

Letters To The Editor

Concerns About Newtown Square And The Plans Of BPG

To the Press

At the Newtown Supervisors July 9th meeting, the chairman requested comments to the many concerns raised by most members on the Board regarding several issues surrounding BPG's proposed development. This letter is a response to that request and offers additional concerns not mentioned previously that need further open discussion with residents.

BPG has requested the rezoning of its property located on the Ellis Tract to permit the construction of a "town center". If this proposed rezoning is approved, it will be a history-making and controversial decision for Newtown Township and in many ways would be very destabilizing to Newtown Square for a number of significant reasons.

1. The town center concept is high risk - it is not a proven development scheme in this region. Its site location and density are extremely questionable given the mature, highly developed nature of Newtown Township. (2) BPG has requested a change in zoning for significant acreage (30-35 acres) which will require a change from the present SU-1 classification, a category which is restricted by numerous land use protections, to a commercial classification which has no standard use controls.

This is a significant request mainly because it will be irreversible. Moreover, if the zoning change is granted, it will be a huge windfall for BPG. The value of its land will increase exponentially immediately by virtue of its change from SU-1 to commercial since a commercial designation permits many more and varied uses than SU-1. What is the quid pro quo to Newtown Township and its residents for this vast benefit should BPG's request be granted?

SU-1 zoning only permits the following uses: (i) scientific research laboratories - provided there is no production/storage of chemicals, (ii) offices for administrative, executive, governmental and professional and/or health-care uses (outpatient only), (iii) R-5 residential uses (housing for the retired/elderly) and (iv) golf courses.

Furthermore, the current SU-1 classification provides for numerous land use controls which will be abandoned if the site is changed to commercial. For example, SU-1 was established as a buffer zone between residential land uses and other more intense uses or to reflect certain geographic features. Moreover, any building/development of an SU-1 tract must meet certain conditional

use requirements such that the development may not (i) have a detrimental effect on residents in the immediate vicinity, (ii) burden streets, sewers, schools and public services, (iii) add undue congestion or interfere with normal traffic patterns, and (iv) diminish the property values in adjacent locations. There are no similar requirements in commercial zoning.

2. There will be a major increase in traffic which will be above the already existing saturated capacity of Routes 3 and 252 and many of the surrounding intersections as shown by the 2006 and 2007 Newtown Square Master Planning Traffic Studies. What plans have been devised as a result of these two Traffic Studies? Are the next steps recommended (p. 86) in the 2007 Traffic Study in process or in some stage of completion? To date, we residents know of none.

The improvement costs (pp. 34-84) in the 2007 Traffic Study have been estimated to be in excess of \$20 Million excluding engineering fees, utility relocation, and right-of-way acquisition costs. Since the study states (p. 85) that the Township must consider a system of phased improvements to be implemented over a period of time, time value of money calculations will also be necessary to properly account for the positive and negative cash flows. Moreover, significant escalation of material costs over the period must be considered since these costs are currently rising and are projected to continue to rise due to massive purchases by China, India, and Latin America over the 10 year period from 2007 to 2017 used in the study. As noted in the study, the particular challenge will be right-of-way and property acquisition costs for certain roadway improvements. These costs are difficult to accurately predict given the recent changes in Pennsylvania law which limit "takings" or the exercise of eminent domain powers for the purpose of private development. If this analysis is applicable to this situation, the costs might be prohibitive if the Township must obtain the agreement (for a cost) from property owners in order to acquire land or buildings for the road improvements/expansions. Further, this ignores other major costs associated with development such as public sewage systems, (storm water and sanitary sewers), water supply, etc.

Moreover, the increase in traffic has significant impact on the health, safety, and welfare of the community. There will be a significant increase in air pollution from the increase in car traffic stopped

at intersections and stalled in traffic and will nullify the benefit of walking trails in the vicinity - there is little incentive to walk close to traffic congestion. From a safety perspective, it will be much more difficult to walk or to ride bicycles within the local community since there will be a significant increase in pass-through traffic on the side streets (according to the Traffic Studies) to avoid the congestion of the "Feeder Streets" to the proposed town center. This is particularly important with respect to the local elementary school, Culbertson and the K-12 Delaware County Christian School, since they are located on Goshen Road - one of the roads most adversely affected by the increased traffic and the potential of "road rage".

3. As proposed, the rezoning will permit the co-location of two Town Centers within the same township, a mere 1-2 miles from each other resulting in questionable economic viability.

There are a number of significant considerations regarding the sustainability or viability of the town center concept on the Ellis Tract. First and foremost, it is far from a proven fact that the uses will be sustainable. What happens to the center when the merchants leave should their businesses fail? Even if merchants sign long term leases, there is nothing that stops the businesses from "going dark" or closing their doors if economic expectations are not met. Furthermore, it is not customary for the proposed merchants identified by BPG to sign long term (20 year) leases. Additionally, grocery stores such as Whole Foods have early termination or "kick out" provisions where they can close their doors on as little as 24 hours notice. An example of this is the Fresh Grocer (high-end grocery store) in Villanova that recently went dark (closed its doors) within its first year of business.

4. The town center plan proposes to place residential units atop retail stores, a use virtually unproven and foreign to this region. What is the probability of success for such use since there is no history of such use in Newtown Square? If these units fail to be economically viable, what will happen? Possibly, they may be transformed to apartments where residents may have a significant number of children to add to the school rolls, yet such residents will not be contributing to the Township's property tax base since they do not own their homes.

5. Density as proposed for the Town Center is a major concern. BPG proposes to construct significant improvements (45 retail establishments, 12 or more restaurants, one (maybe two) hotels, a "big box" (Whole Foods) - yes, there is a "big box" in their Town Center proposal also, residential units and attendant parking in a very small area (30-35 acres). In comparison to the useable acreage available for development at the site, the density is very high by any number of measures. Moreover, in comparison to the improvements permitted under a By-Right plan, the density is significantly greater.

6. Aesthetic concerns are also an issue. BPG's unwillingness to architect an aesthetically pleasing "big box" By-Right plan in contrast to

their proposed "big box" Whole Foods is highly unusual.

Because the foregoing changes are uncharacteristic with the surrounding neighborhoods and will have many destabilizing and negative impacts on Newtown Township, we agree with BPG and Board representatives that more public, open discussion on these vital issues is both necessary and required. BPG appears to have overstated the benefits of the Town Center but has barely addressed the collective real costs impacts associated with the development of the Town Center. A frank and open discussion is needed with Newtown Township residents to discuss in detail these major impacts and costs, as well as property ramifications and the staged phasing of roadway improvements over time as recommended in the Township's 2006-2007 Traffic Studies. The detailed costs from the impacts on all the other public service systems are needed also. On this we should all agree.

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Individuals Concerned
For Newtown Square