

A special meeting of the Northampton Township Board of Supervisors was called to order at 7:15 PM. The purpose of the special meeting was to hear a presentation by the Provco Pinegood Northampton for the WaWa presentation.

Members of the Board of Supervisors present were:

Adam Selisker
Eileen Silver
Dr. Kimberly Rose
Frank O'Donnell

Members of the Board of Supervisors absent were:

Barry Moore

Others present were:

Robert M. Pellegrino, Township Manager
William Wert, Assistant Manager
Joseph Pizzo, Esq., Township Solicitor
Amanda Fuller, Township Engineer
Joe Desantis, Township Traffic Engineer

PLEDGE OF ALLEGIANCE

Chairman Selisker led the Pledge of Allegiance and a moment of silence.

NEW BUSINESS

Consideration of Preliminary Final/Plan of Subdivision and Land Development – WaWa (application of Provco Pinegood Northampton, LLC), SLD 20-2, 287 Holland Road

Chairman Selisker opened the hearing at 7:31 pm.

TOWNSHIP SOLICITOR'S OPENING REMARKS

Mr. Pizzo stated the Board will be hearing the application from WaWa/Provco Pinegood Northampton. Since the application has made its way into the Township and went through the review process and it was made aware to the Board of Supervisors that it would be up for consideration, Mr. Moore approached the Township Solicitor and shared he believed he might have a potential conflict of interest arising from his business. At this time approximately a year or so ago, the matter was discussed, and the nature of the potential conflict was discussed and it was decided at that time should the application ever come before the Board of Supervisors Mr. Moore would recuse himself from participating in the hearing and from voting on the application. Now that the Board has reached that stage in the process that the application is formally before the Board of Supervisors for action and their consideration the record should reflect

Supervisor Moore has recused himself from participating in tonight's hearing and has recused himself from voting on tonight's application.

The record should also reflect for the last several months the Supervisors have been conducting the meetings in what is trusted to be a Covid compliant environment with the seating in the room socially distanced up on the Dias and in the meeting room with the people in the audience. The Township also set up at that time a secondary overflow room within the Township Building where residents and participants who wish to observe the meeting and if there wasn't space in the large meeting room could watch and observe the meeting when the Board gets to the point in the meeting where there are public comment members of the public who wish to speak whether they are in the main room or the secondary overflow room will have the opportunity to do. At the time when the meeting was supposed to start there were varying opinions within the room as to whether the Supervisors should continue to hold the meeting under these circumstances. None the less the meeting is going to be held under these circumstances. However, one of the Township residents wished to lodge a "formal" complaint or a formal protest that the meeting is being conducted without every single member of the public being present in the meeting room. The objection has been duly noted and is made part of the official minutes.

CHAIRMAN'S OPENING REMARKS

Chairman Selisker reiterated that during the last several months and the uptick in positive Covid testing, the Board has instituted social distancing in the room and mask-wearing. Two secondary rooms are available for overflow. The meeting is on two televisions in the overflow rooms. Chairman Selisker also noted everyone will be allowed to speak and accommodations have been made for residents to send in their comments via email to public comment where their comments will be read into the record.

Chairman Selisker outlined the order for the meeting.

As a reminder all questions will be directed to the Chair, state your name and address for the record, residents' comments will be limited to three (3) minutes, and Chairman Selisker also asked speakers to not be repetitive to make the meeting flow in a productive timely manner.

- WaWa/Provco will make their presentation
- The Board of Supervisors will make their comments
- Public Comment will be taken
- After all public comment has been taken; the Board will make a motion and take a roll call vote on the project

Chairman Selisker deferred to Mr. John VanLuvanee, Esq., Eastburn and Gray, Attorney for the applicant.

Mr. VanLuvanee introduced the following persons associated with the project being presented:

Michael Cooley, Owner/Applicant, Provco Pinegood Northampton LLC.

Michael Jeitner, P.E. Bohler Engineering, Applicants Engineer

C.J. Bock, P.E. Bohler Engineering, Applicants Engineer

Mr. VanLuvenee briefly outlined the project as follows:

Located adjacent to the west corner of Rocksville and Buck Roads with frontage on Holland Road, the proposal is to subdivide 5.591 acres into two lots of 2.374 (Lot 1) and 2.542 acres (Lot 2). A one-story single-family home is to be removed. The lots are to be split by a new public street that would connect Holland Road from its intersection with Rocksville Road to Buck Road at the driveway intersection of the Pheasant Valley Shopping Center. A 5,585 square foot retail store with fuel sales is proposed on Lot 1. Public water and sewer will serve the site.

The subject property is located in the C-2 - General Commercial/Office District in the Village Overlay, which permits retail uses by-right on lots that have a minimum lot area of 15,000 square feet and a minimum lot width of 75 feet.

The Board reviewed the following correspondence:

1. Waiver Letter- Bohler Engineering - September 3, 2021;
2. Gilmore Associates - Review letter - September 21, 2021;
3. Pennoni Associates - Review letter - September 15, 2021;
4. McMahon Associates - Review Letter - September 17, 2021;
5. Northampton Township Planning Commission Memo -April 15, 2021;
6. Bucks County Planning Commission - Review letter - March 13, 2020;
7. Copy of the Plan

The review period for this application expires on November 30, 2021.

Mr. VanLuvenee stated all review letters have been reviewed and all requests required in these letters are will comply on behalf of the applicant.

It was also noted for the record the number of gas pumps would be reduced from 16 pumps to 12.

Chairman Selisker called for Board comment.

Mr. O'Donnell questioned waivers #4, #7, and #11. Discussion ensued with the applicant's engineer and their solicitor. Mr. VanLuvenee stated these waivers fall under operational and technical and are needed to build in this location.

Dr. Rose questioned if there would-be electrical charging stations for cars to reduce the carbon footprint. The Engineer for WaWa./Provco stated they will be reaching out to Tesla as that is the company that authorizes and places charging stations at all of the WaWa's.

Dr. Rose questioned the hours of operation and delivery and noted Federal law states a truck cannot idle for more than 5 minutes. The WaWa representatives responded the Township can restrict the hours of delivery. It was noted the Board has the ability as part of the motion to restrict delivery times.

Chairman Selisker questioned where the dumpster would be placed, how often would fuel be delivered, environmental studies, and stormwater and flooding issues.

The WaWa/Provco representatives responded the dumpster would be closed and be just like any other WaWa you would see. Fuel is typically delivered once a day. The representatives stated they are not aware of any environmental studies but the fuel system is a closed system, so vapors go back into the truck, not into the environment.

Mrs. Fuller noted the applicant WaWa/Provco must comply with the Department of Environmental Protection and with all Township Ordinances related to stormwater management. Mrs. Silver asked if the Addisville WaWa project had to improve their stormwater system and Mrs. Fuller confirmed that they did. Mr. VanLuvanee confirmed the comments made in the Gilmore review letter are all will-comply.

PUBLIC COMMENT

The following individuals spoke in opposition to the project, citing the following concerns: Traffic concerns and complaints, motorists using existing neighborhoods as cut thru's, quality of life, increase of crime, decreased property values, loss of privacy, the danger of benzene, and cancer-causing agents, and environmental problems.

Opposed to the Project

- **In-Person**

Dr. Barry Kroll, 39 Hope Road

Judy, Kroll, 39 Hope Road

Bob Pearson, 11 Sawmill Court

Pam Duffey, 125 Hope Road

Robie Greaux, 724 Buck Road

- **E-Mails read into the record.**

Mark Routzahn, 78 S. Timber Road

Susan Makrauer, 27 Rocking Horse Way

Kevin and Karen Fean, 28 Swallow Road

Diana Leferovich, 30 Brianna Road

Robert Cherkin, 51 Netherlands Drive

- **In-Person**

James Cohen, 431 Netherlands Road

Silvio Cruz, 327 Buck Road

Brett Duffey, 125 Hope Road

Allissa White, 27 Wood Road

Clement John, 8 Kings Way

Diane Marrazzo, 2423 2nd Street Pike, Newtown

Jerry Duffey, 125 Hope Road

- **E-Mails read into the record.**

Joan Marie Palmer, 225 Heron Place

Cynthia Bergamini, 6 East Rambler Drive

Kenneth Moore, 85 Sydney Road

Jeffrey Gwynn, 70 West Rambler Drive

Chris Nyce, 19 Hope Road

- **In-Person**

Shane Duffey, 125 Hope Road

Carol Reifsteck, 54 Twist Drive

Barb Scannopieco, 75 Hope Road

Dr. Arvind Cavale, 90 Hope Road

- **E-Mails read into the record.**

Roman Gurevich, 180 Rocksville Road

Keith Campagna, 202 Fairhill Drive

Irene Blikh, 121 Hope Road

Lana Blikh, 125 Maureen Road

Bianca Charnis, 105 Hope Road

- **In-Person**

Sharon Furlong, 133 Bristol Road, Feasterville-Treose

Tom Bucher, 669 Holland Road

John Muccioli, 148 Wooden Bridge Road

Mark Gribman, 121 Hope Road

Charles Chak, 74 Lakeview Drive

- **E-Mails read into the record.**

David and Jill Kerr, 216 Rocksville Road

Gary Charnis, 105 Hope Road

Lana Charnis, 105 Hope Road

Matt Scannopieco, 23 Hillcroft Road

Peter & Terry Sikora, 478 Rocksville Road

- **In-Person**

Dennis Williams, 16 N. Marmic Drive

Joan Chak, 74 Lakeview Drive

Volodimir Romaniuk, 147 Hope Road

- **E-Mails read into the record.**

Robert & Clare Casselberry, 295 Rocksville Road

Brendan Anapolsky, 189 Monroe Court

Essie Cherkin, 51 Netherlands Drive

Joseph Lutes, 210 Forrest Drive

Erik Lehmann, 57 Schoolhouse Road

Dave Scannopieco, 23 Hillcroft Road

Chris Holzner, 148 East Rambler Drive

- **In-Person**

Ilya Breyman, 290 Holland Road

Suzanne Klause, 24 Ronald Drive

Joanne McGovern, 345 Buck Road

Tom Derkits, 345 Buck Road

- **E-Mails read into the record.**

Jibek Madiarova, 300 Holland Road

Jay Bowen, 108 Hope Road

Kim Sweeney, 462 Buck Road

- **In-Person**

Shreekant Kelkar, 16 Hope Road

Recess

Chairman Selisker called for a recess at 10:50 pm. The meeting reconvened at 11:00 pm.

- **In-Person**

Michael Torrente, 502 Buck Road

Christine Richardson, 64 West Rambler Drive

- **E-Mails read into the record.**

Susan McAndrews, 101 Mallard Road

Wayne Mills, 90 Mallard Road

Anne Rosso, 245 Sydney Road

- **In-Person**

Karen Cavalli, 124 Hope Road

Joe Burkheimer, 361 Buck Road

Reji Thomas, 140 Hope Road

- **E-Mails read into the record.**

Pam McCullough, 282 Holland Road

Stacy Williams, 16 N. Marmic Drive

Nicholas Rosso, 245 Sydney Road

Troy Duffey, 125 Hope Road

Chairman Selisker questioned the applicant's attorney Mr. VanLuvinee if he would like to respond to any of the questions or comments made at tonight's meeting. Mr. VanLuvinee stated they will not be providing a rebuttal due to listening to three hours of comments opposing the application.

Township Solicitor's Closing Remarks

Among the items reviewed by the Board and made available to the Board tonight as part of this hearing are as follows:

- Waiver letter received by the Township from Bohler Engineering dated September 3, 2021,
- Gilmore and Associates review letter dated September 21, 2021

- Pennoni Associates review letter dated September 15, 2021
- McMahon Associates review letter dated September 17, 2021
- Northampton Township Planning Commission memorandum dated April 15, 2021
- Bucks County Planning Commission review letter dated March 13, 2020
- The application plan set specifically for tonight's meeting but not limited to a copy of the site plan which is sheet #C-301 which is sheet 6 of 37 of the plan set for this project last revised September 3, 2021
- Copy of the Holland Village Master Plan
- Photographs and photographic renderings offered by the applicant and prepared by 3GHC Architects and totaled 9 photographs or images of the potential development
- All conditions and recommendations incorporated with the motion and minutes are subject to the Township Solicitor's denial letter regarding the WaWa/Provco application.

A motion was made and seconded (O'Donnell-Rose) to move for denial of the preliminary/final plan of subdivision and land development for WaWa, SLD 20 -2, due to the outstanding items in the Township Engineer's review letter dated September 21, 2021, the Township Planner's review letter dated September 15, 2021, and the Township Traffic Engineer's review letter dated September 17, 2021. In addition, the requested waivers are denied as identified in the Bohler Engineering correspondence dated September 3, 2021.

Chairman Selisker called for further Board comment.

Mr. O'Donnell explained the definition of waivers and raised concern over making changes to the streets and doesn't support the realignment of Holland Road.

Dr. Rose also stated she doesn't agree with this request for Holland ReDevelopment.

Mrs. Silver commented and clarified several items of misinformation. The closest house is 212 feet to this proposed site, improvement of the intersection should happen first, Bridge over the Millcreek needs to be fixed. PennDot is looking at widening the bridge. Mrs. Silver stated she was saddened by the treatment of some of the residents during this process. This Board has accomplished many wonderful things over the years and the actions towards the Board were not pleasant.

Chairman Selisker stated no prior decisions were made on this project, protocols were followed, and the Board as a whole was not treated very well during this process.

Chairman Selisker called for a roll call vote on the motion for denial of the submitted WaWa/Provco plan.

Frank O'Donnell	Yes
Dr. Kimberly Rose	Yes

Adam Selisker	Yes
Eileen Silver	Abstain
Barry Moore	Not Present-Recused

Motion Passed 3-0-1.

Chairman Selisker closed the hearing and adjourned the meeting at 11:58 pm.

Respectfully Submitted

Frank O'Donnell, Secretary