

TOWNSHIP OF LOWER MAKEFIELD  
BOARD OF SUPERVISORS  
MINUTES – OCTOBER 5, 2016

The regular meeting of the Board of Supervisors of the Township of Lower Makefield was held in the Municipal Building on October 5, 2016. Chairman Benedetto called the meeting to order at 7:35 p.m. and called the Roll.

Those present:

Board of Supervisors:        Jeff Benedetto, Chairman  
   John B. Lewis, Vice Chairman  
   Kristin Tyler, Secretary  
   David Fritchey, Supervisor

Others:                            Terry Fedorchak, Township Manager  
   David Truelove, Township Solicitor  
   Mark Eisold, Township Engineer  
   Kenneth Coluzzi, Chief of Police

Absent:                            Judi Reiss, Treasurer

ADMINISTER OATH OF OFFICE TO JAMIE FAZZALORE-TRUELOVE AS ANIMAL CONTROL OFFICER

Mr. Benedetto administered the Oath of Office to Jamie Fazzalore-Truelove as Animal Control Officer. Chief Coluzzi congratulated Ms. Fazzalore-Truelove and stated she started as the Animal Control Officer in 2008 and since that time she has handled thousands of calls for service always conducting herself professionally and has served the community well. He stated until now the Animal Control Officer would conduct an investigation into matters; and if a Citation was needed, she would consult with a Police Officer who would in turn issue a Citation. Chief Coluzzi stated then the Police Officer and Ms. Fazzalore-Truelove would testify in Court. He stated by this Swearing in tonight, Ms. Fazzalore-Truelove is legally authorized to issue Citations on her own.

PUBLIC COMMENT

Mr. Mark Bortman, Environmental Advisory Council, reminded everyone that this weekend they are hosting an e-waste collection event at the Lower Makefield Corporate Center. He stated in the past these events have been hosted by the County; but the County was not able to do it this year, so the EAC stepped in to fill

welcome. He stated they will have forms available for public comment and they have the information that was available at the presentation. He stated they would be happy to collect written comments and send them along.

Mr. Fritchey asked if anyone who was at the meeting knows whether the Airport authorities were explicitly asked whether or not there was going to be an Environmental Impact Study done. Ms. Herman stated she does not believe there was anyone there from the FAA, and it was engineers. She stated the Transportation Director of Mercer County may have been the highest level politician present. Mr. Fritchey stated he feels there is some utility to putting them directly on the spot on that issue to find out what their intentions are. He stated if they say they are not going to do it, then we know where we stand with them. He stated they should find out who in authority can make a decision on this. Mr. Fritchey stated it increasingly appears that the current litigation will be unsuccessful, and perhaps there is another way of doing this which may be more effective which may involve direct dealings with people in authority with the FAA, Mercer County, or elsewhere who are stakeholders in this; and it may be that they can achieve far more at the negotiating table than they have in Court. Ms. Herman stated Residents for Regional Traffic Solutions Inc. feel it has to be an entity bigger than the people who go to the negotiating table. Ms. Herman stated she was met with arrogance by the Director of Transportation when she asked him about the Environmental Impact Statement.

Ms. Tyler stated Mr. Truelove and Mr. Fedorchak will be reaching out to establish contact and will ask the question about the EIS. Mr. Fritchey stated ultimately they will also have Congressmen and Senators who could eventually weigh in on this as well, and he feels they need to be put on the spot as to what their intentions are and whether or not they are going to conduct an Environmental Impact Study or not. Mr. Benedetto stated the issue is they do not want to do it or feel they are required to do it. He stated BRAAM is trying to hold them accountable in Court; and if BRAAM does not prevail in Court, there will not be an Environmental Impact Study done. Ms. Herman stated that is true unless there is negotiation as she feels politics can trump all. Mr. Benedetto stated this has been tried and the Township financially supported BRAAM, and they were compelled in Court to do an EIS if they brought in another airline; and even after they brought in another airline, they still would not do the EIS. Ms. Herman stated she feels Pennsylvania politicians can work harder on this than they have been working. Mr. Benedetto stated he is optimistic that BRAAM can prevail in Court; however, he added there are just as many people if not more that are supportive of this Airport; and do not care if the Airport expands. Mr. Benedetto stated he personally supports BRAAM's efforts, and it is the people who should comment on this and support BRAAM's efforts.

Ms. Herman stated that over the last fifteen years Lower Makefield has benefitted from BRAAM's efforts. She stated the forecast is going to effect many more thousands of people in the Township including seven to eight of the Schools which will have flight paths over them where the noise from the planes will be so unsettling that the children's learning will be severely impaired. Mr. Benedetto stated he agrees with that, but there are also people in the Township who do not agree with Ms. Herman. Ms. Herman stated the Board was hired to protect the health, safety, and welfare of the residents; and Mr. Benedetto stated they have supported them in the amount of \$100,000. Ms. Herman stated the people of the Township want the Board to protect their health, safety, and welfare even if they all do not know what that takes.

Mr. Eric Silverman, 1809 S. Crescent Boulevard, stated there are noise abatement procedures which are in effect for the Trenton-Mercer Airport. He stated he has lived in the Township since 1961, and he has heard this argument for years. He stated he does not know who BRAAM is, and he does not care. He stated there are 33,000 people in the Township, and they do not all agree on one thing. He stated the Trenton-Mercer Airport has been an "albatross" for as long as he can remember. He stated he feels they may have a course to speak to the FAA if the noise levels ever gets so bad from the jet noise to impact the Schools. He stated they also need to remember that Lower Makefield sits under several of the approach paths for Philadelphia International Airport. Mr. Silverman stated there are a lot more people who live in the area than previously, and he finds some of the "cheap flights" out of Trenton-Mercer to be attractive. He stated he does not know what an EIS would accomplish. He stated he felt the only time they would have to go through an EIS was if they were expanding the Airport beyond the physical boundaries of its current location. He stated if all they are doing is adding a taxiway, he feels it is a wonderful feature to have in an Airport as it lessens the possibility of runway incursions by other planes. Mr. Silverman stated for many years Trenton-Mercer had an unmanned tower. He also stated that Trenton-Mercer Airport does not have runways long enough to safely handle large planes. He stated it might be a good situation if the runways were lengthened a little bit in the event of an emergency if a 747 had to land there. He stated he is not advocating turning Trenton-Mercer Airport into Philadelphia International. He stated currently they have two gates, and they want to make it four gates; however, he does not feel they will double the size of the traffic. He stated there are still a finite number of people who will use the Airport, and he does not feel it will support the level the people are making it sound.

Mr. Don Wilcox stated BRAAM is not focused on trying to stop the Airport from having flights, and they know people do like the convenience. He stated their goal is to have an EIS which would hopefully give them the opportunity to have a fair sharing of where the planes land and take off so that it is spread fairly between New Jersey and Pennsylvania. He stated the volume they are projecting is triple the

Ms. Bush stated she feels Mr. Fritchey has made a very strong point about not knowing what the future will hold for this. Ms. Bush stated with regard to the impervious surface ratio, she was not proposing that it be memorialized in this document that lasts forever; but rather perhaps reflected in the Zoning Ordinance, so the 17% or 2% would not be in perpetuity. Ms. Bush also noted as a result of prior discussions about keeping in the energy industries, they did include those in this draft in 2D

Ms. Tyler asked that the language be changed after “including” “ to read: “including but not limited to” in the second sentence of D. Mr. Lewis asked if that would mean that fracking could be included. Mr. Truelove stated they could add the language “but to exclude hydrologic fracturing.”

Mr. Benedetto commended Mr. Fedorchak, Ms. Bush, and Mr. Truelove for working together to get as much acreage as possible and listening to the discussions. He stated they will be preserving 177 acres of the parcel of approximately 210 to 220 acres, and he feels this is credit to doing what Tom and Alice Patterson wanted.

Mr. Truelove stated some might have a question as to why the 33 to 34 acres have been excluded, and he noted that one area is still subject to litigation. He stated the area where the leaf recycling is done also cannot be included. He stated there are also some other areas where non farm-type equipment may be stored.

Ms. Tyler asked if the Janney-Brown House is contemplated within this Easement, and it was noted it is not.

After further review, Ms. Tyler stated she and Mr. Lewis feel the words “not limited to” should appear in D. Mr. Truelove asked if they should exclude the hydrologic fracturing, and Mr. Lewis stated he does not feel they need that.

Mr. Lewis moved and Mr. Benedetto seconded to extinguish the existing Open Space Easement for the sole purpose of imposing the Agricultural Conservation Easement on the entire area subject to the imposition of the Agricultural Conservation Easement which qualifies for consideration under the Agricultural Area Security Law and changes to the Easement that were part of the discussion tonight.

Mr. Tom Conoscenti, Ginko Lane, stated he appreciates the fact that the changes they requested in August were reflected. He reminded the Board that they set out in this process to maximize the amount of acreage available for the Agricultural Easement, and he wants to make sure that they have maximized what they can under the Easement requirements. Mr. Conoscenti was provided a copy of the map to show what is included.

Mr. Truelove suggested that there be a change to the Motion after “Agricultural Area Security Law,” and the wording be changed to “with changes reflected in the most recent Easement document.”

Mr. Lewis withdrew his prior Motion.

Mr. Lewis moved, Ms. Tyler seconded and it was unanimously carried to extinguish the existing Open Space Easement for the sole purpose of imposing the Agricultural Conservation Easement on the entire area subject to the imposition of the Agricultural Conservation Easement which qualifies for consideration of the Agricultural Area Security Law with changes reflected in the most recent Easement document.

Ms. Bush stated she reviewed this with the County Commissioners today so they knew that the Board was going to be voting on this, and they are prepared to sign on as Easement holders.

#### DISCUSSION OF COMPREHENSIVE MASTER PLAN UPDATE

Mr. Benedetto stated tonight they are only discussing this document, and there will be no vote on this tonight. He stated this was a Draft Plan recommended by the Planning Commission for approval in March, 2015. Ms. Tyler stated the Planning Commission worked on this Comprehensive Master Plan Update for two years, and there was significant public input at those meetings. Mr. Fritchey stated there are three new Supervisors on the Board since that review occurred, and there has also been a considerable turn over on the Planning Commission as well. He stated they are trying to get a sense of where they are going with this document, and there are certain areas they would like to discuss with Ms. Bush.

Ms. Bush stated the Municipalities Planning Code which is the document that governs how you do Planning and Zoning recommends that a Master Plan be updated every ten years. She stated she has been involved in the Township’s last three Master Plans. She stated the County Planning Commission was engaged by Lower Makefield to help update the 2003 Master Plan. She stated they did that by taking the 2003 Plan and doing strike throughs and additions so that the Planning Commission members knew exactly what they were dealing with in 2003 and what was recommended to change in 2013.

Ms. Bush stated the Plan touches on all aspects of the Township including the natural environment which she knows has been very important to the Township over the years as well as water quality and stormwater management. She stated they also looked at the current land use and the development trends, population,

housing, community facilities and services that the Township provides. She stated they also looked at parks and recreation, the Open Space program, and Conservation programs. She stated they added consideration of energy and energy conservation in the latest Plan, and they also looked at historic resources which is also something that has been an important component. She stated they also looked at transportation and what is going on in the surrounding area and the County that might influence the future of Lower Makefield. Ms. Bush stated in general this is a solid Plan in that it takes into account where the Township is now, what forces and factors will impact the Township in the future, and where they want the Township to be.

Ms. Bush stated in order to get as much input as they could, they invited all of the Township Boards and Commissions to come and meet with the Planning Commission over a period of months. She stated they also sent out questions to them to find out what they felt would be important to consider in the future for the Township. She stated they had public meetings which were attended by many people. She stated the document was prepared and recommended for Approval in March, 2015 by the Planning Commission.

Mr. Lewis stated he feels it is a wonderful document for those interested in the history and development of the Township. Mr. Lewis stated the Board has been talking about the O/R Zoning designation in the Township, and the challenge they have now is that there are empty Commercial Real Estate/Business Office Parks that they need to have filled. He stated there is also open land that cannot be developed as Office Parks, and he asked Ms. Bush what she would envision as potential solutions to that challenge.

Ms. Bush stated they highlighted that issue in the document noting the vacancies and the lack of ability to develop the open land. Ms. Bush stated she has thought about this and looked at what the trends in the Plan indicate recognizing that they do not know what will happen in the future although they can make some guesses. She stated with regard to the Township's population, they now have more than a quarter of the population over 65 years old; and the population group of 19 to 34 year olds actually declined so there is a shifting population. Ms. Bush stated there is also a slightly larger percentage of people working at home, and all of these things fit in with more Regional and National trends that they pay attention to at the County. Ms. Bush stated they know that younger people prefer more compact communities, more urban areas, and walkability. She stated they also see a trend away from the corporate employment scenario, and in place of that they see a more freelance economy with more people working at home and more people changing jobs. She stated energy is also changing the economy and transportation is changing adding that younger people are not driving as much and often do not have cars.

She stated they have noticed in Bucks County that some of the strongest communities they see are the Boroughs as people want to be in a place where they can walk to get coffee, etc. She stated these are trends the Township may want to pay attention to in order to keep the good solid community balance Lower Makefield has had over the years. Ms. Bush stated in terms of land use, she knows that the Board has seen proposals for multi-family; and she understands that the Planning Commission saw a proposal for Retail. She stated Industrial and Office are both uses that are struggling.

Mr. Fritchey stated he does feel that they are thinking of all of these things, and the O/R District is a matter of particular interest to himself and Mr. Lewis. Mr. Fritchey stated Mr. Dwyer had sent him a number of articles which indicate that O/R Districts may be becoming passé, and more people will be working from home; and offices, except for large metropolitan areas, become less essential. Consequently the acreage they have designated for O/R may be an over allocation, and they should be looking at other alternatives. Mr. Fritchey stated one of these alternatives might be Residential, and Mr. Dwyer has a proposal for Residential development. Mr. Fritchey stated they might also want to look at some form of light Commercial development being permissible in the O/R District which would be small stores as opposed to big box stores. He stated he feels there could also be some restaurants. Mr. Fritchey stated the fact that Governor Christie is changing some of the tax structures for those working in New Jersey who live in Pennsylvania and vice versa may also impact the calculus of this whole decision.

Mr. Fritchey asked Ms. Bush if she or Bucks County is in a position to tell Lower Makefield how they are doing with regard to O/R in comparison with other Townships in Bucks and Townships in New Jersey. Ms. Bush stated they are looking at this question in relation to the I-95/Pennsylvania Turnpike connection in Lower Bucks County. She stated when that was proposed in 1998/99, the projections at that point were that the connection would spark a huge office boom in that area; and they do not think that is true anymore because the work environment is changing and the office market is very weak with a lot of office space that is not now being used. She stated they are now considering what they should be planning for. She stated they are having people who know about the economy help them with this study to see what is the potential for the area.

Ms. Bush stated she can give a comparison between Lower Makefield and Newtown and their business campus. Mr. Fritchey stated it seems that Newtown is doing better than Lower Makefield in this area. Ms. Bush stated the Newtown Business Campus used to be called the Newtown Industrial Park, and they changed the name and changed the uses that are permitted there and the signs they allowed as well as other things in order to attract different businesses there. She stated they have a much broader list of uses than they did ten years ago, and they have attracted new

users. Mr. Fritchey stated this would therefore be one way that Lower Makefield could go, and Ms. Bush stated they could look at that. She stated they did shift it from just offices to restaurants, day care centers, and more retail. She stated there is some of this in Lower Makefield in the O/R District now. Mr. Fritchey asked if there are other communities like this which might provide similar experience that would be valuable to Lower Makefield, and Ms. Bush stated she would like to consider that further.

Mr. Lewis stated he has been thinking about the mix of housing and the fact that Lower Makefield is losing 18 to 34 year old households. Mr. Lewis stated parts of the Master Plan were written about a year and half ago, and now they are talking about autonomous vehicles which may drive changes in traffic and the desirability of living in a place like Lower Makefield since there would not be a concern about transportation time because you could work while riding; and there could be a mix where both urban and suburban areas do well in that model. Mr. Lewis stated he feels Lower Makefield is well over indexed in single-family homes compared to Newtown Township which has a dramatically different mix of housing. He stated Lower Makefield is also at the highest end with Upper Makefield and Wrightstown in terms of single-family attached properties. Mr. Lewis asked Ms. Bush if they should keep it as it is. He stated he worries when he talks to Relators who say that houses above \$600,000 do not move but houses below \$400,00 move instantaneously. He stated they do not want to have a situation where they have a portfolio of housing that does not match what people want.

Ms. Bush stated she feels these observations are correct about the upper priced housing. She stated she feels even though there have been different Boards of Supervisors, Lower Makefield has had a philosophy about making this a good solid family-type community with lots of resources and attention to the environment which she feels has been a theme throughout the years she has been involved with Lower Makefield. She stated they have had a good sense of what they want to be, and that is in contrast to other communities that will consider a Zoning change every month. She stated if their objective is to modify that a little bit and accommodate a different mix of housing, they can do that.

Mr. Lewis stated the Township is almost fully developed, and they are talking about less than 1,000 developable acres within the Township; and he stated this means that each successive land use decision becomes exponentially more difficult, and this document could state that in general this is where they want to focus on the remaining undeveloped land. He stated they should also consider if there are areas which need to be re-developed although he does not feel the Township has a lot of that.



Mr. Benedetto stated he feels the O/R District needs to be addressed, and he does not feel that doing nothing is an option. He stated he feels there is an unmet need and what Mr. Dwyer had proposed with regard to the apartments does fit in with that need since they already have a lot of single-family detached homes. He stated he would be concerned about opening the entire area up to Commercial, and he does not feel they will ever be competing with Newtown Township although they can develop Edgewood Village to the extent possible. Mr. Benedetto stated he has talked to Realtors, and there is a need for apartments. He stated Polo Run and the other apartment units in the Township are close to capacity.

Mr. Benedetto stated he feels they need to address historic preservation, and he asked if other Townships have a Demolition by Neglect Ordinance. Ms. Bush stated there are some Ordinances like that, but she has not lived through their enforcement. She stated she does not feel there is a problem with having such an Ordinance, and she feels preserving the historic resources like Edgewood Village and some areas is critically important. She stated she feels this is worth looking into, and she could ask some of her sources if they have seen an example of it being implemented.

Mr. Benedetto asked with regard to recreational opportunities, where Lower Makefield is as a community since he feels this is a big attraction for the Township. Ms. Bush agreed that it is a big attraction for the Township. She stated they have found County-wide people always want to see more trails, walking paths, and bike paths; and Lower Makefield is way ahead of the curve on that. She stated all ages can make use of these and are by far the most in demand recreational activity. She stated she often uses Lower Makefield as a model for communities that have implemented walking paths.

Mr. Lewis the County has a Rails to Trails Program, and he knows that there is one Township that is slowing down that process. He stated Lower Makefield is willing to go all the way to the Canal. He asked how far Bucks County is on this and added he wants to make sure Lower Makefield is ready to tie in when that is ready. Ms. Bush stated the County is new in the trails business, but they have created trails inside parks; and about two years ago she suggested that they go outside of the parks with the trails which has resulted in the Newtown Rail Trail. She stated they have done feasibility studies for several other trails, and she will look into how they propose to link in Lower Makefield. She stated the Canal is their longest, most successful trail; and she knows that the Open Space Board approved a connection over to the Canal from elsewhere in the community. Ms. Bush stated there is an overall Greenways Trails map which she can provide to the Township. Ms. Bush asked if Lower Makefield is willing to take the place of the other Township in case the County wants to shift their attention, and Mr. Lewis stated Lower Makefield is ready at any time to extend the path.

Mr. Fritchey asked about the potential of Edgewood Village as a walking village. He stated he has been a member of the National Trust for Historic Preservation for over forty years and is a fan of historic preservation; however, the idea that Edgewood Village will be a 19<sup>th</sup> Century walking village has struck him as “quaint,” and the fact that it has not become that in thirty-five years is a market verdict on the concept. Mr. Fritchey stated the reason he thinks this fails is because villages historically are either industrial or agricultural villages where people live and walk to work. He stated he does not feel there is a core to Edgewood Village because there is no employment associated with the location, and he sees no reason to see that there will ever be any employment identified with this particular location. He stated people living in Makefield Glen right across the street from McCaffrey’s and Giant drive there and even drive from the McCaffrey side to the Giant side. He stated he feels that when people work elsewhere from where they live and are required to have a car, they go everywhere in the car. Mr. Fritchey stated he is concerned that they have clung to this concept out of sentimentality and a desire to be historical that lacks actual viability and perhaps they should abandon the notion that this will ever be a walking village. He stated he agrees there may be properties there that are historically valuable and should be preserved.

Mr. Fritchey stated Mr. Dwyer has come up with a plan to have housing where people could walk a half mile to the Village and McCaffrey’s; however, he does not feel they will walk there because they will be driving somewhere else and will have cars. Mr. Fritchey stated he wonders if it would be utilitarian to accept Edgewood Village for more of what it actually is rather than something more idealized.

Ms. Bush stated she feels that there are some little Villages that do not have employment centers. She stated she does not know how their actions would be different if they abandoned the idea of Edgewood being a walkable Village.

Mr. Fritchey stated he had heard that there would be infill in the vacant spaces, but he questions if they subdivided half acre lots into quarter acre lots that someone would build a small cottage there and what that would look like. Ms. Bush stated she does not feel they want to abandon Edgewood Village; however, Mr. Fritchey stated he is not saying they should abandon Edgewood Village but as a planning vehicle maybe they should not be talking about having a walking village as a modality that they are operating under as he does not see it as being realistic. He stated he feels this is a small area where there are a number of houses that are to some degree historic, and they have enforced an architectural cohesion successfully in some instances and unsuccessfully in others; however he does not see it as being a village in the sense that people will live there and walk to the services and stores they use since it is not their place of employment so there will also be cars and

traffic, and the road system will be stressed. Ms. Bush stated she feels it is important to keep open the option as there are people who do not have cars and she feels people need to have the opportunity to walk if they chose to.

Ms. Bobbie Moore stated she is a Realtor at 1010 Stony Hill Road, and when they go to lunch the only places they can walk to are the Dunkin Donuts or Shady Brook Farms. She stated they love to get out and wish there were more food places around, and she loves the concept of having more restaurants and retail that they could walk to as they do not want to drive. She stated many people who work in her office building also have offices in their homes and elsewhere. She stated she does not feel they need more Commercial buildings for offices.

Mr. Benedetto asked about the Liquor Referendum, and he asked if there is anything in the Comprehensive Plan how this would change their ability to attract certain businesses. Ms. Bush stated she is not sure if they touched on this in the Master Plan, and this is a good question.

Ms. Helen Heinz asked that Mr. Fritchey join some of their meetings so he can be educated on the history of the Village which did start as commercial and there was a rose garden operation there until the 1940s with a massive amount of greenhouses. She stated there were also a lot of the small houses which were homes that the workers lived in so it did have that economic base. She stated it was an agricultural village before that going back to the 1730s. She stated it is an interesting crossroads village and amazing that it survived. Ms. Heinz stated she agrees that these are small houses, but a lot of the younger generation reject “McMansions” in Bucks County, and they are seeking alternative ways of living going back to much smaller residential units. She stated she agrees with Ms. Bush that they also do not all use cars but prefer to ride bikes and walk. She stated they are also looking at sustainability issues and houses with adaptive reuse. She stated in many ways we are poised to take advantage of that, and Edgewood Village could be stupendous.

Ms. Heinz stated if it were connected to the Office/Research, and they developed small satellite villages in the area, they might have something amazing. She stated originally they were planning Edgewood Village to be similar to Peddler’s Village, and that model is still possible with small, little retail shops; but they cannot sell it to developers whose only goal is 3,500 square feet big, box retail. She stated they have tried to explain this to numerous Supervisor Boards. Ms. Heinz stated there are numerous residential streets that have “For Sale” signs, but they do not see those in Edgewood Village because they are being held by people who appreciate that smallness. She stated this is also true for older people who do not want to take care of large properties but still want to stay in the community.

Mr. Fritchey stated he recognizes that all of these villages were villages because there was employment there; but his problem is now there is not employment there, and he does not see the likelihood that there is going to be any core of employment. He stated there is the Patterson Farm and years ago there would have been numerous people living in the Village who worked there but now there is one farmer with equipment. Ms. Heinz agreed; however she added many of those houses are gone, and there is space which is the infill they are talking about where they could put back structures of the same size. She stated this works very well in Peddler's Village although they need a concentrated effort to get that. Mr. Fritchey stated they still would not have employment. Ms. Heinz stated there are a lot of young people who are artisans making things. She stated there is a lot of that in areas like Fishtown in Philadelphia, and they are looking to move out of those areas. Mr. Fritchey asked why that has not happened in thirty-five years. Ms. Heinz stated there are also changes taking place in supermarkets, and they are making them artisan stores with parking in the rear; and she would not be surprised if McCaffreys and Giant did not come in for that kind of a switch. She stated this would then create the streetscape they have been talking about.

Mr. Rubin reviewed the history of the Matrix property which originally was to be a corporate headquarters, next mixed use offices/professional buildings, and eventually a big box property which resulted in community opposition. He stated that area is C-3 and what they have there now is age-restricted housing which was not contemplated when the process of developing that property started in 1992. Mr. Rubin stated even though there is a Master Plan, they cannot see into the future. He stated he feels it is still important to have a Master Plan because if you need a Special Exception it has to conform to the Master Plan.

Mr. Mike Brody, 509 Brookbend Court, stated Peddler's Village faces internally; however Giant and the McCaffrey's have parking in the rear where all the dumpsters are. He stated he does not feel Edgewood Village will ever turn into what they want it to because the two key shopping centers back up to one another and mirror one another. Mr. Brody stated he does not feel they will be bringing in people aged twenty-one to thirty if there are no liquor licenses.

Mr. Bob Dwyer stated there are 123 O/R acres, half of which have been developed, and the rest is Shady Brook Farm and the 14 acres owned by his client. He stated he has tried to make the point that the 14 acre site is in a great spot as it is within walking distance from the Corporate Center and Edgewood Village. He stated he has significant research on O/R in the region. He stated Lower Makefield happens to be one of the worst as their vacancy rates on Township Line Road are higher than Newtown although Newtown also has unsustainable vacancy rates as does much of Central New Jersey. He stated they all recognize that they do not need offices as much as they used to, and companies are moving close to train stations.

Mr. Fritchey stated the information Mr. Dwyer has sent him has been helpful, and he feels there is substantial merit in the observations Mr. Dwyer has made in his correspondence on this particular subject. Mr. Fritchey asked Mr. Dwyer if he feels the recent New Jersey tax issues or the expansion of the Scudders Falls Bridge and I-95 will make any difference; and Mr. Dwyer stated he does not in the short term, although in the long-term the tax changes may influence some migration to Bucks County, but he feels it will take years before anyone knows for sure what will happen.. He stated it is clear that there are millions of square feet of vacant space that would be filled in long before a vacant parcel would be needed. He stated there is a half million square feet of space on the corner where Aria was proposed which is a much better location for O/R because it is closer to the Interchange compared to his client's parcel which is out of the way. He stated he feels this fourteen acre parcel has the opportunity to do something to help the Village as it will put people on the street which will help Edgewood Village develop. He stated he has met with the Business Association, and they are strongly in favor of a Residential use but not a Commercial use.

Mr. Dwyer stated his proposal is to try to introduce a costly connection across I-95 to allow people to walk or ride their bike from the Residential. He stated he agrees that Retail would also work at his client's site; however, he feels it would be a mistake to use it for Retail since it would take potential Retail out of the Village. He stated there is another fifty to sixty acres of O/R which could be developed for a Retail center or a small Village. Mr. Dwyer stated his client's property is too small for a mixed use Retail center. He stated AIG which owns the Corporate Center is fully supportive of a Residential use as is the Lower Makefield Township Business Association. Mr. Dwyer stated Ms. Reiss did express an interest in seeing what a Retail Plan would look like, and he will show that later this evening. He stated Newtown is doing better than Lower Makefield because they have Liquor Licenses. Mr. Dwyer stated there is a missing link in the Township, and the walking path that his client is willing to put in will create a synergy which will help the Village. Mr. Dwyer stated people will walk if there is an interesting path for them to walk along, and he feels walkability will help the Village flourish. He stated he hopes that the Board will not discount what the village planner indicated at a prior meeting.

Ms. Tyler noted Table 18 on Page 40 shows that the O/R is 12. Mr. Dwyer stated he raised that question to the Bucks County Planning Commission planner, Lisa, and she indicated that was the undeveloped acreage. Mr. Dwyer stated he had indicated that Shady Brook Farm is also not fully developed. Ms. Bush stated they view agricultural land not as vacant land waiting to be developed but rather as land being used for agricultural, although that could change in the future.

Mr. Silverman asked why they do not have Liquor Licenses in Lower Makefield Township. Mr. Truelove stated in the 1940s there was a Referendum and the voters approved that Lower Makefield would be a dry Township. He stated they are the only dry Municipality in the County. He stated the only way to undo that is to go through a Referendum process which can be done every odd year in a Primary. He stated in order for that to happen, there needs to be a sufficient number of signatures to have it put on the Ballot during a three week time period in February/March. Mr. Silverman asked if they are planning on doing this. Mr. Truelove stated this is not something the Township itself initiates, but there has been consideration by others in the past to do this; and he feels there is also an effort to do it again.

Mr. Benedetto stated there is an effort underway to get this on the Ballot, and he believes the Lower Makefield Business Association is working on this. He stated they need to have 3,401 signatures to get it on the Ballot, and they will be coming before the Board of Supervisors with a presentation on repealing the ban and what their marketing campaign will look like. Ms. Tyler stated it is a tremendous hurdle to get that many signatures in that short period of time. She stated the last time they tried it, they were thwarted by weather.

Mr. Silverman stated he also heard mention of a Demolition by Neglect Ordinance, and he asked if the Township does not have one; and it was noted the Township does not. Mr. Silverman asked if there is not an Ordinance that requires people to paint their houses, and Mr. Truelove stated there is Property Maintenance Code that addresses some issues, but there is not a Demolition by Neglect Ordinance.

Mr. Silverman asked why the buildings in Edgewood/Woodside are about to fall to the ground. Mr. Benedetto stated he feels it is due to the lack of enforcement of the Property Maintenance Code. Mr. Silverman stated he feels the Supervisors should get the Code enforced. He stated he is also appalled at the width of Stony Hill Road in that area and the large traffic island that exists there now.

Ms. Heinz stated that the white house on the corner in Edgewood Village was a tavern in the 1800s, and the Palmer House was a speakeasy so there is a tradition of imbibing in the Township.

Ms. Tyler asked what else the Board of Supervisors should look at when reviewing the Master Plan that they did not discuss this evening. Ms. Bush stated the Economic Development Commission has been working on a survey, and there may be information that comes out of that which could result in something that needs to be updated. Mr. Conoscenti stated they conducted a business survey again this year, and this year they mailed out 400 hard copies, and got a 27% response. He stated the combination of the printed and on-line responses are being compiled, and they would like to do an update during an upcoming Supervisors meeting.

Mr. Conoscenti stated different things emerged this time in the responses, and he stated last year there were a lot of references to the benefits of roadways, transportation, and the attractiveness of nearness to customers; but this year there were different responses some of which got involved with Planning and the Ordinances.

Mr. Benedetto asked if they have to go back with the Master Plan to the Planning Commission if there are changes made; and Ms. Bush stated she does not feel they have to go back technically, but if there were changes the Supervisor Liaison could provide them with information about the changes. She stated the Township solicitor knows about the process for proceeding with the formalities of the Master Plan.

Ms. Bush was thanked for the assistance she and her office provided in the preparation of the Master Plan.

Mr. Truelove stated the Board met in Executive Session beginning at 6:45 p.m. and they discussed items involving Real Estate, open space, and Township transactions.

#### DISCUSSION OF INFORMAL SKETCH PLAN OF CAPSTONE TERRACE

Mr. Bob Dwyer was present and stated as a result of the presentation for Residential over the last several months for this site, some of the feedback they received was that they should consider looking at Retail. He stated he had indicated that a mixed use Retail/Residential would not be possible on fourteen acres, but they would consider straight Retail.

Mr. Dwyer stated they have developed two Sketch Plans that comply with the neighborhood Commercial C-1. He stated this property could have a 52,000 square foot anchor and 21,000 square feet of in-line Retail, a restaurant pad, and a bank as shown on the Sketch he presented this evening. He stated there would be two entrances one fairly close to Stony Hill Road that would meet PennDOT standards at the same location they had for the Office and another entrance across from Shady Brook Farm. Mr. Dwyer stated the type of Retail they feel who would be interested to locate here would be grocers and some other Retail uses. He stated if there were Liquor Licenses, the project would change significantly, and there could be more than one restaurant if they had sufficient Liquor Licenses. Mr. Dwyer reviewed a number of potential Retail users but added they have not gone out to market it. He stated they know that there is interest in a shopping center although he does not feel Mr. McCaffrey or Mr. Troilo would be interested in having Retail at this location, and they would encourage them to have Residential at this location.

Ms. Tyler stated there will be a Slate Hill Cemetery tour on October 29 from 3 p.m. to 8 p.m. She stated they are still looking for volunteers who wish to be involved.

Mr. Fritchey stated during the month of October Phase II plantings should be completed at the Arboretum in Memorial Park, and Phase III should be installed shortly. Mr. Fritchey stated the Sewer Authority received an extensive report from the Township's sewer engineer who reported that DEP's number one priority is resolution of problems involving the Neshaminy Interceptor. He stated the reconstruction of the Morrisville Municipal Authority's treatment plant has been pushed to the back burner, pending resolution of the Neshaminy Interceptor which they expect to be resolved by the end of the year. Mr. Fritchey stated the Township sewer engineer has contacted a number of wastewater treatment plant vendors to visit the MMA current site, and the preliminary reports he has received suggest that a new plant could be built on the footprint of the existing plant.

Mr. Benedetto stated the Zoning Hearing Board approved the Artis Senior Living request for Variances and Special Exception.

#### OTHER BUSINESS

Mr. Benedetto read an e-mail he received from Ms. Valerie Mahalik thanking everyone for their help with the 9/11 evening Remembrance in Light ceremony. Mr. Benedetto stated Ms. Liney, the Park & Rec crew, Mr. Fedorchak, Chief Coluzzi, and the Police Department did an incredible job the entire weekend; and he thanked everyone for their efforts and dedication. He stated all three ceremonies were incredibly moving and were a credit to the people who planned them.

Ms. Tyler stated the template they set up this year for the three ceremonies worked, and she is hopeful that this will be the path forward should both of these groups wish to have multiple ceremonies. Mr. Fritchey agreed adding the three different ceremonies attracted three different constituencies any of whom would feel they had lost something if there was only one ceremony which was not theirs.

Mr. Benedetto stated they closed on the Jennings Tract on Monday. Ms. Tyler stated the Township now owns three acres. Mr. Benedetto stated the Township engineer went out and did a survey of the property, and they will have the Public Works crew clean up the path so people can clearly understand that this is Township owned property to access the Canal.

Ms. Tyler asked Mr. Fedorchak to make sure Public Works has a Cemetery clean up scheduled prior to October 29.



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APPOINTMENTS

Ms. Tyler moved, Mr. Fritchey seconded and it was unanimously carried to re-appoint Paul Roden to the Environmental Advisory Council.

There being no further business, Mr. Fritchey moved, Mr. Lewis seconded and it was unanimously carried to adjourn the meeting at 11:30 p.m.

Respectfully Submitted,



Kristin Tyler, Secretary

