrictive.

Mr. Bush noted Page 3 under Section B1b regarding stacking lanes for drive-through banking. He stated with the most recent COVID Pandemic a lot of the banks do not have their lobbies open so they are relying on drive-throughs. He stated at the bank that he goes to, they do not have enough stacking for cars that are waiting to be serviced; and he questions whether stacking for six cars is enough. Mr. Kennedy stated during the COVID-19 emergency, it is true that drive-throughs are experiencing greater than normal use. He stated he does not know that they want to pave more area to deal with that as he hopes that this is not a permanent condition. He stated all of these standards actually exist in the Ordinance right now which is where they took them from.

Mr. Bryson stated it does state a minimum of six. Mr. Kennedy stated that is correct, and they should also keep in mind that this would be a Conditional Use; and for any Conditional Use, the Township does have the right to put on Conditions. He stated because of the nature of the use, if it was felt they needed additional stacking, that could be done in the form of a Condition. Mr. Bryson stated the drive-throughs are going to be scrutinized at the Conditional Use Hearing; and if the conditions change in the future, the Board would understand that and make accommodations.

Mr. Bush noted the parking standards on Page 8 and the size of the perpendicular parking spots which indicates they should be a minimum of 9' by 18'. He stated while he understands the Ordinance permits them to be that size, and they exist like that right now, vehicles are getting bigger. He stated there have been some bad experiences anecdotally locally in some supermarket parking lots. He stated he feels they might want to consider a wider parking size although not necessary longer. Mr. Bryson stated the ShopRite has an issue. Mr. Majewski stated he believes that they are 9' wide; however, they have a double stripe which effectively makes them 8 ½'.

Mr. Bryson agreed those spots are “frustrating at times.” Mr. Bush stated vehicles are getting wider; and when you are in a supermarket parking lot, people are opening and closing their doors all of the time. He stated he feels it is the one place where they may want to require a wider parking space. Mr. Bryson stated as a planner, he has concerns that if they widen the spaces, you may be unnecessarily increasing impervious coverage. He stated the developers are required to provide a specific number of spaces.

Mr. Costello stated he has discussed this with a number of people, and they do not feel it is just the width of the spaces, it is also the width of the lanes that you are driving in that make it harder to get into the narrower spaces.

Mr. Bruch asked the history of the move with regard to the drive-through restaurant to the Conditional Use from a Permitted Use. Mr. Kennedy stated it moved from being a Use permitted by right to now being a Conditional Use. He stated it takes an extra Hearing to have a drive-through. Ms. Stern asked if the two Conditions are met with respect to the stacking lanes and not interfering with pedestrian movements, would those be the only two items that would be required. Mr. Bryson stated they would have to go to the Board of Supervisors to get approval for the Conditional Use.

Ms. Kirk stated under Zoning Law, there are Uses permitted automatically by right and Uses permitted by Special Exception which means that they are permitted by right, but subject to meeting certain criteria and Conditions. She stated a Special Exception is generally heard by the Zoning Hearing Board; however, the governing body can reserve the right to hear Special Exceptions and Zoning Variance requests, and they are termed Conditional Uses. She stated they are Uses permitted by right, but they have to meet certain criteria, and the Board of Supervisors sits as the governing body hearing the Application as opposed to the Zoning Hearing Board. She added that



depending upon the locale, lighting, noise impact, or configuration of drive-through service, certain other Conditions may be imposed if the Board is inclined to grant the request.

Mr. Kennedy stated there are four different criteria that have to be met and the fourth criteria, which is D, is very broad; and that actually provides the Township with significant leverage in terms of the actual design of the drive-through itself.

Mr. Majewski stated that was Comment #1 from the Bucks County Planning Commission when they looked at this informally last year. He stated they were concerned that having a drive-through would conflict with the idea of a pedestrian-friendly, Mixed-Use development. He stated they changed that from a Permitted Use to a Conditional Use with the fourth criteria, B1d, being that it be at a suitable location that is consistent with the goal of having pedestrian movement around the development so that if a drive-through were put in a development it would not be located near the open space where they want people to sit or walk around in the plaza.

Mr. Costello stated he agrees with Mr. Bryson that the changes have gone in the direction of the feedback they were provided by the Planning Commission and they have made it more restrictive. Mr. Costello stated on the Township's end this is a more restrictive Ordinance than they thought they were going to have last fall, and the Applicant's Plans will have to meet the Ordinance.

Ms. Stern stated the drive-through criteria is now more restrictive which she feels is better.

#### Presentation of Fiscal and Traffic Impacts by Developer

Mr. Chris Williams, McMahon Associates, stated he will be reviewing the traffic presentation which was the identical presentation which was shown to the Board of Supervisors in June.

A slide was shown of the site driveways along the frontage of Stony Hill Road. He stated the site is located on the east side of Stony Hill Road across from Shady Brook Farm. He stated there is 2,825 feet of frontage on Stony Hill Road. He stated they are proposing four driveways to serve the site, but only

one of them will be a full-movement driveway. He stated on the right-hand side of the slide is the full-movement driveway located opposite the Shady Brook Farm driveway, and a traffic signal is proposed at this location. He stated this driveway will also provide a left-turn lane and a right-turn lane along Stony Hill Road for access into the site as well as a left-turn lane into Shady Brook Farm.

Mr. Williams stated the other three driveways all provide limited turning movements. He stated the two driveways north of and to the left of the main access are both right-in, right-out driveways. He stated a right-turn lane will be provided along northbound Stony Hill Road to turn into the site at those locations. He stated the final driveway at the left edge of the slide which is the north end of the site is a right-in/right-out/left-in driveway; and this access will provide a left-turn lane on southbound Stony Hill Road for access into the site and a right-turn lane on northbound Stony Hill Road. Mr. Williams stated that the three unsignalized driveways with the restricted turning movements will be controlled with concrete islands to physically restrict the movements.

Mr. Williams stated Stony Hill Road is a State road, and these driveways will have to be reviewed and approved by PennDOT for issuance of a Highway Occupancy Permit.

Mr. Williams stated shown along the site frontage in beige is a pedestrian path which runs along the length of the frontage along the east side of Stony Hill Road. He showed a slide which shows the site frontage extending to the south along Stony Hill Road; and at the intersection with Township Line Road, Stony Hill Road turns and heads east. He stated as shown on the slide, the path shown in beige extends along the Stony Hill Road frontage to the intersection with Township Line Road. He stated as part of this project they are proposing the pedestrian crossing across the 90 degree bend in Stony Hill Road to connect to the south side of Stony Hill Road; and at that point the path will intersect with an existing path that runs along the south side of Stony Hill Road toward I-295. Mr. Williams stated that path exists today, but it terminates at the bridge crossing over I-295.

A slide was shown of road improvements to continue the path over the I-295 bridge. He stated on the left side of the slide it shows the existing path along the south side of Stony Hill Road; and where the existing path intersects with the bridge over I-295, they are showing a continuation of

an 8' path running along the south side of Stony Hill Road over I-295, and then once that path crosses over I-295 to get to the east side of the bridge, the path will continue as a new sidewalk that would continue east toward Edgewood Village. He stated the new proposed sidewalk will connect with the recently-constructed sidewalk which was constructed as part of the Artis project which is a senior living development. Mr. Williams stated on the left side of the slide, there is a green landscaped median in the center of Stony Hill Road; and what they are showing is a widening of Stony Hill Road to provide a landscaped median within Stony Hill Road. He stated the purpose of this is to change the character of Stony Hill Road as a gateway indication to motorists to let them know that they should be traveling at a slower rate of speed, and it is a "gateway/welcoming feature" to let motorists know that they are entering the Edgewood Village area. He stated Stony Hill Road in this location is a State road so all of these improvements will have to be reviewed and approved by PennDOT. He stated they have also had some initial meetings with the Township's traffic engineer about this as well, and the improvements have evolved to some degree based on input received from the Township's traffic engineer.

Mr. Williams stated it is known that traffic is an issue in this area today. He stated the site is surrounded by key roadways including Route 332/the By-Pass as well as I-295. Mr. Williams stated his office has been involved in other Traffic Studies in the area, and they have seen first-hand and have heard from the community how congested these roads can get today. He stated as a traffic engineer he is "thrilled to be involved in a project like this," whereby it is proposed to provide a very comprehensive package of traffic improvements. He stated they had on-going discussions with the Township staff and the Township's traffic engineer and have heard how important it is to solve the traffic problems. He stated through a series of Traffic Studies and on-going coordination, they have developed a very comprehensive package of improvements the cost of which is approximately \$6.5 million worth of off-site improvements; and that does not include anything on-site, the access improvements, or the pedestrian path improvements.

Mr. Williams showed a slide of the area. He stated there is congestion along the By-Pass traveling east and west to and from I-295. He stated near the site, the intersection of the By-Pass and Stony Hill Road experiences congestion on a regular basis. He stated that intersection is shown in the upper left corner of the slide. He stated it is a signalized intersection, and the existing lanes are shown in black. He stated today there are two east-

bound through lanes and one eastbound right-turn lane. He stated existing today in the westbound direction are two through lanes and one left-turn lane.

Mr. Williams stated as part of this development, it is proposed to widen and improve the intersection to add the additional lanes that are shown in yellow. He stated it is proposed to provide a third eastbound through lane and a second westbound left-turn lane so that there will be two lanes for traffic turning left from the By-Pass onto Stony Hill Road southbound and there will be a total of three lanes for traffic traveling eastbound on the By-Pass traveling toward I-295.

Mr. Williams stated in the upper right corner of the slide is the intersection of the By-Pass and the I-295 westbound ramp. He stated today there is daily congestion exiting the ramp, with the heaviest movement turning right to travel westbound along the By-Pass. He stated this congestion causes a regular back-up of traffic which can extend down the ramp and toward the “main line.” He stated at the off ramp today at the signalized intersection with the By-Pass, there is a single exiting left-turn lane and a single exiting right-turn lane. He stated as part of the project it is proposed to modify and widen the off-ramp to provide a separate left-turn lane and to provide two right-turn lanes so that there will be a total of two right-turn lanes for traffic exiting the off-ramp, turning right, and traveling westbound along the By-Pass.

Mr. Williams stated at the bottom of the slide is the signalized intersection of Stony Hill Road and Township Line Road. He stated this intersection operates well today; however, as part of the Traffic Study, they have identified the need for an improvement at this intersection; and what is necessary are signal timing and operational changes, specifically a right-turn phase for traffic traveling westbound along Stony Hill Road and making the right-turn movement to head north on Stony Hill Road toward the By-Pass.

Mr. Williams stated as traffic engineers they focus their Studies on measuring levels of delay which is how they assess operations of intersections. He stated they focus on the worst hours of the day when traffic is heaviest; and in this case they were focused on the peak sixty minutes in the morning and the peak sixty minutes in the afternoon which are the commuter rush-hour periods. He stated the logic is that if they can improve traffic during those conditions when traffic is at its heaviest, then it will be better during all other hours of the day.

Mr. Williams stated they measure the level of delay that is experienced at the intersection; and depending on the amount of delay, they assign a letter grade to the intersection of A through F. He stated A is the best with very little delay and F the worst which is an excessive amount of delay. He stated at signalized intersections in Suburban settings especially Suburban, high-volume intersections, Level of Service D or better is a high standard for highly-desirable, and very effective traffic conditions. He stated Level of Service E starts to present an increase in delay; however, in Suburban, high-volume situations, even E is not uncommon and “not necessarily bad.” He stated Level of Service F is the point at which the intersection delay becomes excessive, and it is the point at which improvements should be considered. He stated A through D is very good, and E is very normal and not uncommon. He stated for the purposes of this Study they are calling A through D a highly-desirable condition, and they are denoted in the color green. He stated anything with E or F is shown in red to represent a delay condition.

Mr. Williams stated they did count the intersections prior to COVID-19 and the State-wide shut down so they have good traffic volume numbers. A slide was shown as to how the intersections operate today. He stated in the upper left corner, the Table shows the conditions today at Stony Hill Road and the By-Pass which is a Level of Service E and F. He stated at the upper right hand corner of the slide, it shows I-295, the westbound ramp and the By-Pass with a Level of Service E and F today. He stated at the southern end of the Study area, at the bottom of the slide, Stony Hill Road and Township Line Road operates well today at a Level of Service B which is shown in green.

Mr. Williams showed a slide as to how the same intersections would operate in the future even if the Prickett property does not get developed. He stated this looks at conditions in 2028 and includes anticipated traffic growth but not the development of the Prickett property so it does not include the traffic from the Mixed-Use development. He stated this would account just for normal traffic growth. He stated the slide shows that Stony Hill Road and the By-Pass and the By-Pass and the I-295 ramp will just get worse, and it will be a worse E and F with an increased delay. He stated the intersection of Stony Hill and Township Line Roads will see more traffic, but will still operate acceptably at a Level of Service B and Level of Service D which is still highly-desirable and a very effective traffic condition.

A slide was shown as to what would happen at these same intersections if they include the existing traffic, the background traffic growth, and the traffic from the Prickett Preserve project, but not including any of the

improvements. He stated they will experience worst conditions, and the two intersections along the By-Pass will see increased traffic and delay; and they will both operate with worse Levels of Service and further degradations of Levels of Service E and F. He stated at the bottom of the slide showing the intersection of Stony Hill Road and Township Line Road, it will still operate fine in the morning at a Level of Service C; however, in the afternoon, they will see a delay condition at a Level of Service F shown in red.

Mr. Williams stated the final scenario that they studied includes all of the following: all of today's traffic pre-COVID 19, anticipated background growth to the year 2028 which is normal growth that will occur even if nothing happens on the development property, the traffic from the Prickett Preserve Mixed-Use Development, and the effects of the traffic improvements that had been presented earlier. A slide was shown of the results of all of those conditions, and the Table shows all green. He stated traffic conditions are improved at each of the intersections. He stated along the By-Pass specifically, traffic conditions are better than they are today.

Mr. Williams stated this slide shows that at the intersection of the By-Pass and Stony Hill Road they are operating at a C and D both shown in green which is a much-improved, highly-effective traffic condition for a high-volume, Suburban intersection; and it is better than the intersection operates today. He stated at the intersection of the By-Pass and the I-295 westbound ramp shown in the upper-right corner of the slide, the off-ramp will operate at D shown in green which is a highly-effective condition for a high-volume, Suburban location; and it is better than the intersection operates today. He stated at the bottom of the slide, it shows the intersection of Stony Hill Road and Township Line Road; and that will operate at B and D, shown in green. He stated there is a new signal shown in the middle of the slide, and that is the signal for the driveway serving the development and Shady Brook Farm. He stated that intersection will operate at a Level of Service B in both peak hours, and is shown in green. He stated they are able to significantly improve traffic conditions, and the critical By-Pass intersections will operate better than they do today solving what they know today are real traffic problems.

A slide was shown of the intersection of the By-Pass and Stony Hill Road with the By-Pass running left to right, and the intersection with Stony Hill Road is on the right side of the slide with Stony Hill Road extending to the bottom of the slide. He stated in orange it shows all of the road widening that is needed

to provide the third eastbound through lane and the second westbound left-turn lane. He stated in burgundy it shows the area of median reconstruction, and in yellow it shows the limits of paving improvements.

A slide was shown with the By-Pass running left to right/east to west across the slide with north up; and this slide shows the continuation of the third eastbound through lane on the south side of the By-Pass extending all the way to and terminating at I-295. He stated the slide also shows the extension of the widening for a double westbound left-turn lane on the By-Pass for turning left to go south on Stony Hill Road. He stated in orange is the road widening necessary for these improvements. In burgundy, it shows median reconstruction, and in yellow it shows the limits of paving.

A slide was shown with north oriented more to the right. He stated this shows the intersection of the By-Pass and the 1-295 westbound off-ramp. He stated it shows widening in orange which is to provide coming off of the off-ramp double right-turn lanes and an exclusive left-turn lane. He stated they are also showing a re-configuration of the intersection, and they are bringing the entire off-ramp into the intersection under the control of the traffic signal. He stated orange shows the widening and yellow shows the limits of the paving improvements.

Mr. Williams stated what he has shown is \$6.5 million in improvements for off-site traffic improvements. He stated they have been through several discussions with Township staff and the Township's traffic engineer which has brought them to where they are today. He stated they have a lot to do with PennDOT in the future.

Mr. Williams stated traffic conditions are a problem today, and over time if nothing is done whether the site is developed or not the traffic conditions will only get worse. He stated with the traffic improvements described, traffic conditions will improve even with the added traffic from the Mixed-Use development on the property; and at the critical locations along the By-Pass, traffic conditions will be better than they are today.

Mr. Bryson stated coming out of the site at the signalized driveway, there was a dedicated right and dedicated left-turn out of the site; and Mr. Williams agreed. Mr. Bryson stated it is possible that Shady Brook could be developed, and there are already two months out of the year when Shady Brook is one of the biggest traffic generators of the intersection. Mr. Bryson stated he was surprised that there was not a dual-left option out of the site with one of them

being a left and straight to the Shady Brook driveway. He stated that might not be necessary now; however, if Shady Brook were to be developed, he feels that would be something to consider. Mr. Williams stated they are aware that Shady Brook Farm is a thriving business which does generate quite a bit of traffic for a couple months of the year. He stated when Shady Brook is generating its Holiday traffic, it is a problem there today. He stated he feels that with these improvements and the addition of the traffic signal, it will be easier for traffic to get in and out of Shady Brook. He stated preliminarily they are envisioning that the exit from Prickett Preserve will have a dedicated left-turn lane and a shared through right-turn lane. He stated their charge was to deal with this development's traffic, but they did recognize there is traffic at Shady Brook; and they did a "little bit of a sensitivity analysis." He stated he can state that preliminarily they can maintain the Level of Service D or better standard which is the desirable threshold for acceptable traffic conditions; and they could add from 500 to 600 vehicles in total in and out of Shady Brook Farm, and they are still able to achieve acceptable Levels of Service at this location. He stated he feels that with the capacity built into the intersection, it will be easier to get in and out of Shady Brook Farm during their events than currently. Mr. Williams stated they can look into that in more detail when they get into the Highway Occupancy Permit process if that is a requirement. Mr. Williams stated if Shady Brook were to be developed, the responsibility would be on them to re-examine the inter-section from a capacity standpoint.

Mr. Bryson stated he is very impressed with the third lane on the By-Pass and applauds them putting in a third through lane. Mr. Bryson stated he was surprised that there was not a dual-right going eastbound on 295. He stated once you are over the Bridge, it funnels down to two lanes at the next intersection, and then one to the next. Mr. Williams stated they are proposing the third eastbound through lane as noted by Mr. Bryson, and what they would envision is the third eastbound through lane would run all the way to the right-turn almost onto I-295. He stated the Level of Service studies that they have done did not show the need for two right-turn lanes in that situation, and he feels it will be fine.

Mr. Bush stated the Delaware River Joint Toll Bridge Commission had expanded the exit ramp, but then they brought it to a dead stop; and it seems that they will be fixing a problem that the Bridge Commission exacerbated. He asked if they had discussions with PennDOT about that. Mr. Williams stated they are scheduling a meeting with PennDOT, and they will involve the Township staff and Township traffic engineer in that meeting. He stated their goal is to partner closely with the Township and PennDOT through the process.



Mr. Costello stated he is impressed and feels they have been much more thorough than he felt it was going to be. Mr. Bryson stated he is impressed as well.

Ms. Stern stated the only entrances to the potential development would be off of Stony Hill Road, and Mr. Bryson agreed. Ms. Stern asked if there are any other considerations to make other entrances, since she feels this will be a lot of traffic on Stony Hill Road during the Holidays. Mr. Williams stated there are no other entrances proposed. He stated Stony Hill Road has good capacity, and it is a five-lane roadway; and with their combined access improvements, they are confident that they can accommodate their traffic during the Holidays. Mr. Williams stated the only other location where they could potentially consider an access would be on the section of Stony Hill Road that turns eastward toward Edgewood Village; however, there are grading issues there as you get closer to I-295. He stated what they have shown is the area where access is most feasible, and they will have to make sure that they build the necessary capacity into those accesses so that they work. He stated the Township and PennDOT will make sure of that as well.

Mr. Bryson noted the main driveway at Shady Brook, and he asked if during the Holiday season will there be some kind of manual override where the signal will control traffic coming out. Mr. Williams stated that is not something they have considered yet; however, when they get into the signal-design phase that is something that should be built into the signal-design to deal with those situations; and he will make a note of that as it would make a lot of sense. Mr. Bryson stated Shady Brook also has another driveway for the office near 777 Township Line Road that Mr. Williams should be aware of.

Mr. DeLuca stated Mr. Kenneth Amey will discuss the Financial Impact Statement. Mr. Amey stated this is a project with two components – a Residential component and a non-Residential component. He stated the Residential use would be apartments with a total of two hundred units, with an even split between one-bedroom and two-bedroom units. He stated the average monthly rent would range from \$1,900 a month for the one-bedroom units and \$2,600 a month for the two-bedroom units. He stated they have taken the demographic multipliers from the Rutgers Center for Urban Policy Research Studies which is the “Gold Standard” for demographic multipliers; and using those numbers, the estimated number of total residents would be three hundred and eleven, and the estimated number of Public School children would be eleven.

Mr. Amey stated they estimated the assessed value based upon the market value of the proposed apartments and multiplied it by the common level ratio for Bucks County which is 8.9%; and they come up with a total of approximately \$4.6 million for the assessed value.

Mr. Amey stated they did similar calculations for the non-Residential portion. He stated the Wegmans will be approximately 100,000 square feet, and the Mixed-Use primarily General Retail but also perhaps some Office and Service area which would be 55,000 square feet. He stated they have estimated the number of employees based upon two and a half employees per thousand square feet, and came up with 388 employees. He stated there is an estimated assessed value of approximately \$4.9 million.

Mr. Amey stated they then took those numbers and plugged them into the Tax structure for both the Township and the School District. He stated the Township has a millage rate of 21.01 mills for this Tax year; and using that millage and the assessed value, the Real Property Taxes for the apartments are projected to be \$96,719, and for the non-Residential portion to be \$102,844. Mr. Amey stated the Township has a Per Capita Tax based upon the number of residents over the age of 18, and that would come out to an additional \$2,840. He stated for the non-Residential calculation, there is a Local Services Tax which is based upon \$52 for each full-time equivalent employee; and that comes out to \$20,176.

Mr. Amey stated in addition there are Transfer Taxes which they have annualized based upon the likely sales potential of both of these projects over the years; and they have taken that number and annualized it so that everything they are looking at is based on annual projections in today's dollars, and they have come up with a Transfer Tax of slightly over \$18,000 a year for the non-Residential portion and just over \$17,000 per year for the Residential portion.

Mr. Amey stated the total estimated Township Revenue from both the Residential and non-Residential portions of the project would come out to be \$258,126 which would be on-going annual Township Revenue based on 2020 dollars.

Mr. Amey stated they have done the same calculation for the School District. The real Property Tax for the Residential portion would be \$782,937, and for the non-Residential portion \$832,522. He stated the Transfer Tax is the same because Transfer Taxes split evenly between the School District and

the Township. He stated the total estimated annual School District Revenue would come out to be \$1.65 million per year. He stated they have taken the eleven Public School children that were projected from the population of the apartments and considered the cost to educate each student in the Pennsbury School District, which currently based on today's enrollment and today's Budget is \$15,369 based upon local Revenue sources. He stated they took that amount and deducted it from the total estimated School District Revenue and came out with projected net Revenue of Public education costs of \$1.481 million per year.

Mr. Amey stated the total estimated Revenue between the School District and the Township would be \$1,740,000.73 on an annual basis based upon 2020 dollars. He stated they feel those numbers are accurate.

Mr. Costello asked if the Planning Commission should make a Motion before they take. Public Comment. Mr. Bryson stated he started the meeting indicating that the intent was that this would be an information-gathering event. Dr. Weiss stated he feels what would be best before the Planning Commission decides to take a vote is that they hear from the Bucks County Planning Commission to get their input, and then make a recommendation. He stated at this point he feels the Planning Commission is still getting information on this latest version of the Overlay. He stated he feels the Planning Commission should hear from the public at this time.

#### Public Comment

Mr. Larry Borda, 508 Heritage Oak Drive, stated he is deferring his comments to his attorney, Eric Goldberg, who he understands is in the queue; and if for some reason there is a technical issue with that, he will call back. Mr. Borda stated it is impossible to read the slides containing technical data with Traffic Studies in this format, and also listening by phone waiting to get into the meeting is almost impossible because there is an echo.

Mr. Lee Pedowicz, 247 Truman Way, stated the developer had indicated at the Board meeting that "non-committed structures" would not be built until those structures were committed; and he asked if the Planning Commission was aware of that or if a decision has been made on that.

Mr. Bryson stated he was not aware of that; however, that is common practice, although he does understand Mr. Pedowicz' concern.

Mr. Pedowicz stated this evening they brought up that on Stony Hill Road from the I-295 overpass heading east, they were going to widen it and put a median in the middle to control traffic flow. He asked if the businesses on the north side of Stony Hill Road would be effected; and he specifically noted the Edgewood Café, the cigar store, and the pre-School. Mr. Bryson stated typically you can only widen a road within the right-of-way unless you seek right-of-way from the property owner. Mr. Williams stated they are not doing much widening on the Edgewood Village side of the bridge other than to build a sidewalk in the area that is open today. He stated there is no road widening that will affect any of those businesses. He stated the only real road widening is on west side of the bridge where there are no businesses, and that is where the median will go.

Mr. Pedowicz stated there are four entrances to the Prickett development, and he asked if access by emergency vehicles has been considered, and will that be a problem. Mr. Bryson stated it is always designed in accommodation with emergency vehicles, delivery trucks, etc.; and it is reviewed by the Fire Marshall. He stated every Applicant must assure that safety vehicles can get in and out of the site safely.

Mr. Eric Goldberg, attorney with Stark & Stark, stated he is speaking on behalf of Larry Borda and Dobby Dobson. Mr. Goldberg stated toward the end of the presentation it was noted that there will be eleven children anticipated in the School system as a result of the apartments, and he asked how that was determined. Mr. Amey stated the Rutgers Center for Urban Policy Research publishes demographic multipliers that are specific to each State in the Country. He stated he used the demographic multipliers for Pennsylvania for Public School children as opposed to all School children. He stated they applied the numbers from the Rutgers Study for one-bedroom and two-bedroom units, multiplied them out based on the number of units, and came up with a total of eleven Public school children anticipated from the apartments.

Mr. Goldberg asked Mr. Amey to elaborate what that means and how much they calculate for each one-bedroom apartment; and he asked if that is based on any apartment or an apartment with a certain rental level. Mr. Amey stated the Rutgers demographics are based on the rental. He stated when they are in the range of rental amounts projected for these apartments, one-bedroom units are projected to produce .04 Public School students per unit, and two-bedroom units are projected to produce .07 Public School students per unit. He stated with 100 units of each, it comes out to eleven students. Mr. Goldberg asked if the Rutgers Study is based purely on the rental range of the unit, and whether the income of the people who are

renting the unit has any impact on the number of students. Mr. Amey stated it is based on the rental rates of the units, and the rental rates would determine the income of the residents of the apartments so there is an aspect of income that plays into the demographic standards.

Mr. Goldberg asked if there is an income level that is expected for these apartments based on the fact that they are looking at rents of \$1,900 to \$2,600 a month. Mr. Amey stated he did not calculate what that anticipated income would be; however, it would be a fairly simple calculation. Mr. Goldberg asked what that calculation is. Mr. Dwyer stated comps in the area suggest a certain price per square foot for rentals in the Lower Makefield Township area, and that is used to come up with a rental rate for the one and two-bedroom units. Mr. Goldberg stated his question was what would the anticipated income be of the rentals, and Mr. Dwyer stated the average income for a place like this would be \$125,000 to \$130,000 based on their comparable projects.

Mr. Goldberg stated there was a comment regarding 295 and that when they had the third eastbound lane, it was going to link up to 295; and Mr. Williams agreed. Mr. Goldberg asked if that means it is the direction going to New Jersey; and Mr. Williams stated it is not, and it would be headed away from New Jersey which is considered westbound.

Mr. Goldberg stated there was discussion about Shady Brook Farm, and he asked when they were discussing the Levels of Service if that included the fact that Shady Brook has two to three months a year where there is an “inordinate” amount of traffic for the Holiday season or if that was not included. Mr. Williams stated the Holiday season traffic of Shady Brook Farm is not a part of the Traffic Study, and all of the information he presented on the graphics this evening did not reflect those two months out of the year when Shady Brook Farm is generating its Holiday traffic. Mr. Williams stated the community will be in a much better position going forward to be able to accommodate Shady Brook Farm Holiday traffic if and when this development occurs with all of the associated traffic improvements both on-site along Stony Hill Road and off-site along the By-Pass.

Mr. Goldberg stated while there was discussion about this particular development including the two hundred apartments, the 55,000 square feet of General Commercial, and the 100,000 square foot supermarket, this Overlay District potentially impacts more property than that. He asked

how many properties are impacted by this Overlay. Mr. Kennedy stated there is a map that was presented, and it would be properties within a quarter mile of the Historic District. He stated it impacts a small handful of properties which are currently developed. He stated it does not extend across the street to Shady Brook. He stated the other properties that are within the mapped area would have to be involved in some kind of re-development if they were to utilize the Overlay. Mr. Goldberg stated there is nothing that would prevent them from re-developing their properties, and Mr. Kennedy agreed.

Mr. Goldberg stated all of the Traffic and Economic Studies are predicated on those other properties not being developed. Mr. Kennedy stated he believes that Mr. Williams indicated that with regard to the Traffic Studies, there was a certain amount of background growth that was involved so surrounding growth was considered.

Mr. Williams stated they not only assumed the traffic that would be generated by the Prickett Preserve Mixed-Use project, but they also accounted for background growth that would occur and traffic associated with other Land Development projects that are pending or proposed in the area. He stated the Traffic Study did not analyze a scenario whereby any and all properties that could be effected by this Overlay would be re-developed. He stated it would be incumbent upon each of those properties to conduct their own Studies.

Mr. Majewski stated those properties are already developed so that if they were re-developed the incremental amount of traffic would not be considerable because they already generate traffic. He stated there is an Office complex on part of it as well as the Floral Vale development; and if they were to take advantage of the Overlay and re-develop, they would not generate a large amount of extra traffic beyond what is there today. He stated the Prickett Preserve property, since it is vacant, is really the driving force of new traffic from the entire Overlay, and the other parcels would be very small in relation.

Mr. Goldberg stated they talked about background growth, and that would include other projects which have been approved or are in the process that are not part of the Overlay District; and Mr. Williams agreed.

Mr. Goldberg stated from a procedural standpoint, the Planning Commission had approved this ten months ago, and the purpose of the meeting tonight is to discuss the changes since they approved it previously; and Mr. Majewski agreed. Mr. Majewski stated the Planning Commission is required within

thirty days of receipt of the Ordinance to make a recommendation on the Ordinance to the Board of Supervisors. He stated they need to make a new recommendation since the parameters of the Ordinance have changed from what they had reviewed previously.

Mr. Goldberg asked if it would not have made sense since it is important for the Planning Commission to hear this and “give its thoughts on the changes,” some of which are very significant, for there to have been more notice of this and more advertisement in light of the fact that at the last meeting before the Board of Supervisors, they discussed that they were going to set a meeting which will be August 17; however, there was no indication that the Planning Commission was “ever going to be back here again or that this Hearing was ever going to happen.” Mr. Majewski stated he believes that the Board of Supervisors did discuss at their last meeting that the Planning Commission would be hearing this tonight and on August 10. Mr. Majewski stated it was also in the newspaper. He stated at the last Planning Commission meeting on July 13, the Planning Commission acknowledged receipt of the Ordinance and laid out the schedule that they would be meeting to consider the Ordinance this evening and on August 10. Mr. Majewski stated it was also posted on Facebook.

Mr. Goldberg stated with regard to the apartments and the “people who will ultimately be there,” he asked who are seen as their competitors in terms of the apartments in the general area. He asked if “somebody was looking for an apartment would they come to this development or what other development or apartment complex.” Mr. Dwyer stated the closest comparable would be Polo Run, but there are several others including what is proposed for the Oxford Valley Shopping Center and several on Township Line Road which are all in the Yardley/Newtown market area and those were the projects they looked to in order to create the comps. Mr. Goldberg asked what he meant by a “shopping center,” and Mr. Dwyer stated there is a big project proposed at the Oxford Valley Shopping Center which would be a future comp. Mr. Dwyer stated Polo Run is the closest comparable in Lower Makefield which is a high-end, one/two bedroom project similar to what they are proposing. Mr. Goldberg asked if that has a similar rental structure. Mr. Dwyer stated the demographics are similar, and their rental rates are similar to what he is projecting, although they believe they will have a much nicer product with more amenities and which will be connected to the Mixed-Use development.

Mr. Bush stated Mr. Goldberg had asked a series of questions many of which had to do with the prospective tenants, their income levels and their demographics; and he asked what he was “driving at” with those questions. Mr. Goldberg stated he was curious as to the basis for the numbers since they had come up with numbers of real Property Taxes of \$97,000 and how much Revenue it adds potentially to the Township and the School District. Mr. Goldberg stated some of that would have to be predicated on the fact that the apartments “are there and that they are viable, and that they produce \$1,900 to \$2,600 in rent.” He stated he was trying to figure out what the “backgrounds were or what the basis of those facts were and those statements were.” He stated he wanted to try to understand what income is being produced, how they are determining School children, and who their tenants were going to be.

Mr. Anthony Biondo, 618 Brandywine Lane, stated he knows that the December/January timeframe with the Holiday lights is “traffic heavy.” He stated Shady Brook also has a Fall Fest which is very popular so that would be October and November so potentially they are looking at four months when there is a lot of traffic there. He asked if there could be a conversation with Shady Brook to either allow them or “incent” them to create an entrance off of 332 to help reduce the traffic on Stony Hill Road. Mr. Bryson stated the two Applicants could consider that. Mr. Dwyer stated Shady Brook Farm does not have access onto the By-Pass since they sold that corner piece. Mr. Bryson stated he feels it was more that they should look into coordinating with Shady Brook as to a system that could be put in place temporarily to help move traffic. Mr. Bryson added that it is not the Applicant’s responsibility to clean up traffic issues generated on an adjacent property.

Mr. Biondo stated he understands that; however, he feels the residents would be appreciative if there was coordination between the two properties which would benefit everyone.

Mr. Bryan McNamara, 1412 Heather Circle, stated at I-295 south into Lower Makefield they are talking about adding an extra right-turn lane to go by the Patterson Farm and the Torbert Farm, and he asked if they are going to be widening those lanes as well. Mr. Bryson stated they are adding a lane from Stony Hill all the way to what was previously the I-95 Bridge. He stated the road will be widened with a new lane so there will be three lanes of traffic.

Mr. Williams stated all the improvements are west of 95, and there is nothing on the east.



Mr. McNamara stated Mr. Dwyer's original plan a number of years ago was for a separate walkway bridge over 295, and he asked if that is still proposed or is this just "re-working the existing bridge" going over 295. Mr. Williams stated there are no plans to put a separate bridge over 295. He stated there is sufficient width to provide an 8' buffered path over the existing structure and still maintain two lanes of traffic. He stated they have had discussions with the Township on this, and they will be meeting with PennDOT on this as well. Mr. McNamara asked what kind of buffer they will have, and Mr. Williams stated they do not yet know what the buffer will consist of since it is early in the planning. He stated they have not designed it fully yet, and they are at a conceptual stage. He stated they will be pursuing that further if they can get beyond the Zoning aspect. He stated this will become clearer as they move into design and work with PennDOT.

Mr. McNamara stated with regard to the values of the two pieces of property it was noted that the apartments were valued at \$55 million and the Commercial side at \$50 million, and he asked how he came to those conclusions. Mr. Amey stated the value of the apartments is based on sales of comparable apartment complexes and also comparison of assessed value of other apartments. He stated similarly the value of the non-Residential portion is based upon comparison with other similar shopping centers and with actual construction costs.

Mr. McNamara stated with regard to background growth, he asked if that is the potential for the development of the Aria Hospital tract which is at the corner of Township Line Road and 332. He stated that forty acre tract would fit within this Overlay since it is more than thirty-seven acres. He asked if that would be able to be re-zoned "this way, although he knows that they want the Spot Zoning just for their property." Mr. McNamara asked if the background growth includes that land being developed with "bar/restaurants on it as well."

Mr. Williams stated the rules they have to follow related to preparation of a Traffic Study are rules used by PennDOT and the Township. He stated there is also a distinction between the Overlay Ordinance and the Traffic Study that they were asked to prepare specifically for the Prickett Mixed-Use project. He stated they are obligated to identify the traffic impact associated with their project, and they have done that and estimated the traffic that their project will generate; and they have more than mitigated that impact, and in fact are significantly improving traffic better than the current conditions. He stated as part of the process, they are required to take into consideration background growth which are developments that are either approved and pending or under construction.

He stated they are known developments, but they have not yet come to fruition. He stated that traffic has been factored into their Traffic Study because that is known development that will occur and generate traffic within the time frame of their project. Mr. Williams stated anything else that might occur speculatively ten years in the future, they do not know what that is; and that is not factored into this Study, and those developers would be obligated to do their own Study if and when that should ever occur.

Mr. McNamara stated he feels it will occur, but he understands that is not the Applicants responsibility at this point to look at that.

Mr. McNamara thanked the Applicants for clarifying that part of the Overlay does include some of Office buildings and that they could also be re-zoned for apartment uses or “big box uses” as well since he could not get that answer from the Board of Supervisors at their last meeting. Mr. McNamara asked if that is how they keep this from becoming a Spot Zoning issue legally by including those other properties but not including Shady Brook which is “literally twenty yards away from the edge of this property.”

Mr. Majewski stated he does not believe this meets the criteria for Spot Zoning, and it is allowing for additional uses within a certain area that is in the vicinity of the Edgewood Village Historic District. He stated it does encompass several properties. He stated Shady Brook Farm is a little bit further out away from the Village and is also across a five-lane highway so it makes it a lot more difficult to meet the walkability criteria that they are trying to meet. Mr. McNamara stated this property is “across the way from a State highway from Edgewood Village.” He stated he understands there is an overpass.

Mr. McNamara stated when they did the Financial Study for this knowing that Wegmans is coming in as the fourth supermarket in LMT, was there any consideration put into the Studies as to what potentially might go out of business because of the Wegmans coming into the Township which might offset greatly any of the Tax Revenues that LMT would generate from this.

Mr. Amey stated they do not do a regional study of viability of existing uses. He stated there is no reason to believe that the area cannot support another grocery store. Mr. McNamara asked what studies he was using to reasonably believe that the area can support a fourth supermarket. Mr. Amey stated he did not say that they had done a Study, and he was saying that based on his experience and his knowledge of the area, there is no reason to assume that the area could not support another grocery store. Mr. McNamara stated

Mr. Amey is working for the developer, but the Township should consider the potential negative impact that this might have on the Township that might offset any kind of gains and Tax Revenue. Mr. Amey stated that is “purely speculation.” Mr. McNamara stated he has lived in the area for a long time, and he would argue with Mr. Amey’s assumption that the area can support a supermarket the size of a Wegmans at 100,000 square feet versus supermarkets that are much smaller; and he feels that “everybody here would reasonably believe that this could potential put one if not two supermarkets out of business.” He stated he questions what will happen to those structures and the loss of potential income the Township would have from those as well.

Mr. Robert Abrams, 652 Teich Drive, stated Mr. McNamara was accused of “speculating,” but they are speculating that the area can handle another grocery store, so it is not just Mr. McNamara that is speculating. Mr. Abrams stated they should change their name to “the disaster Planning Commission,” because that is what they are planning. Mr. Abrams stated there is only one exit out of this property. Mr. Bryson stated their Traffic Engineer went through his report of the proposed four driveways. Mr. Abrams stated that he saw that; however, there is one traffic light being put in, and “they will dig up some road bed and make a lane or two and that is supposed to alleviate more traffic than the extra thousand cars they will have running through the facility per day.” Mr. Abrams stated there will be two cars for every two-bedroom apartment and one car for every one-bedroom apartment, as well as the Wegmans and the Retail which will result in 750 to 1,000 cars going through there a day.

Mr. Abrams stated with regard to the four driveways, by their own admission there is only one full-movement driveway which is the driveway that runs from the northbound side all the way around the facility and goes out onto Stony Hill Road which he would call the southbound side. He stated the other three driveways are all inhibited in some way. He stated even the full-access driveway has bends and curves in it that would have to be negotiated in the event of a disaster. Mr. Abrams stated there could be a truck with ammonia or carrying caustic material which could go over on its side at the double driveway. He stated it would dump out two hundred gallons of diesel fuel which will run west because of the pitch of the property and will block the other three driveways. He stated the tank would be spewing material and there would be people trapped inside the development with no way out. He noted an apartment complex fire in the area where people were killed because there was only one way out. He noted other supermarkets in the

area where there is more than one way out of a complex. He stated this is “a disaster waiting to happen.” He stated they also need to consider how all the emergency vehicles will be able to get in to handle the situation.

Mr. Williams stated he disagrees with Mr. Abrams, and he feels there are many developments that are located along one roadway; and this is no different. He stated he might agree that there was a problem if there was only one driveway; however, the site is fully interconnected and you can travel from any area of the site internally to any other area of the site. He stated they have a total of four driveways serving the site; and he feels the likelihood that all four driveways were somehow blocked and traffic was not able to get in or out of the site in the event of an emergency is extremely remote if not impossible. He stated they are very comfortable with the access and the site planning from an emergency-services perspective. He stated they will have to go through the Township review process and the PennDOT review process; and if they have missed something, they will hear about it, but at this point they are comfortable with what they have proposed and feel it is safe and effective.

Mr. Abrams stated Mr. Williams may be comfortable with it, but he does not have to live here. Mr. Abrams stated he is not comfortable with it, and he pays taxes here, and he has to live here. He stated they have been told that the one traffic light is going to “eliminate 1,000 new cars, but they will finish their Study, get out of here, and collect their paycheck, and dump all of the problems on the residents of the Township” which he feels is a problem because he has paid taxes for thirty-five years.

Mr. Bryson asked that the Planning Commission members review all of the information including the Traffic information provided. He stated the Ordinance re-write will have to be acted on at the Planning Commission’s next meeting, and they will make a recommendation to the Board of Supervisors.

Mr. Brian Jamison, 100 Polo Run Drive, stated what the Planning Commission approved last September has not been taken up by the Board of Supervisors yet, and he asked why they are going through this process tonight. Mr. Bryson stated the Planning Commission sent a version to the Supervisors who did some information gathering and changed what the Planning Commission had sent to them with their recommendation. He stated the Board of Supervisors has now sent it back to the Planning Commission asking them to review the changes.

Mr. Bryson stated in conjunction with that it was also sent to the Bucks County Planning Commission, and the Township will get their review. Mr. Bryson stated the Lower Makefield Planning Commission will take the Bucks County Planning Commission's review into consideration, review the changes and send the Ordinance back to the Supervisors with a recommendation.

Mr. Jamison stated the Board of Supervisors have not officially made any changes because they have not "taken it up." He stated all they have done is set a date to have a Public Hearing. Mr. Jamison stated you cannot make changes to something that you have not taken up yet. Ms. Kirk stated a Petition was filed by the Applicants asking that the Ordinance be reviewed. She stated it went preliminarily through the process before the Planning Commission last year. Mr. Jamison stated then the developer sat on it for ten months and did not do anything with it. He stated they then put it forward during a time of Pandemic when Public Meetings cannot be held. Ms. Kirk stated since September there were ongoing discussions. Mr. Jamison stated now they are rushing the process. Ms. Kirk stated she is trying to explain to Mr. Jamison that what is being done today is meeting the requirements set forth in the Municipalities Planning Code. She stated there was a version that was recommended to the Board of Supervisors. Mr. Jamison asked "which one was that – which condition." Ms. Kirk stated she is trying to explain the process. Mr. Jamison asked what was the condition. Ms. Kirk stated it was not a condition – it was a recommendation made by the Planning Commission as to an Ordinance, but it was not accepted by the Board of Supervisors. She stated since that time there have been ongoing discussions with the Township Administration and other planning bodies in the Township where there were general discussions and meeting sessions with the Board of Supervisors reaching a "final version of an Ordinance" that the Supervisors wanted to have reviewed; and that is why it is now before the Planning Commission for their formal review of the final version. Ms. Kirk stated the Pennsylvania Municipalities Planning Code sets out the review process for proposed Ordinances.

Mr. Jamison stated the developer started out this evening saying that they had made no changes since September, 2019; and this is obviously not correct, and there have been a lot of changes made. Mr. Bryson stated it was indicated that the Site Plan had not changed; however, the Overlay District Ordinance has changed and become more stringent.

Mr. Jamison stated while he was on hold he downloaded the Traffic Handbook and looked up what a D was, and he read as follows: “D – approaching unstable flow, speeds slightly decreased as traffic volume increases. Freedom to maneuver within the traffic stream is much more limited and driver comfort levels decrease. Minor incidents are expected to create delays...”. Mr. Jamison stated to say this is “desirable is really not speaking the truth.”

Mr. Williams stated in Suburban Philadelphia in a developed area which is where Lower Makefield is, PennDOT establishes standards, and Level of Service D is the design standard. He stated that is a desirable standard used in the design of traffic improvements. He stated he is not sure what Manual Mr. Jamison is citing. He stated if Mr. Jamison has conducted any of his own traffic studies, he would be happy to review them. Mr. Jamison stated he has not.

Mr. Williams stated they will be much better in the future with the development and the improvements than where they are today, and they are more than mitigating the impact of the development. He stated they are not only mitigating the impact of the development, they are also accommodating background growth and improving traffic conditions even better than they are with the current conditions.

Mr. Jamison asked the difference between an A, B, and a C. Mr. Williams stated a Level of Service D is an average delay of between thirty-five and fifty-five seconds, which is a very desirable condition for any intersection on the By-Pass. He stated that cannot be done today.

Mr. Jamison stated if they “keep it bad, that is fine.” Mr. Jamison asked how many cars per day the developer will be adding to Stony Hill Road and how many cars will be added during the peak hours. Mr. Bryson stated he is a Planner, and what he sees is that they will put a development in that will generate more traffic on Stony Hill Road; however, the conditions are going to get better. He stated they are going to invest \$6.5 million into off-site road improvements to make the conditions better than it is now.

Mr. Jamison asked if they are believing that just because the developer is saying it. Mr. Bryson stated PennDOT sets standards; and if the developer does not convince them with their calculations, PennDOT will “call them on it.” Mr. Bryson stated currently the site is approved for 100,000 square feet of Office, and they could build it now and not do any of the road

improvements. Mr. Jamison stated Mr. Bryson has been saying that through the whole planning process; however, during the Public Hearings of the Planning process the developer stated that they had it on the market for an Office Research complex for ten years “and never got a bite.” He stated they should not be saying they are going to put Offices there because they said themselves that they are not going to do it, and it is not going to happen.

Ms. Kirk stated it has been approved for the construction of a 125,000 square foot warehouse at the corner in the front.

Mr. Jamison stated a 100,000 big box is going to generate more truck traffic than a warehouse would.

Mr. Bryson stated with the road improvements and the development, they will improve the situation; and legally, that is all they have to do. Mr. Jamison stated legally, you do not have to “give them the Permit.”

Mr. Jamison stated he is asking for the number of how many cars a day they are putting onto Stony Hill Road with the proposed development and what are the numbers during the peak traffic hours. Mr. Williams stated in terms of newly-added traffic to Stony Hill Road in the morning it is 456 total in one hour – 256 entering and 200 exiting; and in the afternoon it is 340 entering and 323 exiting. He stated on Saturday it is 808 with 415 entering and 393 exiting. He stated those are all peak hour numbers. Mr. Jamison stated that is eleven more cars a minute on Stony Hill Road during a p.m. peak hour.

Mr. Jamison stated the traffic engineer had stated that the intersection of Stony Hill and Township Line Road is very good right now; however, he has been there and it has been stacked up two queues.

Mr. Jamison stated he would like to know the grand total of cars over the course of a day. Mr. Williams stated the new trips over a twenty-hour period is 9,091. Mr. Jamison stated while he has stated it is twenty-four hours, they are only going to be open during business hours. Mr. Williams stated he does not know the business hours; however, there are aspects of the site that will generate traffic twenty-four hours a day since there is a Residential component, Retail and Restaurant components which generate traffic in the evenings, and supermarkets are open early in the morning and later in the evening.

Mr. Jamison thanked them for putting the information on the Township Website. He stated there was a second study on economics that was not as positive as the first one. He asked who put that on the Township Website.

Mr. Majewski stated there was a study commissioned by Larry Borda and Dobby Dobson who hired people to do a study and they submitted that to the Planning Commission and put it out to the general public. Mr. Jamison stated that study indicated that the economic benefits are being “greatly exaggerated.” He stated that study indicated that there would be fifty students in the School system and not eleven. Mr. Jamison asked if that has any credence and will it be taken into consideration. Mr. Bryson stated it is all part of the process, and it is one element of many to consider when looking at this. Mr. Bryson stated this is just approval of the Overlay, and they are not approving the project. He stated this is just to allow the Mixed-Use Overlay over the existing Zoning.

Mr. Jamison asked the developers why they are doing this now when we cannot have real Public Hearings, and why they have decided to come forward now as opposed to when they could have. He stated they sat on it for ten months. Mr. Bryson stated everyone is handling business virtually now. Mr. Jamison stated he is not blaming the Township, adding the developers sat on it for ten months, and he does not know why.

Dr. Weiss stated when the Planning Commission made their recommendation in September, there were a number of issues that the Planning Commission asked that the Board to clarify; and one of those issues was the traffic. He stated it took a number of months to get all of the various components prepared so that the Board could come up with a rational proposal to answer the Planning Commission’s questions and concerns. Dr. Weiss stated when COVID started there was a slight delay, but the Board dealt with the information as soon as possible once they received it. Mr. Jamison stated he was not criticizing anyone from the Township. He stated he is saying that the developers decided to come forward when real Public Hearing could not take place. Dr. Weiss stated they have not had the Public Hearing yet, and they are still in the process of finalizing the proposal. He stated the process is for the Planning commission to eventually recommend the Ordinance, and it has taken this long to get the proper wording that the Supervisors are comfortable with. He stated the Board then sent it back to the Planning Commission so they could have their input as well as to get comments from the community and



the Bucks County Planning Commission. Dr. Weiss stated this is how the process goes. He stated this is good since the longer it takes, the more public input they have.

Mr. Jamison stated there will be a Public Hearing in three weeks. Dr. Weiss stated there will be another meeting by the Planning Commission before it comes back to the Board of Supervisors for consideration. Mr. Jamison stated those meetings will be virtual, and Dr. Weiss stated all meetings for the rest of the year will probably be virtual.

Mr. Jamison stated the Citizens Traffic Committee has not posted any Minutes since January. He stated he read in the Minutes that they had posted that they had taken up this issue. He asked if they have any impact on how the Planning Commission or the Board of Supervisors “sees things.” Mr. Bryson stated they will review it; and if they have a review letter or concerns, it will be put in the Planning Commission’s packet for their consideration. Mr. Jamison asked if there is any way that the Public can see that too since they have not posted Minutes recently. Mr. Bryson stated he feels that they will review it when there is an official Application for the project, but he does not think they would be involved in the review of the Ordinance; and Mr. Majewski agreed. Mr. Majewski stated it should be noted that one of the traffic improvements was a recommendation from the Citizens Traffic Commission, which was taking the exit off of I-295 west and instead of making the merge where you had to yield and go over two lanes to get to the other side, to make that an actual controlled intersection where you come to the light and you have dual right-turn lanes onto the By-Pass heading west. He stated that makes it a lot easier for a car to make the turn and make a left on Stony Hill Road.

Mr. Jamison asked that something be done about the Citizens Traffic Commission updating their Minutes.

Ms. Lisa Tenney, 156 Pinnacle Circle, stated she found out about this meeting late. Ms. Tenney stated she feels the whole premise of changing the Zoning to Mixed Zoning is wrong. She stated she read the Bucks County Planning Commission memorandum dated September 23, 2019, and she asked them to make it public to everybody in LMT so they can see where this project started and how over a Pandemic it has “become red-lined and what it is today.” She read one of their recommendations was with regard to Section 200-50.7 Permitted Uses – Restaurants with drive-throughs where they questioned if drive-through

facilities are consistent with several of the stated purposes of the overlay District to promote walking and biking as transportation alternatives and to encourage pedestrian and vehicular interconnections with adjacent developments to reduce congestion on area roadways. She stated they have indicated that the Township Officials should determine if drive-through facilities are consistent with the intent of the proposed District particularly in light of regional traffic such as I-295 that may be drawn to the site. She asked that the Planning Commission make their 9/23/19 recommendation available to all to see how over the time of the Pandemic they “have come to Wegmans and apartments.”

Ms. Tenney stated she waited five hours for the Board of Supervisors meeting and now three and half hours tonight. She stated she has thirteen questions which she is going to ask and have them public before she is “limited in time.” She stated “they will be public to all.” Ms. Tenney read as follows:

- 1) Mixed Zoning change is used as a way to increase pedestrian connectivity and is most often employed in older towns. It was recently employed in Morrisville in order to unify a town of buildings, businesses, and Residential areas built at different times and for different purposes. Is Prickett Preserve a true example of Mixed-Zone Use since it is not easily accessible to all parts of the Town.

Mr. Bryson asked Ms. Tenney if she is reciting the Buck County Planning Commission’s letter; and Ms. Tenney stated she is not, and these are her own questions. She continued as follows:

- 2) The Bucks County Courier stated that the Plans of a warehouse were stalled in April. Why did it stall, and what further steps would the client need for approval for the warehouse.
- 3) How would the Board of Supervisors gain control of what gets built in the Mixed-Use Overlay when it appears with each approval that occurs in writing further commits to specifics of what is being built on the land. Current O/R Zoning has thirteen Permitted Uses – small business and agriculture, eleven Special Exemptions Uses, and three Conditional Uses. We know if Zoning is approved we will be getting a Wegmans, apartments, and a “drive-through something.”

- 4) A lawyer representing Shady Brook Farm asked for inclusion into the Mixed-Use Overlay if not now in the future. Have any other properties, farms, or neighborhood properties submitted letters seeking Zoning change.
  
- 5) How do developers intend to build a bike/pedestrian path on Stony Hill Road where it crosses I-295. She stated she does not know what the 8' buffer is. What level of safety was "sustaining Sandy Hill/Edgewood Road" intersection rated at. A light is proposed at Stony Hill and Township Line Road. If Prickett's Preserve is to be built it has been purported that the safety will increase one letter grade depending on time of day. Did the safety of grade take into consideration additional traffic demands when Prickett Preserve is built. Did the Traffic Study include how many extra minutes it will take her to get to Newtown or New Jersey.

Ms. Tenney stated she looked tonight on the power point. She stated any of the "developers who put their document on, she could not see." She stated they cannot see whatever they post on the TV. She stated she did see the Traffic Study and did see that Shady Brook/Township Line intersection a.m. was a B and p.m. was a B; and if they go "with development" a.m. was a B and p.m. was a D. Ms. Tenney asked with any of these "so-called safety improvements if there is a fatality meaning a death by a person, is the Township responsible for approving these safety improvements." She asked that they address that.

Ms. Tenney stated the Prickett Homestead they have proposed to be an Office building dates back to 1700. She stated the people that founded Lower Makefield, Newtown, and Langhorne lived on the Patterson property which also included the Prickett property. She stated it is a National historic destination, and she asked if it is a good idea for it to be an accountant's office.

Ms. Tenney stated the other big question is the economic impact. She stated she believes that Polo Run is a Condo Association, and Condo Associations bring in Tax dollars and HOA Fees. She stated she has been "taxed with the decision rent or buy a condo," and the apartments are a little less expensive.

She asked how this project will affect the Condo values. She stated there are many “beautiful Condo Associations in Edgewood Village,” and she asked how that is going to effect the economy.

Ms. Tenney stated she has heard a lot of good things about Wegmans, but if it competes with an existing LMT business, such as Giant, what will happen to Tax dollars if Giant goes out of business. She stated “shopping stores” do go out of business, and she drives by stores on Lincoln Highway that have gone out of business. She stated everything has an impact and nobody can predict the future. Ms. Tenney stated she does not think that they have done the research needed to predict a future at this point. She stated the LMT Planning Commission needs to step back. She stated they are getting “pushed by a developer;” and once the land gets developed, you set a dangerous precedent which they cannot reverse.

Mr. Bryson stated Ms. Tenney could make her fourteen comments available to the Township as she indicated she was going to post them publicly. Ms. Tenney stated she does not know where to post them publicly which is why she called in. Mr. Majewski stated she could email them to him, and he provided his email address at the Township. Ms. Tenney stated she was trying to post them, but she did not know the best venue. She agreed to email them to Mr. Majewski.

Mr. Bryson stated the Planning Commission should review all the information that was sent; and if they have any more questions or comments, they should bring them to the next meeting.

Mr. DeLuca thanked the Planning Commission for their time and consideration, and stated they will be available at the August 10 meeting.

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

Respectfully Submitted,

Tony Bush, Secretary

