

HEARING BEFORE THE HILLTOWN TOWNSHIP  
BOARD OF SUPERVISORS  
PUBLIC HEARING  
BUCKS COUNTY, PENNSYLVANIA

- - -

RE: McGrath Homes Re-Zoning Request

- - -

Tuesday, November 21, 2006

- - -

Hilltown Township Municipal Building  
13 West Creamery Road  
Hilltown, PA

- - -

JACK McILHINNEY, Chairman

RICHARD MANFREDI, Vice-Chairman

BARBARA SALVADORE, Supervisor

KENNETH BENNINGTON, Manager

C. ROBERT WYNN, Engineer

- - -

COUNSEL PRESENT:

FRANCIS X. GRABOWSKI, ESQUIRE  
Solicitor

THOMAS HECKER, ESQUIRE

for the Applicant

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E. Van Rieker	16
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2

MR. McILHINNEY: I'm Jack

3 McIlhinney, Chairman of the Hilltown Township

4 Board of Supervisors, and this is a public

5 hearing regarding an application that has been

6 filed by McGrath Homes to request changes to the

7 current Hilltown Township zoning ordinance and

8 also to rezone certain tax parcels in the

9 Township to a residential -- to a new

10 residential zone district entitled ACD, Age-

11 Qualified Community District.

12 Fellow supervisors to my right is Mr.

13 Manfredi. To my left is Barbara Salvadore and to

14 Mr. Manfredi's right is Kenneth Bennington,

15 Township manager, and next to him is the Township

16 Solicitor Frank Grabowski. And to my --

17 Barbara's left is Bob Wynn, our Township

18 engineer. Please rise for the Pledge of

19 Allegiance.

20

MR. McILHINNEY: This is

21 a public hearing rather than a meeting. As

22 such, there are several rules that we have to

23 adhere to. The zoning laws allow for anyone who

24 has interest in land within Hilltown Township to

25 file a petition or a request to have that

1 property rezoned. This is the case here and we  
2 are required to provide a hearing so that the  
3 Applicant can present their reasons why the  
4 change should be considered. In order to allow  
5 me and my fellow board members to be able to  
6 devote our complete attention to all the  
7 information and testimony that will be given  
8 throughout this hearing, we have decided to have  
9 a moderator of the hearing.

10           The moderator will be the Township  
11 solicitor Frank Grabowski. I'd like to turn the  
12 meeting over to Frank.

13                   MR. GRABOWSKI: Thank  
14 you, Jack. Can everyone hear me in the back of  
15 the room? Good. As Mr. McIlhinney has  
16 mentioned, this is a public hearing regarding an  
17 application filed by McGrath Homes to request a  
18 change of the zoning ordinance of Hilltown  
19 Township to provide for a new residential zoning  
20 district, which is entitled and proposed as an  
21 age-qualified community district. It's also to  
22 rezone certain parcels of land to provide for  
23 that district.

24           The applications have been available  
25 for inspection here at the Hilltown Township

1 building and at the Doylestown Intelligencer  
2 newspaper office and also at the Bucks County  
3 Law Library for several weeks. Additionally,  
4 the Township has advertised with the Doylestown  
5 Intelligencer is scheduled tonight as the first  
6 of at least two hearings in this matter.

7           The proof of publication of the legal  
8 notice as appeared in the Doylestown  
9 Intelligencer are hereby made a part of the  
10 record of the meeting tonight. The physical  
11 proof of publication from the Doylestown  
12 Intelligencer that I have in my possession will  
13 be given to the Township secretary for the  
14 Township file.

15           The Township file will also include an  
16 affidavit of the Hilltown Township zoning officer  
17 affirming that he has properly posted legal  
18 notices around the tax parcels that are the  
19 subject of the Applicant's request and  
20 additionally in the affidavit of Applicant's  
21 request.

22           Additionally, an affidavit of my  
23 administrative assistant taken by Darlene  
24 Hunsberger should also be incorporated into the  
25 record and she appropriately deposited it into

1 the United States mail.

2           Copies of the legal notice to the  
3 property owners of the tax parcels that are  
4 subject to the hearing tonight, the Hilltown  
5 Township zoning ordinance and also the  
6 Pennsylvania Municipalities Planning Code  
7 requires the Township to make sure that a copy  
8 of the application is given to the Hilltown  
9 Township Planning Commission and also to the  
10 Bucks County Planning Commission. The record  
11 should indicate that the Township has done so  
12 and there are comments in the Bucks County  
13 Planning Commission which are hereby  
14 incorporated into the record of this hearing.

15           The copies of the Bucks County  
16 Planning Commission comments are available in  
17 the back of the room at the small table along  
18 the door along with copies of the application.  
19 There is an agenda. Additionally, the October  
20 16, 2006 minutes of the Hilltown Township  
21 Planning Commission are also on the back table  
22 available for the audience. At that meeting the  
23 Township Planning Commission discussed the  
24 project.

25           Let me go over the purpose of this

1 hearing. First of all, why is this request in  
2 front of this board and not in front of the  
3 Zoning Hearing Board or some other boards? Any  
4 zoning change is required to go before the Board  
5 of Supervisors, that's required by not only the  
6 Pennsylvania Municipalities Planning Code but  
7 also by our Hilltown Township Zoning Ordinance.  
8 If anyone would care to review the sections, the  
9 Municipalities Planning Code section involved  
10 is Section 609. The Hilltown Township Ordinance  
11 Section is 160-109.

12           The purpose of the hearing tonight is  
13 to allow the Applicant to present whatever  
14 testimony they deem pertinent and appropriate to  
15 their application. I believe that there are  
16 several witnesses that may be presented by the  
17 Applicant. The Board anticipates that the  
18 Applicant may or may not complete its  
19 presentation tonight. To that extent, the Board  
20 has already anticipated that there will be a  
21 second hearing which is scheduled for December  
22 11, 2006 at Monday evening beginning at  
23 6 o'clock p.m. here at the Township building.

24           When we advertised these two hearings,  
25 both for tonight as well as December 11th, we

1 anticipated that the Applicant would make its  
2 presentation at tonight's meeting and we would  
3 then allow for comments from both the Board of  
4 Supervisors and also from the residents of  
5 Hilltown Township at the December 11th meeting.  
6 We have requested the Applicant to have all of  
7 its witnesses who are here tonight to return on  
8 December 11th to answer any questions that the  
9 Board might have or that you, the audience and  
10 residents of Hilltown, may have.

11           There will be no decision at tonight's  
12 meeting, the determination of the Board  
13 previously on that. Additionally, there will be  
14 no decision made at the December 11th meeting. The  
15 Board will make a decision at some time in the  
16 future as to whether or not a third hearing is  
17 needed for additional time to receive comments  
18 or questions from the audience, from the Board  
19 itself or from the Applicant.

20           A decision will be made at some time  
21 in the future and the scheduling of the meeting  
22 to make a decision. That decision will either  
23 be to reject the application or approve the  
24 application or to perhaps generate a new type of  
25 ordinance or form of ordinance that the Board

1 itself would present.

2           So let's please remember there is no  
3 decision that will be made at tonight's meeting  
4 nor will there be any questions or comments  
5 taken from either the Board or from the  
6 audience. Tonight is simply to hear the  
7 presentation of the Applicant McGrath Homes.

8           At the December 11th hearing, if the  
9 Applicant has in fact finished its presentation,  
10 we will then open the record for questions of  
11 the audience and also comments and statements  
12 from the audience. Please keep in mind that  
13 none of the Municipalities Planning Code --  
14 there's no time deadline, time frame for the  
15 Board to make a decision. Whatever action they  
16 take is purely legislatively in their  
17 discretion. They either reject it or could  
18 approve it, advise it or simply do nothing.  
19 There's no time frame that requires or compels  
20 them to do anything.

21           The reason that there will not be a  
22 decision either tonight or at the December 11th  
23 hearing is to allow the Board of Supervisors to  
24 hear all of the information that the Applicant  
25 desires to present and also to hear from you.

1           The procedure tonight is fairly  
2 simple, the Applicant will begin its  
3 presentation of its case and I suspect that  
4 Attorney Tom Hecker will be giving a brief  
5 presentation to the Board, will identify and  
6 introduce the various witnesses that will be  
7 presenting testimony on behalf of the  
8 application by McGrath. All the witnesses will  
9 be sworn in by our stenographer, Brenda, here  
10 down in front of me. And quite frankly, she's  
11 one of the most important individuals in this  
12 room because her role is to transcribe all the  
13 testimony that's been given tonight as well as  
14 in any future hearings, including obviously the  
15 December 11th hearing.

16           It is the Board's intent to have the  
17 transcript of tonight's meeting available for  
18 review here at the Township building and  
19 also on the Township's Website when it is  
20 completed. I understand that our stenographer  
21 has indicated that the transcript may be  
22 available within the next 2 weeks or by December  
23 the 5th.

24           I would anticipate that depending on  
25 how long and lengthy the presentation is, we

1 would probably, with the Board's permission,  
2 take a recess approximately 8:30 or so for about  
3 15 minutes and then reconvene and finish up for  
4 the evening. Again, no comment tonight, that's  
5 reserved for the December 11th.

6           With that, I would like to now turn  
7 the meeting over to Attorney Hecker who  
8 represents the Applicant to begin presentation  
9 of the proposal.

10                           MR. HECKER: Thank you,  
11 Mr. Grabowski, members of the Board, good  
12 evening. My name is Tom Hecker and I'm attorney  
13 for McGrath Homes. We're here tonight for the  
14 first time before the Board of Supervisors in  
15 connection with this request that we have  
16 submitted, which is really as referenced earlier  
17 a two-part request.

18           The first part being, should there be  
19 an AQC ordinance in Hilltown Township as part of  
20 the zoning ordinance? And the second part is  
21 assuming that the answer to that first part is  
22 yes, the second part could be, is this property  
23 or combination of properties, 182 acres, the  
24 right place for AQC zoning? Because the  
25 second part of our Application is a petition to

1 rezone the subject tax parcels to the new AQC  
2 district, so it's really a two-prong effort on our  
3 part. First to amend the ordinance, second to  
4 ask for the ordinance provisions to be applied  
5 to the subject property.

6           When we first started this process, I  
7 guess 2-1/2 years ago, maybe closer to 3, that  
8 wasn't the way we had initially proposed. We  
9 had proposed early on amending the existing  
10 zoning ordinance from the use of perhaps, for  
11 lack of a better word, an overlay that would  
12 have allowed a new use, community AQC within  
13 certain zoning districts including the R-R  
14 district. Properties which are subject to this  
15 application currently zoned R-R under the  
16 Hilltown Township zoning ordinance.

17           We received comments back on that  
18 concept initially from the Bucks County Planning  
19 Commission as well as the Township Planning  
20 Commission and it appeared that there was a  
21 major concern that by amending the ordinance in  
22 that way, forgetting whether you thought that  
23 the amendment itself was a good idea, but  
24 amending the ordinance in that manner would open  
25 up other R-R zoning in the Township to this type

1 of use and therefore the Township would not have  
2 the same type of control that it would have had  
3 otherwise.

4           So in an effort to address that issue,  
5 after much consideration and review, we propose  
6 the initial draft of the AQC ordinance that is  
7 effectively before you this evening. And that  
8 version of the ordinance is what I call a  
9 stand-alone ordinance, that is, it's not an  
10 overlay, doesn't require other zoning, that is,  
11 if adopted by the Township, it in and of itself  
12 is a zoning district, it stands alone, not part  
13 of any other existing zoning category.

14           So we amended, we effectively refiled  
15 our petition to amend the ordinance to include  
16 this new concept, that is, the stand-alone  
17 district. And it is that concept that has  
18 evolved over the past year or so and it is that  
19 concept before the Township Planning Commission  
20 and that concept that the Bucks County Planning  
21 Commission has reviewed and commented on.

22           So I want it to be clear that the  
23 initial idea we put it behind us and we're now  
24 focusing on a stand-alone district. And why  
25 that is significant is that I think it meets

1 head-on the concern earlier expressed to us  
2 about opening up other areas of the Township for  
3 this type of zone.

4           In this way, with a stand-alone  
5 district, if you reach the point where you adopt  
6 this amendment to the ordinance, you will have  
7 the opportunity should anyone after us want to  
8 build an age-qualified community to again look  
9 at that as a brand new application and make the  
10 same evaluation that you'll make during our  
11 process as to whether or not that particular  
12 property is suitable for the AQC district. So  
13 it gives the Township the ability to control the  
14 AQC development in other parts of the Township  
15 and doesn't open up what I heard once described  
16 as Pandora's box. So that will remain assuming  
17 that this concept is adopted by you.

18           The second part of the process which  
19 we're going to spend some time on tonight is  
20 going to be whether this particular property,  
21 assuming that the concept to an age-qualified  
22 community is something that is acceptable to the  
23 Township whether this property -- and I call it  
24 property in a singular, as you know it's more  
25 than that, it's 182 acres. But the property

1 that is the subject of this application based  
2 upon its location, the proposed layout, the  
3 environmental features of the property, the open  
4 space attached to it, the storm water management  
5 that we can implement in connection with this  
6 development, and all the reasons that you would  
7 ordinarily and all the things that you  
8 ordinarily look at when you are evaluating a  
9 development proposal, that's a second part of  
10 this.

11           We're going to spend some time talking  
12 about the site and try to get you even more  
13 familiar, because during the period of time that  
14 we've been working on it, we've had an  
15 opportunity to study the site pretty thoroughly  
16 and we know a lot about it. We're going to  
17 begin tonight with the question, why an AQC  
18 community? And addressing that particular  
19 question, Mr. E. Van Rieker. Van has been around  
20 for a while now and I'm not quite sure how long,  
21 but I'll let him tell you that.

22           When we engaged Van Rieker, we did it  
23 for a reason of credibility. Van will go over --  
24 highlight to you his background, but suffice it  
25 to say that Van has represented not only



1 master's planning degree from Penn State  
2 University and bachelor of science in Landscape  
3 Architecture and graduate studies at Rutgers  
4 Center for Urban Policy Research.

5           I for a number of years was an  
6 employee with Montgomery County Planning  
7 Commission and was a director of the body.  
8 While I was there, I was involved as a lead  
9 planner with a Philadelphia firm Copeland,  
10 Womsly, who was involved in the Bucks County  
11 environment at one time helping with, for example,  
12 the planning and zoning for the Oxford Valley  
13 Mall. And I was for 8 years engaged as director  
14 of planning for William G. Major and Associates.  
15 So I was active in the region.

16           I have since 1979 been president of my  
17 own consulting firm and we are actively, as Tom  
18 indicated, actively engaged in both representing  
19 municipal townships of those municipal accounts  
20 and also private accounts. And through that, I  
21 have observed -- I guess the reason that brings  
22 us here tonight, observed since the mid '90s, I  
23 guess, a significant trend toward specialized  
24 housing for age 55 and older. And when we  
25 started, I thought age 55 was pretty old, but now

1 I think it's pretty young.

2           It's actually, as you probably know, as  
3 Mr. Grabowski perhaps has mentioned, it grew out  
4 of the amendments to the Federal Fair Housing  
5 Act in the middle '90s and in effect said that  
6 it is okay to discriminate for older persons,  
7 older persons being 55 and older. But if you  
8 did that, you had to have at least 80 percent of  
9 the community reserved or allocated for those  
10 persons. Many of the developers in the region  
11 have gone ahead and actually requested that  
12 100 percent of the community be age-restricted,  
13 age, if you will, targeted. They have found  
14 through marketing that the folks who purchase  
15 and reside in these communities prefer it that  
16 way. But the federal government has said as  
17 long as you restrict 80 percent, you've met your  
18 burdening, your threshold burden in terms of  
19 providing for older persons.

20           So we have been involved -- my firm  
21 has been involved with the preparation of zoning  
22 codes for numerous communities for homes. I  
23 consult, presently consult and naturally I  
24 represented Applicants in Montgomery County and  
25 Bucks County. In Bucks County they have been

1 the Barnes Organization, McGrath Homes and some  
2 other communities that have been developed are  
3 built in middle and lower Bucks County.

4           We have recently completed the update  
5 to the Falls Township Comprehensive Plan and  
6 zoning code, a big community in the lower part  
7 of the county along the Delaware. And one of  
8 the major recommendations we made at that time  
9 to Falls was to encourage the allocation of some  
10 areas for the kind of new polite way to refer to  
11 it as age-qualified housing, it's active adults,  
12 it really means to say age 55 and older.

13           Ordinances are typically crafted, and  
14 you have your copy, to permit persons under the  
15 age of 19 only on special occasions such as in  
16 the summer and holidays. So the focus is to  
17 provide a new environment for upscale housing  
18 for persons age 55 and older in the community  
19 where there's typically a clubhouse, roads and  
20 homes are maintained by the association, which  
21 frees up basically the residents to spend more  
22 time with kids, grandkids and traveling.

23           We have however observed that a  
24 significant percentage of the residents in the  
25 communities still work. They work because they

1 own companies, they're consultants, they assist  
2 family firms, those sorts of things. And it's  
3 about 40 percent we think based on a  
4 Berkheimer's study that we had commissioned  
5 actually for a different client, Toll Brothers,  
6 who permitted us to delve into some data for a  
7 project in Northampton Township. Anyway, we  
8 think that's information that is not readily  
9 available, but Berkheimer shared some data with  
10 us and we're fairly comfortable that that 40  
11 percent or total of 40 full-time employees for  
12 every hundred dwelling units is a good number  
13 to deal with. There'll be part-time workers and  
14 half-time, quarter-time to equate to that sort  
15 of demographic. And that's of interest because,  
16 we'll get to it in a few minutes, the fiscal  
17 side of the age-restricted housing, the active  
18 adult.

19           You've heard this before, I'm sure, and  
20 there was just an article in the paper as  
21 recently as this past weekend, but we know from  
22 the facts that the over-55 population is  
23 growing. Pennsylvania is the second highest and  
24 second oldest population, second highest in  
25 persons over age 55 in the country, Florida

1 being the oldest. We have -- our studies  
2 indicate that it's also among the fastest  
3 growing sectors of the population. So it's --  
4 and in Pennsylvania, for example, it's been  
5 estimated by DVPC, Delaware Valley Planning, that  
6 approximately 31 percent of the population will  
7 consist of persons aged 55 and older by the year  
8 2020 and we're well on that way. The  
9 demographics indicated that that sector, the  
10 over 55 is growing at a rate four times faster  
11 than the total population. So within the  
12 growing population, there are subsectors that  
13 some grow quicker and some grow less rapidly and  
14 that particular area is among the quickest.

15           We have noted and the plans are for  
16 those of you who perhaps are not completely  
17 aware, age-qualified housing, 55 and older, is  
18 different than assisted living and nursing care  
19 such as you might see from the ASK communities,  
20 where independent housing there means you're  
21 much older and you're in need of sort of  
22 congregate care, some kind of care and you are  
23 provided with additional care as you age. This  
24 is housing for active people who wish a change  
25 in lifestyle and have earned the right to live

1 in a nice neighborhood.

2           So as time indicated, what we've  
3 discovered is that it's really not enough for  
4 most zoning codes to merely permit the over-55  
5 category as a small entity within some other  
6 district, typically there's not enough land to  
7 create a full community and we don't have the  
8 size which creates the economies of scale so  
9 that we can build a clubhouse, we can create  
10 recreation, walking trails and provide private  
11 roads. Typically a secured community may be  
12 gated, it usually is gated, it sometimes has a  
13 live person in the front gate, sometimes it's  
14 card-activated. But the idea is the opportunity  
15 or a ceremonial kind of gate is appropriate.

16           A lot of folks travel, a lot of folks  
17 are away numerous times during the year and the  
18 residents like the fact that their homes will be  
19 protected and they also like the fact that  
20 there's this association of which they're  
21 members who will take care of the place, help  
22 maintain the outside.

23           That idea of the community taking --  
24 providing the maintenance, the sewer, the storm  
25 water, the road plowing, resurfacing and the

1 like, and the recreation. We have not accounted  
2 for that, but it also lessens the burden of the  
3 community's draw on Township services that might  
4 be necessary.

5           The data, I think, speaks for itself. I  
6 did want to correct one point up there. It's  
7 pointed out that the last bullet should read in  
8 the year 2012, 83,000. That should say 2012  
9 will be 83,000 people in Bucks County between  
10 ages of 60 and 69. And 2004, two years ago  
11 there were 44,000 people; so you see 44 to 83  
12 almost a doubling in about 8 or so years.

13           You have to be 55 to comply with the  
14 zoning ordinance and to be an older person  
15 according to the federal government. The median  
16 ages we have found actually for residents who  
17 buy in to these kinds of communities are in this  
18 range, the 60 to 69 range. We also found out  
19 that they like to be close to where their  
20 grandchildren live, not children, that may be my  
21 extrapolation, grandchildren. They typically  
22 reside within 5 miles of where they last or  
23 previously resided and or moved to an area where  
24 they could be close to their grandchildren.

25           And I think again you'll notice by

1 this particular slide that there is an ample  
2 market, it's growing, it's been proven that the  
3 absorption rates have been terrific, frankly,  
4 quicker and better than the average or the  
5 market rate housing as it's often referred to.

6           There are some demographic difference,  
7 it's not just density, it's more than just a  
8 measure of a number of units, but it's a  
9 function of how many people and we expect about  
10 half the population per dwelling unit. It's  
11 because they're adults and these studies we've  
12 done have suggested that the demographics or the  
13 per dwelling occupancy is about 1.8 persons per  
14 dwelling unit, a little bit less than 2. That  
15 may change on a seasonal basis when children and  
16 grandchildren and friends from out of town come  
17 to visit, but the primary residents component  
18 is expected to be less than 2.

19           In the fiscal study, we looked at  
20 trying to estimate for a 4 or 5 bedroom option,  
21 which is the option to the proposal for the  
22 subject properties, and we think that that is  
23 going to be about 3-1/2 persons per dwelling  
24 unit. All of these are less than the census has  
25 indicated. The median family has been decreasing

1 over the last 20 years. We'll refer to that  
2 again when we get into the fiscal study.

3           The host of amenities that are  
4 provided in a community like this as I said is a  
5 clubhouse, indoor and outdoor pools, fitness  
6 center, lounge, card rooms, walking trails and  
7 the like, and it's part of this economy of scale  
8 is the reason why the larger were successful  
9 communities are typically a minimum 200, often  
10 300 to 400. The proposal that you will hear  
11 about, I'll start it and I understand some  
12 others will continue the presentation, is for  
13 268 dwelling units based on the new ordinance  
14 draft that Mr. Hecker -- actually, the team had  
15 prepared and submitted to the Township a few  
16 weeks ago.

17           I also just wanted to in terms of just  
18 sort of demographic characteristics, I also  
19 wanted to talk briefly about age-qualified  
20 communities provide a wealth effect to the  
21 region. Remember, these are residents that at  
22 least while they live here for the 6 to 8 months  
23 or so when they're in town they are going to  
24 shop, invest, worship, volunteer and patronize  
25 local businesses when they're home. And they're

1 not -- they're at the time of their life where  
2 they have the money to do a lot of that. So  
3 it's hard to measure and maybe in a few years  
4 we'll have specifics for you on that.

5           But we know intuitively that that  
6 segment of the population is a significant  
7 player in the local business market place.

8           Can we advance -- thank you. I have  
9 small copies I'd like to hand out as well. What  
10 we have done, the next two slides are going to be  
11 kind of locational maps. There's a booklet that  
12 has a lot of information in it.

13                       MR. GRABOWSKI: If I  
14 might interrupt for one moment, the first slide  
15 or so, will they be available to the  
16 stenographer in hard form so they can be  
17 incorporated?

18                       MR. RIEKER: They're  
19 actually in the booklet we just handed out.

20                       MR. HECKER: What I'm  
21 providing now are the larger copies of the  
22 exhibits that Van has shown to you. A little  
23 easier to read. And one more.

24                       MR. RIEKER: Thanks,  
25 Tom. The first or the second slide is titled

1 "Hilltown Township Preservation Lands." The  
2 purpose of this slide is to do a couple of  
3 things; first, to identify the Egly-Hockman  
4 properties, approximately 182 acres and this  
5 sort of very north edge of the Township's Minsi  
6 Trail. And I think this will be clear on the  
7 copy you have, but Minsi Trail is one of the  
8 frontages and sits adjacent to Schwenk Mill Road  
9 which runs into West Rockhill, short distance  
10 from Route 113.

11           The site also has significant frontage  
12 along Route 313, Dublin Pike. And the location  
13 factors, I think, are two-fold. The other colors  
14 indicate -- and I'm saying this as if you don't  
15 know. To the contrary, we know that Hilltown is  
16 very active in agricultural preservation and one  
17 of the concerns has been not only for the  
18 McGrath proposal on the Egly-Hockman properties  
19 but for really any development that comes in  
20 that's not within a growth area. How does it  
21 affect that program? What is going to happen  
22 with this particular development? How would it  
23 affect the preservation concept?

24           This plan does a couple of things; it  
25 identifies the three properties, the three

1 properties, and the fourth, I'm told from the  
2 County that's on its way, which is the Haring  
3 site, which have been Rosenberger, over 280  
4 acres of land; Beer, very significant, about 180  
5 acres of land; Bishop, the intersection of  
6 Hilltown Pike, the bends of it I guess. It  
7 shows there where they're concentrated vis-a-vis  
8 the rest of the Township and our proposal. So  
9 we have one, two, three, four very significant  
10 existing -- and I'm told from Bucks County, I  
11 hope it's true, that sometime in '07 -- we  
12 didn't frankly get as much help from Bucks  
13 County Planning Commission as I would have liked,  
14 but they were helpful, and they indicated that  
15 Haring has made applications likely that their  
16 property is about 66 acres will be accepted, the  
17 easement rights purchased through the County  
18 assistance.

19           So we have this large and Blooming  
20 Glen, the little town is just here to the right  
21 at Blooming Glen Road and Route 113. And  
22 there's this clear concentration of large  
23 agricultural entities which are preserved. We  
24 then laid or add a layer which were  
25 Township-owned land and we know Township has

1 acquired two recently, has preserved two tracts  
2 as a part of the Township in Bucks County Open  
3 Space Program, they're shown in this color.

4           By the way, this is the Township  
5 building sort of near central geographical  
6 part of the Township just below Silverdale. So  
7 that again is in this area but not contiguous or  
8 adjacent to Egly-Hockman. Pearl Buck, everybody  
9 kind of knows about where it is and we have  
10 identified that property, the compound, the rest  
11 of the land along Dublin Pike and I think  
12 they're sort of a theme of Dublin Pike.

13           Rickert Road sometimes shown as  
14 Rickert's Road, but all the signs I saw were  
15 singular, and then this sort of Blooming Glen  
16 compound area. So we have this sort of thing  
17 going on and that sort of thing going on. These  
18 are the properties that have permanent easements  
19 for either agricultural purposes or open space  
20 purposes. County land is here to the far total  
21 edge of the Township.

22           And I thought it would be instructive  
23 to see how they work and then seven lots which are  
24 partly used for -- I guess, it's Quarry Road  
25 down here, partly used agriculturally and partly

1 sort of large lot residential. But there's an  
2 easement, not a part of the agricultural  
3 preservation easement, but these have been eased  
4 as well. These lands are adjacent to the Stone  
5 Depot and Wawa, the new CVS at the intersection  
6 of 113 and 313. So we felt that there are two  
7 significant locational factors that we wanted to  
8 show you and again the exhibits will go into a  
9 greater detail.

10           This plan will be blown up and in  
11 greater detail of what we like to do where the  
12 open space will be and road frontages and that  
13 sort of thing. But kind of looking globally or  
14 Township-wide first, we wanted to point out that  
15 the proposal is not in the middle of or touching  
16 or adjacent to these other great farm properties  
17 which have been preserved through the dedication  
18 frankly of the owners and the assistance, the  
19 monetary assistance of the State which grants  
20 moneys to the County and the County in turn  
21 through the agricultural or the Farm  
22 Preservation Board helped to preserve land.

23           And secondly, the locational factors  
24 of Egly-Hockman are such with the new road out  
25 to Dublin Pike, we're very close to the

1 commercial corner, Kulps Corner, the new CVS,  
2 the Wawa and the gas station, the new shopping  
3 center which is proposed on the Bedminster side.  
4 There is a sort of service core close by. A  
5 main access at the site, so we don't need to  
6 send traffic into the interior and there are  
7 some really very local roads as well. We don't  
8 need to go through traffic out to the main drag.

9           And then of course it's also close to  
10 the whole 313 corridor of businesses and Dublin  
11 Borough also nearby which has other support,  
12 businesses, hardware stores, restaurants, that  
13 sort of thing. So from a locational standpoint,  
14 we're asking the community and the Township to  
15 appreciate the fact that these farms are  
16 different than these other farms. They're  
17 different because they're not going to be  
18 preserved in perpetuity, they're going to be  
19 developed and they're not in close proximity,  
20 they don't touch. They're not in the, what I'll  
21 call, the Blooming Glen farm belt or the Rickert  
22 Road farm belt.

23           Okay. I think that's -- sorry, I'm  
24 sure a lot of this is information that you were  
25 aware, I just wanted to present it in sort of an

1 organized way so it helps demonstrate why and  
2 how McGrath Company came upon and decided to  
3 pursue the subject properties.

4           The next slide is called the  
5 Agricultural Lands slide. It is and includes  
6 the prior -- and did you give both --

7                           MR. HECKER: Yes.

8                           MR. RIEKER: Thanks, Tom.

9 It's the agricultural lands, November 16, '06.  
10 It's basically, we contacted the Bucks County  
11 Information Technology Services department and  
12 said send us a complete printout of all of your  
13 agricultural for 319 or farmed land categories.  
14 And there are about, I think, 10. And they're  
15 listed under the legend right-hand side.

16           And then I, for ease of reference,  
17 created a category of color for the preserved  
18 lands to which we talked about, the lands to be  
19 preserved we think, Township open space which  
20 now hatched on this one -- or sorry, it's under  
21 this green. We then have the other open space  
22 which would be Pearl Buck Foundation, county  
23 lanes and the like. And then we added basically  
24 every property that counted as a category of a  
25 farm which is 10 acres or greater, you'll see

1 them, we gave them one color which is this green  
2 color. We just plotted them.

3           And we added 319 residences with 319  
4 category and some are small, some are more house  
5 and less farm. And there is an example would be  
6 a small one along Quarry Road in this area just  
7 off of 313, attractive new houses. More house,  
8 less farm, which is adjacent to residents 319,  
9 more farm, less house.

10           So there's a bunch of that, there's a  
11 wide range of those land uses as well as -- and  
12 they're the blue colors. We put all the  
13 residential and agricultural in blue. We put  
14 all of the farmland in green. There was one  
15 kind of miscellaneous category that's that  
16 color. And we then mapped them. And the idea  
17 was to sort of justify that if you take the  
18 Egly-Hockman land out of service, it's not going  
19 to be a farm, and we look at what's left in this  
20 sort of mini super block or a subset of land  
21 between 113, Minsi, Schwenk Mill, West Rockhill,  
22 East Rockhill -- actually, East Rockhill, West  
23 Rockhill, the line's right in here. And on over  
24 to Blue School Road and then back down to the  
25 113-313 intersection sort of mini super block.

1 We have identified that there are two, one  
2 residential 319, which is traversed by a flood  
3 plain, attractive high land on Schwenk Mill and  
4 along Minsi Trail and actually close to our  
5 site, numerous buildings almost look like it  
6 could be residential and contracting kind of  
7 operation. But that sort of look, a lot of  
8 buildings in here. Lower flood plain Morgan  
9 Creek. And then that area, a patch of land that  
10 is out on 113. There may be a few others that  
11 have corn crop on them, but there are smaller  
12 patches off of Minsi and maybe second one off of  
13 113.

14           But I think I wanted to do from our  
15 perspective, suggest to the Township that your  
16 commitment and the farmers who have shown an  
17 interest in long-term preservation is in an area  
18 that's different from this area. And  
19 coincidentally, this area, the Egly-Hockman, is  
20 also along a main drive adjacent to commercial,  
21 adjacent to a borough which has a number of  
22 business services that could be patronized by  
23 the McGrath plan and you'll see the plan in  
24 detail. That's the purpose of this plan.

25           We asked for some help from the

1 County, we could have missed one or two projects. I  
2 don't think so. We have a lot of lawn here, we  
3 spent hours in the field trying to document  
4 them. We also added the two quarry properties  
5 because I thought they would be helpful. We all  
6 know that Blooming Glen Quarry is in here. It  
7 includes some agricultural, includes some  
8 farmlands, it's actually part of the Blooming  
9 Glen ownership. I'll call it -- it's next to  
10 Hilltown's Open Space Preservation, which is also  
11 partly used at least for agricultural purposes  
12 and partly heavily wooded just above Rickert  
13 Road.

14           And the second quarry which is really  
15 kind of not in the study area, but H&K down in  
16 this area. By the way, part of that land is  
17 also identified as residential 319, I'm not  
18 quite sure why, but we know that the quarry  
19 options in this area, so it does the way we look  
20 at the property is not in this, I'll call it a  
21 farm shed, it is not in this great farm shed  
22 that's been started and well underway.

23           And there's this great concentration  
24 of properties to the south of I guess it's next  
25 to the meeting house which is on Blooming Glen

1 Road. And there's concentration of properties  
2 in through here would be on the south side of  
3 Schwenk Mill.

4           And there's a secondary area of lands  
5 which is south of Route 113, they're imported,  
6 they're active, they're being pursued for  
7 agricultural pursuit. We don't think that the  
8 decision for Egly-Hockman to be developed for  
9 residential, which will have 130 acres of open  
10 space associated with it, will undermine or  
11 defeat the farmland preservation progress which  
12 is well underway. Also under the Township  
13 that's what we hoped to try to show of that  
14 exhibit.

15           Then finally, I wanted to discuss  
16 briefly -- I'll be back next time to answer  
17 questions should you have any, it's a 5-page  
18 presentation which is titled Comparison of  
19 Estimated Annual Revenues. Now, let's start  
20 with the idea that this is a snapshot using  
21 '06-'07 budgets. It's an estimate, it's a good  
22 estimate, it's based on what we could discern  
23 from the Township and school budgets. And we  
24 have then developed demographic assumptions for  
25 the two categories of land use which I think the

1 supervisors are faced with for the Egly-Hockman  
2 lands.

3           A by-right single family, residential  
4 development of about 95 dwellings or 268 active  
5 adult residential dwellings. And we then go  
6 through the process of identifying sales price,  
7 total assessed value, which is then factored by  
8 the current County rate used for calculating  
9 millage. Then look at the Township, we look at  
10 the school district.

11           We've identified various sources of  
12 revenue and we have and we've done the  
13 calculations and I think we basically tried to  
14 footnote everything we could think of in terms  
15 of property tax, earned income tax, real estate  
16 transfer taxes and other user fees, which is  
17 called per capita multiplier concept. It was  
18 first, and it's one of the best, I think most  
19 planners would agree, that it's a study from  
20 Rutgers Center for Open Policy Research. The  
21 concept has been around for about 30 years now  
22 and it is among the best, if not the best,  
23 approaches that I've seen for performing this  
24 estimate, to identify revenues and costs from a  
25 particular land use, and for this purpose we've

1 done a comparison as well. We thought you would  
2 want to know that.

3           Anytime somebody comes to you with a  
4 zoning change, it seems to me that it's the  
5 responsibility of the Applicant to give you some  
6 indication of what that's going to do to you, to  
7 your budget and to your taxing policies. We have  
8 determined that there is an advantage to the  
9 Township of -- look, this isn't the only reason  
10 why you should vote for this, it's a good idea,  
11 but from an economic standpoint, there's an  
12 advantage to the Township of about \$130,000 per  
13 year using this with an age-qualified approach  
14 compared to a by-right, large lot, single family  
15 approach. And again, I've not tried to estimate  
16 the difference between costs to you, but we know  
17 they'll be less from the active adult  
18 age-qualified concept because the internal  
19 systems are privately owned. Whereas, typically  
20 as a straight lot subdivision, the internal  
21 systems are largely, at least some, publicly owned  
22 and often publicly maintained.

23           But I think that what is really  
24 crystal clear is that the impact to the  
25 Pennridge School District and it's one of the

1 advantages that the communities get, it's an  
2 economic benefit from this kind of approach.  
3 Remember, there are no permanent residents under  
4 the age of 19. We expect there would be zero. In  
5 fact, the ordinance requires it that there be no  
6 permanent residents under the age of 19. The  
7 federal government said it's okay to restrict  
8 that way and most of the communities -- I think  
9 all the communities I've been involved with do.

10           So there will be a very significant  
11 positive revenue stream to the Pennridge Schools  
12 on the order of \$1,680,000 per year upon  
13 completion. If the snapshot's using '06 dollars,  
14 if both of the communities were finished today,  
15 the by-right community and the proposed  
16 active-adult community, and that's the way the  
17 study works, it assumes today's dollars and then  
18 does this analysis.

19           We see approximately \$1,686,000 to the  
20 schools. We see a loss of about \$305,000  
21 annually from a by-right development, you would  
22 expect that. Most municipal and most school  
23 district taxes rely on residential and  
24 non-residential income revenues. So it's usual  
25 that a single family community has some kind of

1 a deficit, they're creating the need naturally  
2 with school children are a part of that option  
3 and the costs to educate, I think we have  
4 calculated if my memory is it's about \$12,800  
5 per student, so that's the cost. And then we  
6 can calculate what the revenues are and it would  
7 be a loss annually naturally to repeat every  
8 year from a by-right approach.

9           So and again, the last thing I want to  
10 do is read all the assumptions and footnotes, but  
11 we have a lot of them and I hope that they  
12 answer questions. And again, if you do have  
13 questions about the study, I'm happy to answer  
14 them. I think the program is answered the next  
15 time. And I hope that the two slides relative  
16 to the Township-wide land use will be helpful to  
17 you while you contemplate the proposed zoning  
18 change. Thank you.

19                           MR. HECKER: With Van,  
20 we've tried to answer the question why AQC  
21 community. And in summary of what he's  
22 presented to you, what we've determined to be  
23 and what the market has indicated a growing need  
24 for this type of community and the fiscal  
25 soundness of this type of community without any



1 in Pennsylvania, New Jersey, Maryland and  
2 certified by the Council of Landscape and  
3 Architectural Registration Boards and I'm an  
4 18-year resident of Bucks County.

5           As Tom has indicated and Van Rieker  
6 pointed out, we've talked a little bit about why  
7 age-qualified housing development and going to  
8 talk about the site specifics for this  
9 particular parcel and how we got here. And it  
10 was more than simply the fact that the land was  
11 available. We spent a good deal of time doing  
12 good due diligence in studying of this site, why  
13 we felt this was an appropriate product,  
14 appropriate use for this assemblage of  
15 properties.

16           The first slide I'll really just kind  
17 of recap is the site location. As was indicated  
18 earlier, it's made up of five tax parcels, gross  
19 acreage 182, location wise 313, 113 and Minsi  
20 Trail.

21           The next slide we prepared to  
22 demonstrate some of the land use adjacent to the  
23 site, some of which again Van Rieker touched  
24 upon. What we did was to look at how the land  
25 was being utilized in and around this particular

1 parcel. The yellow indicates that residential  
2 use around the northwest and southern edge of  
3 the site and the red is primarily commercial,  
4 some residential and commercial uses along the  
5 313 corridor. And the light blue area is  
6 actually municipal use for water.

7           So this began to tell us a little bit  
8 about the site and its proximity to services,  
9 particularly with the character of 313  
10 developing more commercially with the CVS on the  
11 corner, the Stone Farm, the Wawa gas station and  
12 other proposed commercial things that might be  
13 coming in Bedminster. And so this really  
14 started to tell us how the adjacent land is  
15 being used and how that fits with our site and  
16 what that began to tell us there.

17           Next slide is an aerial photograph of  
18 the site. Again, for location, you have 313,  
19 113 and Minsi Trail here. Aerial photograph of  
20 the Egly and Hockman farmsteads. And this  
21 exhibit was very telling to us because it begins  
22 to show you what the existing land use was for  
23 the particular sites, it was agricultural. You  
24 begin to see the patterns on the ground of how  
25 the site was used and where farming occurred and

1 where it didn't occur.

2 Farmers are very smart, they tend to  
3 farm where the soils are good, where they don't  
4 have problems and issues of wetlands and  
5 flooding. Although they may farm right to the  
6 edge of the stream, they usually use the stream  
7 bodies to define their fields as well as  
8 hedgerows. And again, just for some context,  
9 you have the un-named tributary to Morris Run  
10 which runs through here, the Marsh Run Creek  
11 that runs through this section on the parcels  
12 over in this area over here.

13 From this slide, we then began to do  
14 our natural systems inventory and analysis. As  
15 landscape architects and planners environmental  
16 impacts are very important to us, we try to  
17 examine all the natural systems, inventory them  
18 on a particular site so that we understand how  
19 the land wants to be used and what the potential  
20 impacts might or might not be above and beyond  
21 simply what's allowed or isn't allowed by local  
22 code, but also to use that information to help  
23 guide us on how we develop the pattern on the  
24 ground for the proposed development.

25 What you see here really is the

1 culmination of looking at soils, topography,  
2 geology, hydrology and existing vegetation on  
3 the site and you begin to see that we were able  
4 to blend in our proposed development in those  
5 areas of the site that were predominantly  
6 agricultural fields and maintaining and  
7 protecting all of the natural systems of the  
8 site. Why you could argue that you couldn't  
9 build there anyway perhaps, the reality is you  
10 could have some intrusion, you could have loss  
11 of woodlands, you could again as I said have  
12 encroachments that would be within the code and  
13 allowed under the disturbances. But we've gone to  
14 great lengths to really stay out of these areas  
15 to promote better open space and to really  
16 provide, I think, a better protection of the  
17 sensitive natural areas.

18           This slide begins to show you what  
19 that looks like relative to how the units lay  
20 out on the site and some of the selling features  
21 of the plan and the site plan that we are  
22 talking about relative to this particular type  
23 of zoning. What you see, the yellow or brownish  
24 color are the actual quad units themselves  
25 situated along the internal circulation of the

1 roadways. And basically, we call that fee  
2 simple ownership area, that is the area zoned  
3 for a resident who lives in that portion of the  
4 quad, okay. And then everything else then  
5 becomes what we call common open space or common  
6 open area, which may contain open space which  
7 could contain passive or active recreation  
8 facilities, and they are also made up of natural  
9 systems protected such as wetlands, flood  
10 plains, soils or riparian buffer that we have  
11 along the un-named tributary. So you'll see  
12 that those areas have been again maintained and  
13 protected.

14           As far as setbacks, the four closest  
15 buildings to Route 313 are set back over  
16 365 feet. From 313 there is a hundred foot  
17 buffer proposed along the north and  
18 northeastern edge adjacent to the closest  
19 residential. The closest unit on Minsi Trail is  
20 over 400 feet from the edge of the road. This  
21 is important to us and we think very beneficial  
22 to this because what in essence it allows us to  
23 do is maintain the past normal quality and that  
24 farm context and character of the whole front  
25 portion of the site along Minsi Trail, so the

1 character is not significantly altered.

2           We have also deliberately kept all the  
3 development north of the un-named tributary, so  
4 that we're not crossing that tributary or  
5 affecting the wetlands or flood plain soils.

6 There will be some small disturbances to slopes  
7 on this site predominant through on this area.

8 And we had then also begun to show and suggest  
9 the areas where storm water management

10 facilities would be likely to occur on the site.

11 These have not been engineered of course at this  
12 point in time, but, again, given our natural

13 systems inventory and our site analysis going

14 through the opportunities and restraints to this

15 site, these tend to become the logical areas

16 where these would want to be. They of course

17 have to be designed and studied.

18           Storm water management, for instance,

19 on a site such as this becomes very important by

20 creating more open area and protection of these

21 open areas. We had greater opportunity to

22 employ a number of best management practices for

23 storm water control, runoff, infiltration and

24 water quality, which are very important to us

25 and important to the local communities

1 particularly given, you know, MPDS regulations for  
2 your Phase II permits now. So strong order  
3 again becomes very important. We've looked at  
4 those areas and placed them into those areas  
5 that would actually benefit the existing  
6 features and the natural features of the site  
7 through water quality and release of water in a  
8 controlled rate or through after recharge,  
9 ground water recharge to those soils that were  
10 best suited for that on the site.

11           Let's see, what else could I tell you  
12 using this slide here? Again, we've talked  
13 about the buffers, we've talked about the  
14 placement of buildings within the site. Of our  
15 gross density, as I said, we have a site that's  
16 approximately 182 acres altogether of that when  
17 we go to the density, net buildable acreage. We  
18 are looking at about 107 buildable acres and out  
19 of that 102 acres -- 107 acres, I'm sorry. And  
20 of that 107 -- if you go to the next slide.

21           What this slide starts to show you is  
22 what the footprint of that development looks  
23 like as it relates to the total acreage. So if  
24 out of that 107 acres approximately, the areas  
25 that you see in this light gray and darker gray

1 to the developed areas represent conservatively  
2 45 to 50 acres of the site that would actually  
3 be developed, with the remainder then being as  
4 open space, again, passive recreation natural  
5 systems that we have reserved or areas that  
6 remain as undeveloped as part of the site.

7           So you can see that's what we've come  
8 up with approximately 136 acres of open area  
9 that have been preserved on the site again and  
10 allowing us to, I think, better utilize the site  
11 in a way that was environmentally responsive.

12           Relevant to buffering the site from  
13 the adjacent neighbors and from 313 or Minsi  
14 Trail, again, we're very sensitive to the  
15 context and the character of the local  
16 community. We do not envision this as burms  
17 with dollops of white pines on top of them, but  
18 rather we see this as a pastoral setting more  
19 like a gentleman's farm, if you will, where  
20 there could be fencing, pasture, meadow  
21 foreground and using hedgerows that are planted  
22 in more traditional native fashion to create the  
23 buffering and screening that we would want from  
24 the neighbors or from the roadway frontage.  
25 So again, trying very hard and I think

1 successfully to buffer the site in a way that's  
2 contextually appropriate for this site.

3           Next slide we used to show what the  
4 by-right plan could look like if this were to be  
5 developed to single family homes on that same  
6 assemblage of parcels. This plan was and did  
7 receive a cursory review by the Township  
8 engineer for its -- I wouldn't say buildable  
9 building, but rather their planning standpoint  
10 to make sure that we could truthfully say that  
11 it was a by-right plan that was in keeping with  
12 the spirit of the existing ordinance and what  
13 could potentially be developed here.

14           And one of the major things that we  
15 feel differs between this plan and the  
16 age-qualified plan is that the entire site now  
17 could be lotted out into fee simple lots. So  
18 even though you may have wetlands, you may have  
19 buffers, you may have environmentally sensitive  
20 areas, they are in fact and can be part of  
21 somebody's lot, which makes it very difficult  
22 then to control what ultimately happens there  
23 even with protection in place such as buffer  
24 ordinance. I can tell you, I live in  
25 Northampton Township in Bucks County, that we've

1 had many instances and even though we have  
2 recurring buffer ordinance where people have  
3 gone in clear paths down to the stream corridor  
4 and we have people, for example, riding their ATVs  
5 through the stream corridor. So even with those  
6 protections when they're individually lotted  
7 out, I think as a community you have less  
8 control potentially over what can take place  
9 with those environmentally sensitive areas,  
10 whereas when you go to the age-qualified concept,  
11 those open areas and protected areas are under  
12 one owner essentially, which is the association  
13 for that community, and I think are better  
14 protected or can be better protected. And also  
15 you start to see that you affect much more of  
16 the site of the roadway, roadway network to  
17 serve those proposed 95 lots.

18           So we think that the footprint of that  
19 development, even though the buildings are  
20 smaller, they're split out throughout the entire  
21 site, the roadways are much longer, the  
22 infrastructure that serve utilities for those  
23 units becomes greater and extended. So again,  
24 the overall impact of the site potentially is  
25 much greater.

1           And this slide really just is kind of  
2 showing what a progression of landscape treatment  
3 and buffering and hedgerows in the future of  
4 what we see as the landscape build-out, if you  
5 will, for the parcels as it begins to mature and  
6 what we start to see conceptually where the  
7 buffering would take place and how that  
8 might want to be augmented. It also, I think,  
9 provides great opportunity that as these areas  
10 remain as open space, okay, there is the  
11 potential to reforest and have them go through  
12 natural succession to refill in the woodlands  
13 that were probably taken out many years ago when  
14 the farms originally began their agricultural  
15 production.

16           And then lastly, just in summary,  
17 we've talked about the need, the baby boomers are  
18 here, the population is aging and there will be  
19 a market for the units. We've talked a little  
20 bit about fiscal and positive impact to the  
21 community. Traffic will be stabilized with the  
22 development relative to trips generated. The  
23 greener notion of the site, the 135 acres that  
24 are not developed. Buffering the location of  
25 these buildings of 365 feet perimeter streets.

1 Recreation, both passive and active opportunities  
2 on-site. We've talked about storm water  
3 management and the increase to control it and  
4 the better opportunities we have for  
5 incorporating management practices rather than  
6 one size fits all. And the notion of singular  
7 ownership of the common open areas and the  
8 natural features have been more beneficial as  
9 lotted out with 95 individual lots. Tom.

10                               MR. HECKER: I'd like to  
11 introduce to the Board at this time Matt Hammond  
12 from Traffic Planning and Design. Matt's firm  
13 also is very involved in the preparation of  
14 traffic studies, traffic advice to both  
15 developers and municipalities and also company  
16 access of reviewing -- provides a reviewing  
17 service for PennDOT. Traffic Planning and Design  
18 has experience on both sides of the development  
19 arena and again that is why we selected Matt's  
20 firm to participate in this process here in  
21 Hilltown Township.

22                               As I believe the Supervisors are  
23 aware, we earlier had submitted a plan which  
24 I'll talk about a little bit later on showing a  
25 lot more density on this project. And as

1 evidence, Evan indicated we also supplied during  
2 the process a plan showing the development of  
3 the site for 95 single family homes. Matt's  
4 firm made a comparison of the by-right plans, so  
5 to speak, with the proposal that's before the  
6 supervisors and he's updated that proposal to  
7 compare to the 268 units under the current  
8 ordinance. So Matt's going to speak to that  
9 along with traffic improvements. Matt.

10 - - -

11 MATTHEW I. HAMMOND,  
12 having been duly sworn, was examined and  
13 testified as follows:

14 - - -

15 MR. HAMMOND: Good  
16 evening again. My name is Matt Hammond,  
17 H-A-M-M-O-N-D, I'm with the firm of Traffic  
18 Planning and Design, Incorporated. We're  
19 transportation engineers and consultants.  
20 Similar to what Mr. Hecker had stated, we have  
21 prepared a comparison comparing the what I'll  
22 call by-right plan of 95 single family homes to  
23 the proposed 268 unit age-qualified development.  
24 That memo is included in the packet, it should  
25 be included in the packet. Obviously shows the

1 comparison in Table 3 on page 2, shows the  
2 comparison between the two different  
3 developments. During the weekday a.m. peak  
4 hour, just to familiarize everyone with the  
5 traffic engineering terminology, typically for  
6 residential-type developments we look at the  
7 a.m. peak hour as well as p.m. peak hour. The  
8 a.m. peak hour is the one highest hour of  
9 traffic between 7 and 9 a.m., and the p.m. peak  
10 hour is the one highest hour of traffic that  
11 falls between 4 and 6 p.m. We analyzed the peak  
12 hours of both a.m. and p.m. because usually for  
13 the most part, especially for residential  
14 developments, that is when the most traffic  
15 occurs and coincides with the traveling public  
16 on the adjacent roadway network. As you can see  
17 in Table 3, the comparison between 268  
18 age-qualified units and the 95 single family  
19 home units yields a difference of 11 trips  
20 during the a.m. peak hour whereas the  
21 age-qualified development generates 11 less  
22 trips than those 95 single family homes, and  
23 during the p.m. peak hour generates two less trips  
24 than the 95 single family homes. Some of you  
25 may say that's not a huge difference in the

1 amount of traffic generated during the peak  
2 hours. But I would say that 11, at least in the  
3 p.m. peak hour, 11 trips less than the p.m. peak  
4 hours approximately 16 percent less traffic  
5 generated by the facility. And in addition,  
6 age-qualified developments typically are less  
7 intensive trip generated developments, whereas  
8 they don't generate as much traffic during those  
9 peak hours, whether it's the one highest peak  
10 hour or the peak hour beforehand or afterwards  
11 as do residential developments because of the  
12 nature of the homes.

13           Typically, we see the residents in the  
14 age-qualified developments typically go during  
15 off-peak hours to run their errands, go to the  
16 doctors, whatever it may be. A traffic study  
17 was prepared originally for the original  
18 proposal when it was 456 age-qualified units. We  
19 looked at the surrounding roadway network, we  
20 had made some recommendations with respect to  
21 roadway improvement. And obviously with any  
22 type of development, municipality as well as  
23 PennDOT in this instance would be looking for  
24 roadway improvements not only to mitigate the  
25 impact of the development but also mitigate any

1 existing deficiencies which may occur on the  
2 roadway network.

3           We had looked at the possibility of  
4 providing left-turn lanes on both eastbound and  
5 westbound Route 313 at the intersection with  
6 113. We also looked at the possibility or  
7 looked at providing left-turn lanes and  
8 deceleration lanes at both access points of the  
9 one access point on Minsi Trail Road as well as  
10 the access points of 313. Obviously, being that  
11 all of the improvements that I just mentioned  
12 are on PennDOT roadways, not only will we need  
13 to seek the approval of the Township through the  
14 land development process and their consultants,  
15 we would also need to seek the approval from  
16 PennDOT in terms of providing the necessary  
17 improvements and proving to both the Township as  
18 well as PennDOT that the improvements associated  
19 with the development would more than mitigate  
20 the impact of the development would have on the  
21 roadway network.

22           We are and will if we're able  
23 successfully in moving forward with the project,  
24 we will be providing updates to the traffic  
25 study to attain more recent counts now that

1 there's been some development there on 313 and  
2 113 intersection as well as improvements. And  
3 we will be submitting that for review to not  
4 only the Township but PennDOT, and we will again  
5 outline what improvements we will do not only  
6 mitigate the impact but go above and beyond the  
7 existing situations that are currently out  
8 within the surrounding network.

9 MR. HECKER: I have Mr.  
10 McGrath next and then I'll follow with myself,  
11 so it would be an appropriate time then to take  
12 the break you indicated up front.

13 MR. GRABOWSKI: How long  
14 do you think Mr. McGrath will go?

15 MR. HECKER: Five minutes  
16 with Mr. McGrath. We'll do that now.

17 - - -

18 JOHN J. McGRATH, JR.,  
19 having been duly sworn, was examined and  
20 testified as follows:

21 - - -

22 MR. McGRATH: Thank you.  
23 John McGrath, McGrath Homes. I just wanted to  
24 say a few words on behalf of our company. As  
25 you know, we've been involved in this for about

1 three years now and we've been involved in AQC  
2 developments for about 12 years and it's an  
3 interesting phenomena. And every Township we've  
4 been into in the last eight years, there's been no  
5 zoning for age-qualified at all. And it's hard  
6 to go to a community and say, hey, you know, how  
7 do we do this? Because we take a grass-roots  
8 theory. We've been out on foot for the last  
9 three years in Hilltown, we've met a lot of nice  
10 people, knocked on a lot of doors, we've spent a  
11 lot of times in living rooms to educate people  
12 about the plan. Because at the end of the day,  
13 we've talked to municipal planners or talked to  
14 the people adjoining the property, we went to  
15 great extent to listen to their worries about  
16 the project, you know, the buffer, the traffic.  
17 How is it going to impact me? How far do I put  
18 the houses away from me?

19           There's some people with horses back  
20 there, we have to make sure that we educate the  
21 buyers coming in to our project, you know, that  
22 these people had horses and the horses were  
23 there before you, you know, we got to listen to  
24 their concerns. It takes a lot of time, it  
25 takes a lot of patience.

1           We as a developer, I think we're kind  
2 of unique. We recognize -- I've been building  
3 for 20 some years, I think we have a good  
4 reputation; it's all about service, it's all  
5 about, you know, making better improvements.  
6 How can I better myself as a developer? When I  
7 come into a community, I want to be -- all the  
8 communities we built so far and we built  
9 thousands of homes. I have no problem walking  
10 into any of these communities meeting the  
11 people, you know, telling them, you know,  
12 they're happy with their house, we service their  
13 house.

14           I think it's important for Hilltown to  
15 know that for when you're making a zoning  
16 change, you know who you're getting in bed  
17 with. We at McGrath Homes, we take pride in  
18 what we do. And I think where we've come to the  
19 past three years with the number of units, I think  
20 every Township, you know, has, you know, want a  
21 piece of property that they have to ask one  
22 question. I mean, if you can buy open space,  
23 buy it. But if you can't buy an open space, then  
24 whatever it's zoned for the developer coming in,  
25 if he wants to change the zoning, is it upgrading

1 the zoning? Is it better fiscally or better for  
2 traffic, got greener planning, can I make better  
3 storm water management for this project?

4 I think it has all the ingredients,  
5 that's the way we've gone out on foot and we  
6 will continue to talk to some more people. You  
7 know, talked to a lot of people in Hilltown and  
8 I just want to thank you for your time and thank  
9 the people here for their time. Thank you.

10 MR. GRABOWSKI: With the  
11 Board's indulgence, would this be a good time to  
12 take a recess? Let's say, we'll reconvene at  
13 8:45, give everyone a chance to stretch their  
14 legs, use the rest rooms, perhaps get something  
15 to drink. So we'll be back at 8:45.

16 - - -

17 (Whereupon, a brief  
18 recess was taken.)

19 - - -

20 MR. GRABOWSKI: Thank  
21 you. Mr. Hecker, someone in the audience  
22 mentioned during the break that one of the  
23 witnesses was a little hard to hear.  
24 Apparently, the acoustics are not as good in the  
25 back as they are here. Just as a reminder to

1 all to use the microphone, just to speak up.

2                   MR. HECKER: Certainly  
3 happy to do that. I'm going to be presenting  
4 some background and some further information. I  
5 have no problem if you'd like me to be sworn to  
6 do that for the purpose of --

7                   MR. GRABOWSKI: You are  
8 sworn as a public attorney, I certainly see no  
9 reason to do that.

10                  MR. HECKER: Thank you.  
11 As I mentioned earlier, you know I represent  
12 McGrath Homes and I've been with the McGrath  
13 organization since day one regarding AQC  
14 communities. They have been in the AQC  
15 development business for approximately 10 years  
16 now, and prior to filing the first application,  
17 they studied AQC developments in different areas  
18 of the country, down south and out west, and put  
19 a lot of emphasis on researching the needs of  
20 the members of an age-qualified community. One  
21 of the significant aspects of age-qualified  
22 community living are the amenities that are  
23 provided. Every facility has a community center  
24 or a clubhouse. Evan is pointing to the area on  
25 the development plan showing the proposed

1 community centers. These community centers  
2 really become the hub of the recreational  
3 activities.

4           If you've had the opportunity to visit  
5 any of the McGrath projects, you'll see that the  
6 community centers contain a variety of  
7 activities. First they house the offices for  
8 the association itself and then there normally  
9 would be a kitchen facility, full kitchen  
10 facility, a banquet room of some sort for  
11 parties, an athletic room that provides the  
12 state-of-the-art athletic equipment for people  
13 who like to exercise, swimming pools, both  
14 indoor and outdoor swimming pools, tennis courts  
15 for those who like to play tennis.

16           And the Shady Brook development in  
17 Middletown Township, north Middletown, added a  
18 greenhouse feature, which was the first  
19 greenhouse put in one of these communities, and  
20 it's been very, very popular. In this  
21 community, we have the opportunity to do  
22 something even beyond that.

23           As was pointed out by Evan in his  
24 earlier discussion, on the south side of the  
25 creek, you have that rectangular field on the

1 lighter green color which we believe will be  
2 designated for agricultural use by the members  
3 of the community. So we anticipate that that  
4 property will be farmed by members of the  
5 community for various things that people  
6 normally do in their backyards; raising  
7 vegetables, plants, flowers and what have you.  
8 So we're excited about the opportunity to  
9 include that as part of the activity being  
10 provided with this particular facility.

11           The community center is where it all  
12 happens. If you walk through one of these  
13 community centers, you'll see a calendar of  
14 events, either rooms being reserved, bus trips,  
15 golf outings, visits to see plays, whatever the  
16 case may be, whatever you can imagine, and it  
17 looks like these calendars are booked the entire  
18 month of some type of activity.

19           When I walked through the Shady Brook  
20 clubhouse about a year, a year and a half ago, I  
21 ran into someone who I had worked with for some  
22 time was a real estate broker and was asking how  
23 he liked that particular community. I heard  
24 very good things about the community, but the  
25 most telling comment that was made to me was

1 that what he bought was a lifestyle, totally  
2 different lifestyle. You can be involved in  
3 this lifestyle as much as you want to be or you  
4 can limit the number of activities that you're  
5 involved in, it doesn't matter. But for him and  
6 his wife, they are very, very active and every  
7 day seemed to be a new adventure for them and  
8 they're very upbeat about it. And I heard that  
9 comment later from other people as well.

10           So when we talked about age-qualified  
11 communities, I think it's important to note that  
12 we're talking about a lifestyle of living for  
13 people who don't necessarily want the  
14 maintenance obligations that usually go with  
15 homeownership and people who to some extent want  
16 to scale down from a larger home they've had but  
17 still enjoy all the amenities of good living.  
18 And that's what these communities offer.

19           Somewhere between \$3 and \$4 million is  
20 invested in providing the activities that make  
21 up the lifestyle in an age-qualified community.  
22 This project will be no different. I mentioned  
23 earlier in my opening remarks, and I think John  
24 mentioned as well, that with this particular  
25 property, combination of properties, we've been

1 at it for about a three-year period of time looking  
2 at all different aspects trying to address their  
3 concerns that were coming back to us. Some of  
4 those concerns were expressed directly to my  
5 clients.

6           Unlike other projects that may come  
7 before you, these builders have firsthand  
8 contact with people around them. They'll go out  
9 and knock on doors, visit the community, find  
10 out what the issues are, what the concerns are  
11 and attempt to address them. You can't always  
12 please everyone, some people are just against  
13 development, against change really. Others know  
14 that change is inevitable and are willing to  
15 listen to what you have to say and provide input  
16 with what the issues are in their minds if  
17 properties that they're currently looking at is  
18 open land are now going to be developed for a  
19 community like this or a single family home  
20 project.

21           What we did during that period of time  
22 was to gather information and this plan reflects  
23 a lot of that information. We heard about  
24 significant buffering around the property.  
25 We've provided a hundred-foot buffers around

1 this property, and as we go through the process  
2 and provide landscaping plans, hopefully through  
3 the land development process, you'll see the  
4 intent of the developer to provide a landscape  
5 scene that will give this the upscale appearance  
6 that we believe that the Township will be proud  
7 of, the upscale appearance that they try to  
8 achieve in every project that they do.

9           The visibility of the buildings was an  
10 issue. These buildings on this plan as a result  
11 of the density which are 268 units and under  
12 your ordinance calculated in a net buildable  
13 area at 2.5 units per acre, that's how we  
14 arrived at 2.5, and just as aside from the  
15 retirement district that you have in your  
16 ordinance, you permit 5 units per acre on the  
17 same mathematic formula that we've incorporated  
18 here. So with the age-qualified community,  
19 because it involves larger tracts of land, we've  
20 reduced that density. And that density allows  
21 us not only with the buffering but also in the  
22 placement of the buildings. This plan depicts  
23 building setback 410 feet from Minsi Trail,  
24 365 feet from Route 313.

25           As you know, as I mentioned earlier

1 and as I just referenced, the initial plans were  
2 submitted with a much higher density. And when  
3 we first approached, we attempted to mirror some  
4 of the provisions already existing in the  
5 Hilltown Township ordinance. And density was  
6 one of those issues, we took that five in the  
7 retirement district and applied it to here. And  
8 in the initial sketch plan we had over 500 units  
9 and we continued to scale down as we got the  
10 feedback that it was too dense. And as I  
11 mentioned, we now reduced that to 2.5 in  
12 accordance to the terms of the ordinance.

13           We had issues expressed to us  
14 concerning the traffic. As Matt has indicated  
15 to you, there is at this point in time a  
16 reduction, a slight reduction, but nonetheless  
17 reduction, in the number of vehicles that are  
18 generated by the by-right plan of approximately  
19 95 units for single-family dwellings versus what  
20 is proposed to 268 units that's shown on this  
21 plan. And as we get through the development  
22 process, hopefully we will be looking at more  
23 specifically incorporating the improvements that  
24 were recommended by Traffic Planning and Design  
25 when we did the initial traffic study two years

1 ago. It'll be updated and again look at it  
2 because PennDOT, obviously you have to work with  
3 PennDOT ultimately, but we'll work with the  
4 Township first to make sure that everyone is  
5 satisfied with the improvements so that the  
6 roads will be able to handle safely the traffic  
7 that is being generated by this project.

8           One of the things that's happened with  
9 the modification of the plan particularly south  
10 of the creek, that is all area not now being  
11 developed. That will be as part of the  
12 declaration that is ultimately filed against  
13 this property which is required in order to create  
14 the age restriction at the valid age restriction  
15 in Pennsylvania and federal law. That's going  
16 to be open space, it's reserved open space as  
17 part of this development.

18           There will be no development on the  
19 other side of the creek. The only activity that  
20 may occur is with that farming area that's  
21 designated, but no building on that side of it.

22           And as a result, the visual from 113  
23 with regard to being able to see development,  
24 you're going to see a lot of trees, you're going  
25 to see some farmland, you're going to see a lot

1 of open space. So we think that the reduction  
2 in this plan and keeping the density at 2.5 has  
3 resulted in a plan that not only works with the  
4 developer but also works for the community.

5           As John mentioned earlier, it's not  
6 uncommon when we first approach a community, the  
7 township or borough regarding an age-qualified  
8 ordinance, it's not uncommon that they don't  
9 have anything already in place or something that  
10 would work or the age-qualified community as we  
11 proposed and as we have developed it in other  
12 municipalities.

13           And we frequently find ourselves doing  
14 what we are doing tonight, that is making  
15 presentation hoping to convince you that you  
16 have some choices. But we think the best choice  
17 is an age-qualified community for the reasons  
18 that we've gone through here this evening.

19           Mike, would you put the last page up  
20 for me, please? We talked about an earlier  
21 discussion the need, Van has gone through those  
22 statistics with you. Evidence of that need is  
23 that after we started this project after the  
24 first official filing of this project, we  
25 started receiving inquiries from people about

1 the project. And when it would be available,  
2 when are you going to break ground? Obviously  
3 people who don't have any idea what the process  
4 is and the length of time it takes to go through  
5 the process, but we started collecting names.  
6 We have a list of approximately 125 -- I'm  
7 sorry, 150 to 200 names. Now, we haven't  
8 followed up at this point in time to see whether  
9 all those people are still interested. But the  
10 interesting thing about the names, when we  
11 asked, Where do you currently reside? We have a  
12 lot of people, Hilltown. We have people  
13 probably within a five-mile radius of this site.  
14 We also have people calling from the Carolinas  
15 and Florida looking to move closer to their  
16 grandchildren, people who have already in some  
17 respect scaled down, they have moved away but  
18 want a place back in this area to call home  
19 where they can be near their families.

20           So in addition to the baby boomer  
21 situation, we believe that as has been the case  
22 in other municipalities the need is evidenced by  
23 the interest. And in some municipalities, we've  
24 had so much interest that haven't even had to  
25 build a sample on that particular job site, we

1 refer them to the Shady Brook project to take a  
2 look at the different types of homes that were  
3 available. And that community was sold out,  
4 that was the one in Warminster Township.

5           So like in Warminster, we believe that  
6 there's a lot of interest in this particular  
7 area in Hilltown Township for the age-qualified  
8 community.

9           We talked about the fiscal and I think  
10 it's significant in summarizing the fiscal  
11 impact that there is a significant positive to  
12 the school district for 268 units, age-qualified  
13 versus the 95 singles. The 95 singles are going  
14 to get you about a \$300,000 deficit, that's a  
15 swing of almost \$2 million when you look at it  
16 from the standpoint of what it costs with a  
17 single family home community versus the positive  
18 tax revenue generated from age-qualified  
19 community. That's something that all, all tax  
20 payers of Hilltown Township will benefit from.  
21 There will be no impact on the schools.

22           We consider what we're asking for as  
23 an upgrade in zoning. Everyone may not agree  
24 with that. But we considered an upgrade because  
25 we're providing a use that we do not believe has

1 any negative impact. All you have to do is look  
2 at the fiscal numbers, the traffic numbers, and  
3 there is no negative impact from this type of  
4 community. An upgrade in zoning is one that  
5 provides benefit. And we think what we have  
6 demonstrated and that summary up on this wall  
7 demonstrates the benefit of an age-qualified  
8 community versus a 95-unit single family home  
9 community.

10           One thing that I would invite all of  
11 you to do is if you have any questions about  
12 age-qualified community, any questions about  
13 McGrath Homes, talk to your peers in the  
14 municipalities where John McGrath and Flanigan  
15 has built age-qualified communities. To a "T"  
16 we had nothing but positive comments.

17           Some of the people who purchased in  
18 these communities have actually been referred by  
19 municipal officials in other townships. We have  
20 no problem, no hesitation in having you do that.  
21 We have no problem, no hesitation in bringing  
22 municipal officials to a community that has been  
23 built so that you can see what you're getting.

24           We believe firmly that -- and in the  
25 end, while this may represent you doing things a

1 little differently than you had envisioned, it's  
2 something for the good of the community and we  
3 hope that you view it the same way that we do.  
4 Thank you very much.

5           That concludes our presentation with  
6 regard to why AQC at this location. As  
7 everyone is aware, we had submitted an ordinance  
8 that we subsequently revised and we met with the  
9 Planning Commission back in, I guess, September  
10 and we've received from the Planning Commission  
11 a lot of comments as we went through the  
12 ordinance provisions one-by-one.

13           I have revised an ordinance to reflect  
14 a lot of those comments. We have not formally  
15 submitted that revised ordinance. My intention  
16 to do so after this evening's meeting so as not  
17 to confuse you with what ordinance that you're  
18 looking at. I don't know if it's the  
19 appropriate time this evening to take a look at  
20 the revised ordinance since it hasn't yet been  
21 officially submitted or have me submit, and we  
22 can do that perhaps even on the 11th so we can  
23 review with you the changes that have been made.  
24 After you had the benefit not only of our  
25 comments which were given tonight, but also the

1 comments of the public that we'll be taking at  
2 that meeting to see whether or not the revised  
3 ordinance addresses those comments.

4 I seek your input on how you would  
5 like to proceed with it.

6 MR. GRABOWSKI: Why don't  
7 you give the Board two minutes to discuss this.

8 MR. HECKER: Certainly.

9 - - -

10 (Break in proceedings.)

11 - - -

12 MR. GRABOWSKI: Mr.  
13 Hecker, the Board would like to have the  
14 document that you suggested, the filing, if you  
15 could proceed to file that with the Township and  
16 it can be made available to not only the Board  
17 officially but to the general public. There is  
18 no need for any presentation tonight, it will be  
19 available and could then be used to have  
20 questions asked concerning all of the documents  
21 if you've then filed including that document by  
22 the Board and by the general audience on  
23 December 11th.

24 MR. HECKER: I think that  
25 makes sense, so no problem with that at all.

1 MR. GRABOWSKI: And then  
2 as to the audience, just to remind you that this  
3 proposal is apparently a response to a  
4 discussion that took place at the Township  
5 Planning Commission on October 16th?

6 MR. HECKER: That's  
7 right. Yes.

8 MR. GRABOWSKI: That  
9 document, once it's filed with the Township, if  
10 that's tomorrow then becomes available for  
11 everybody to come in to review it and then to  
12 obtain copies, the normal Township policy on  
13 that.

14 MR. HECKER: We'll try to  
15 get it up here tomorrow.

16 MR. GRABOWSKI: That's it  
17 then?

18 MR. HECKER: That is it.

19 MR. GRABOWSKI: Before I  
20 turn the meeting back to Chairman McIlhinney,  
21 I thank you for being very courteous  
22 tonight. It's always been a policy of Hilltown  
23 residents not necessarily to always agree but  
24 always is very courteous and polite during the  
25 hearings.

1           The next hearing just as a reminder is  
2 December 11, 6:00 p.m., and I think with the  
3 Board's indulgence, we will remain here as long  
4 as necessary to allow everybody an opportunity  
5 to ask questions and to give statements to the  
6 Board. So with that, I'll turn the meeting back  
7 to Chairman McIlhinney.

8                           MR. McILHINNEY: Thank  
9 you, Frank. Seeing no more business for this  
10 evening, I'm looking for a motion to recess this  
11 or adjourn as you may desire.

12                           MR. MANFREDI: We have  
13 properly advertised December 11th; is that  
14 correct?

15                           MR. McILHINNEY: Yes, we  
16 did.

17                           MR. MANFREDI: So we can  
18 adjourn and reconvene on the 11th.

19                           MR. McILHINNEY: Correct.

20                           MR. MANFREDI: I make a  
21 motion to adjourn.

22                           MS. SALVADORE: Second.

23                                   - - -

24                                   (Ayes are in favor.)

25                                   - - -

1 (Hearing concluded at  
2 9:07 p.m.)

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C E R T I F I C A T E

I, Brenda J. Cappiello, hereby certify that  
the proceedings and evidence are contained fully  
and accurately in the notes taken by me in the  
above cause and that this is a correct transcript  
of the same.

Brenda J. Cappiello  
Court Reporter/Notary Public