

ACTIONS NEEDED AND IMPACTS OF THE BPG/TWP SETTLEMENT AGREEMENT

The good news is the BPG/TWP Settlement Agreement (SA) is not a done deal! **Here is what you can still do about it: (1) Attend the BOS September 11 Meeting starting 7:00 pm at the High School, (2) SAY NO to the Settlement Agreement and BPG's "City-like" proposals**

The biggest concern and issue echoed by residents is the fact we have been kept in the dark for months and only given snippets of information regarding the consequences for residents of BPG's demands to resolve the lawsuit against the Township and to rewrite our ordinances to allow a "City" in our midst.

Last year at the July 2007 meeting at the Gauntlet Center, Chairman Joseph Catania listed a series of concerns compiled from each member of the Board of Supervisors (BOS) regarding the BPG Town Center model and sketch plans. The main issues at that time were: Density, Traffic, Costs, Quality of Life, and Economic Viability. Today, not only do these issues remain, they are worse than what they were a year ago as reflected in the current BPG/Twp **Settlement Agreement (SA)** dated July 31, 2008.

DENSITY

- **Density issues that drive the remaining issues listed above are still problematic.** Hotels and mixed use buildings (e.g. residential/retail) can be five stories or 65 feet high, non-residential buildings can be 4 stories high or 60 feet high, but may include up to 27 additional feet of steeples, unoccupied towers, etc. Moreover, provisions are made to include police and fire stations, municipal and post offices, EMS services, and transit facilities on the Town Center Sector. Standards, like those proposed, are requirements reflective of those found in "City-like" environments not in suburban environments. The Settlement Agreement, if approved, becomes a legal outcome that can be changed only by the BPG "Entities" not the BOS.
- **The current SA includes three "Box-like" buildings totaling 165,000 sq ft with two accompanying structured parking garages in the Town Center Sector.** These three buildings are only slightly smaller than those presented Fall '07 in BPG's "Crossroads" By-Right proposal for three "Box" stores totaling 202,000 sq ft. This effectively gives BPG rights to potentially build the Town Center and the "Crossroads" By-Right proposal on the Sector designated for the Town Center.
- **It is folly to believe the majority of our residents want the density of a "City", retail with 3 levels of residential units or offices or a Hotel above, structured parking garages, or a "skyline" in close proximity to our residential community.**
- **What is now clear is that the Town Center model, sketch plan, and marketing presentation are nothing more than a Trojan Horse for the Pied Piper to lead the unwary.** The BPG "Entities" tune is offering pleasing architecture, upscale stores, restaurants, and a skyline for "Identity" in the Town Center Sector while the real intent is to eventually build a "City" on portions or all of the 219 acres sporting a mixed office and retail/residential combination with a total of 100 residences and 310 residential units to start. The SA spells out what is really in the belly of the beast.

TRAFFIC

- **Traffic increases from the density from the Town Center Sector alone will bring an additional 24,000 new cars daily or over 8,000,000 cars a year.** These results are from a Pennoni Associates, Inc. memo dated July 9, 2008 summarizing information from BPG traffic studies done by their consultant, Traffic Planning and Design, Inc.
- **The Township's study conclusions and Pennoni Associates \$34M price tag grossly underestimate the traffic from the new Town Center Sector and therefore underestimate BPG's \$8.6M "fair share" before even factoring in traffic from Sectors 2, 3, and 4.** Realize, BPG's new fair share determined by the Pennoni formula would be significantly increased beyond the \$8.6M estimate. However, the SA provides that BPG would not be responsible for any additional traffic studies or costs in the future - even though now over 75% of the new traffic costs will come from the Town Center Sector alone. Note also that the \$8.6M BPG offer is to design and construct their internal loop road, Clyde Lane, Winding Way, and selected Route 3 improvements and not necessarily actual dollars. Any monies left over must be used for other traffic improvements on Route 3 or Route 252 within five years or else be returned.
- **Not only are the major improvements and Cost estimates recommended by the McMahan 2007 study for Newtown Township woefully inadequate but the significant new traffic improvements, which are also needed in Townships that surround Newtown Township to handle and support such growth and traffic, may not be feasible.**
- **Bordering Townships have not been made aware of the need for their involvement to address the traffic problems that will come from the development of a "City" in Newtown Square.** To date there is no evidence to suggest that bordering Townships would undertake significant road improvements in parallel with Newtown Township or that discussion among the Townships is underway.

INDIVIDUALS CONCERNED FOR NEWTOWN SQUARE

www.IC4NSCA.org

Address questions to president@ic4ns.org

P.O. Box 405, Newtown Square, PA 19073

- **Newtown Township was told it will not receive major construction funding on State roads anytime soon and is not even on the State's 12-year plan.** In addition, the Township has no plans for making major improvements to roads within the Township, except those offered by BPG that will require acquisition of rights-of-way which are always problems.

COST INFORMATION NEEDED

- **Increased costs to residents will come from increased initial and recurring costs for police, fire, EMS, administration and other public systems such as road maintenance and sewers.** The information needed includes: costs to the Township's public service systems; tax implications to the residents; the Township's updated plans to address the traffic from all the major developments; health, safety and welfare issues; environmental impacts on our residents, flora, fauna, and historical sites from stormwater, air, noise, etc.

QUALITY OF LIFE

- **Increased initial and recurring taxes, service and sewer rates, and Quality of Life issues resulting from the traffic impacts and sewers on residents' health, safety, and welfare as well as its impact on surrounding natural environments and historic buildings were not considered seriously or sufficiently discussed and remain very important issues.**

ECONOMIC VIABILITY

- **Conditions for Economic Viability are clearly worse today.** The media runs stories almost daily of retail and home bankruptcies and other retailers making severe cut backs throughout the country. This year alone Sharper Image and Boscov's have announced bankruptcies. A July 17, 2008 article in the Wall Street Journal titled "Too Many Malls, Too Few Clients" indicated the deteriorating state of retail. Studies show the supply of retail space available now exceeds demand and will not equalize until early 2011. A more recent example is Whole Foods, who on August 6, 2008 announced it is cutting 50% of its planned new store openings. BPG claims they have a long list of tenants and letters of intent (LOI) from them. Has the Township seen these LOIs or any of the marketing studies from the larger tenants or are they taking BPG's word at face value?

WHY ARE WE BEING TREATED LIKE MUSHROOMS?

- **The biggest concern and discontent echoed by residents is the fact we have been kept in the dark for months and only given snippets of information regarding the consequences for residents of BPG's demands to rewrite our ordinances to allow a "City" in our midst.** There is almost always cryptic or missing, and last minute agenda information provided for Board of Supervisor meetings; and, when finally advertised, usually late in the day of the meeting, it makes it virtually impossible for residents to plan to attend. Also, with the exception of the new year's first reorganization meeting, the planning commission did not approve, until recently, final meeting minutes since August 2007 and therefore the records of these meetings were for the most part unavailable to the public during the period. Lacking specific and timely information, the public is prevented from providing rational input to the process or at the various Township meetings.

TOWNSHIP GIVING UP DECISION-MAKING AUTHORITY

- **The residents and the BOS they elect and their successors will no longer be able make final decisions about developments on BPG's property according to the Township "Code".** The Township is being required to modify, eliminate, or provide exceptions to requirements in some or all ordinances which interfere with BPG's proposed Town Center/Sector Standards (e.g. Ch 134 on Steep Slopes is eliminated).
- **Even though BPG will have the right to make changes to their Master Plans to reconfigure buildings and roads and demolish some existing buildings, including the new Medical Building, the Township will agree to changes at preliminary and final plan applications notwithstanding non-compliance with "Other Governing Ordinances" and upon approval by the Township Engineer. During land development, if both sides cannot agree, then a 3rd party "Independent Engineer" will make the final decision.**

ACTIONS NEEDED NOW

HERE IS WHAT YOU CAN STILL DO ABOUT IT:

- (1) Attend the currently scheduled September 11 meeting starting 7:00 at the High School and let your voice be heard.
- (2) Go to www.ic4ns.org for an 8 pg summary and a full copy of the 53 pg current Settlement Agreement.
Share and discuss this attachment and the Settlement Agreement with your neighbors, so you and they know the facts.
- (3) **SAY NO** to the Settlement Agreement and BPG's "City-like" proposals.
- (4) Send an Email to president@ic4ns.org with your comments. I will put it in a binder to be given to each BOS member.
- (5) **OR**, write your comments to the Chairman: Joseph Catania, 8 West Front Street, Media, PA19073 and send a copy to IC4NS, attn: President, P.O. Box 405, Newtown Square, PA 19073. I will also bind and give to each BOS member.