

HILLTOWN TOWNSHIP PLANNING COMMISSION
REGULARLY SCHEDULED MEETING
Monday, July 18, 2005
7:30PM

The regularly scheduled meeting of the Hilltown Township Planning Commission was called to order by Chairperson D. Brooke Rush at 7:36PM, and opened with the Pledge of Allegiance. Also present were Planning Commission members Mike Beatrice, Ken Beer, Bill Bradley, Denise Hermany, Chuck Kulesza, and Jack McIlhinney; along with C. Robert Wynn, Township Engineer, and Lynda Seimes, Township Secretary, to record and take minutes of this meeting.

A. APPROVAL OF MINUTES – Action on the minutes of the June 20, 2005 Planning Commission Meeting – Motion was made by Mr. Beer and seconded by Mrs. Hermany to approve the minutes of the June 20, 2005 Planning Commission meeting as written. Mr. Bradley and Mr. Beatrice abstained from the vote since they were not present at that meeting. Motion passed.

B. PUBLIC COMMENT ON AGENDA ITEMS ONLY: None.

C. CONFIRMED APPOINTMENTS:

1. Guttman Tract Subdivision – Re-Zoning Petition – Mr. William Benner, the applicant's legal counsel, was in attendance to present the plan. Since April of 2004, this proposal has been before the Planning Commission, the Board of Supervisors, the Park and Recreation Board, and the Open Space Committee on nine different occasions. Consistently during these nine various appearances, Mr. Benner noticed that all of the agencies, including the Planning Commission, has recognized the merit in developing this 86-acre property using some form of Cluster Option. It also appears to be the consensus that if this property is developed with a Cluster Option, there should be no density bonus as a result. Mr. Benner advised that this property contains areas of environmentally sensitive lands including woodlands and wetlands. It is further noted that the site is located adjacent to Silverdale Borough and adjacent to lands that are zoned higher density, as well as being in close proximity to Mobile Home Park zoning. In the immediate neighborhood of the site, there are existing single-family dwellings that are experiencing sewer problems. Over the course of these many meetings, discussion took place regarding developing this property using a 15,000 sq. ft. option, which did not meet with much support; discussion about developing the property using a 20,000 sq. ft. option; and most recently, a suggestion to develop this property using a 30,000 sq. ft. option. In November of 2004 and again in January of 2005, the applicant discussed with the Supervisors how to implement a Cluster Option for the site. Three options were discussed, including the possibility of creating a stand-alone separate Cluster Subdivision Ordinance; applying to the Zoning Hearing Board for site-specific relief and the possibility of re-zoning the property in the form of a Zoning Map Change to the CR-2 Classification. After two meetings of discussions, the Supervisors were unanimous in advising the applicant to pursue a change in the Zoning Map from the RR District

classification to the CR-2 District classification. To this end, the applicant has submitted an appropriate petition and impact statements. This petition was reviewed by the Bucks County Planning Commission (dated May 4, 2005), the Township Engineer (dated May 9, 2005), and by the Planning Commission at their last meeting. Rather than making a recommendation to the Board of Supervisors, the Planning Commission requested that the applicant submit alternate sketch plan designs for the site for review at their Worksession meeting. Two alternatives were submitted though Mr. Benner noted they are not a part of the Re-zoning Petition before the Commission this evening. Based upon the submitted sketch plans, it is clear that the 30,000 sq. ft. option is not compliant with zoning, and would require site-specific relief. It is also clear that this property could be developed using a Cluster Option with 20,000 sq. ft. lots without any other zoning relief.

Mr. Benner advised that the issue before the Planning Commission this evening is the Petition to re-zone the Guttman Tract Subdivision to the CR-2 Zoning District and also to consider a text amendment to address a drafting error that is currently in the Ordinance to change the table. The nature of the proposed text amendment would require that any cluster development would not necessarily have to have public water and sewer.

Chairperson Rush believes that the current plan proposes 20,000 sq. ft. lots, and also referenced the two new sketch plans received two weeks ago showing the road proposed through the wooded area. Mr. Benner explained that if and when the Planning Commission takes action on the applicant's petition to re-zone, they would not be taking action on any of the sketch plans. He reminded the Planning Commission that the sketch plans are not a part of the re-zoning proposal; rather the sketch plans were submitted merely for discussion and informational purposes so that the Supervisors and Commission could see how this property could be developed under the CR-2 Zoning classification. If there is a consensus about one of the sketch plans, the Planning Commission could provide guidance to the Supervisors as to how they would like this property to be later subdivided should the re-zoning application receive favorable consideration. Chairperson Rush feels the Planning Commission would be more comfortable making a recommendation if they had the opportunity to review a sketch plan design. Just because the lots can be 20,000 sq. ft. in size, Chairperson Rush does not personally believe that every lot has to be 20,000 sq. ft. in size. He feels that some of the lots could have been more spread out and located around the existing pond. Discussion took place.

Mr. Beatrice asked how many failing septic systems are in the vicinity of the proposed development. Mr. Wynn replied that there are three major areas of failing systems identified in the Act 537 Plan as adopted by the Township – including that area across the street, and two areas on Fairhill Road, in close proximity to the site. Mr. Wynn believes that the Act 537 Plan proposes the ultimate connection of all three locations to the public sewer system.

Mr. McIlhinney has always disagreed the number of 50,000 sq. ft. lots the applicant indicated would be permitted when the plan was first presented a year ago. Mr. Benner indicated that the count was correct, and that the alternate plan with a Cluster Option proposed smaller lots. Mr. McIlhinney commented that the plans the applicant subsequently submitted proposed deed restricted, larger lots being retained with existing homes, much to the detriment of the required open space. In fact, the deed restricted open space is being counted as part of the open space, and Mr. McIlhinney asked how the developer can justify that. Mr. Benner replied that it is permitted by Ordinance, and explained that for the purposes of calculating open space, there are a variety of options available. He stated that the required open space can be dedicated, owned by a Homeowner's Association or a qualified Conservancy, or it can be deed restricted open space on an individual lot, which would not be open to the public. Mr. McIlhinney advised that the intent of proposing a Cluster Option was to show that all the open space land would be contiguous and would be available to the public, as well as tying into to Silverdale Borough park, which would make it valuable to the Township, even at the expense of reduced tax revenue. Mr. McIlhinney wondered how deed restricted open space would be beneficial to the Township. In the many, many meetings that took place before Mr. McIlhinney became a Planning Commission member, Mr. Benner replied that there was discussion about preserving wooded areas, wetlands, and other natural resource protection areas, which he believes would be accomplished by this re-zoning request. Mr. Benner stated that some portions of the open space would be dedicated, however exactly how much will be subject to further discussion. Some of the proposed open space could be owned by a Homeowner's Association or a Conservancy, though exactly how much will depend upon the final subdivision proposal. Mr. Benner noted that some of the open space is proposed to be deed restricted, which means it would remain as open space and not subject to future development. Mr. Benner feels that the issue is not the ownership of the open space, but whether or not the property should be developed under RR or CR-2 Zoning. Mr. Bradley disagreed, noting that deed restricted open space, in his opinion, is not to beneficial to the Township. Mr. Benner commented that the public's benefit, as noted by the Bucks County Planning Commission and the Township Engineer, includes non-development of natural resource protected lands and the opportunity to provide public sewer to some areas of the Township that presently are presently experiencing failing systems. There is also the recognition that if this property develops by-right under the RR Option, it is could be subdivided into 45 single family lots, so that the impacts associated with a by-right development and the impacts associated with a Cluster Option, are the same in Mr. Benner's opinion. He advised that whether the lots are 20,000 sq. ft., 50,000 sq. ft. or 30,000 sq. ft. in size, the traffic impact, water impact, sewer impacts, and tax impact are essentially the same. Mr. Benner stated that the benefits consist of the opportunity to provide for public sewer to those areas with failing systems, and a way by which approximately 40% of this property would remain in some form of open space. Mr. McIlhinney disagreed, stating that homes

constructed on 20,000 sq. ft. lots would provide for the same value as if the dwelling was constructed on a 50,000 sq. ft. lot. Therefore, he does not believe there would be any tax benefit to the Township with the smaller lots. Discussion took place.

Motion was made by Mr. McIlhinney to recommend that the applicant be required to provide proof that 45 single family dwellings could be constructed on the Guttman Tract, by-right. (There was no second to the motion at this time).

As a point of clarification, Chairperson Rush recalls that the plan the Planning Commission reviewed at their Worksession meeting actually showed the existing dwellings being demolished, and therefore, he is not so sure that is the plan the developer would have moved forward with. He also noted that the plan proposed 51 single-family dwellings, and with issues with respect to clearing the wooded areas that would have been somewhat close. Further, Chairperson Rush recalls that the number of 45 dwellings was an educated guess. Mr. Benner disagreed, stating that it was the applicant's position that this property could have been subdivided, by-right, into 51 lots. At the time, there was a great deal of discussion between the applicant and the Township Engineer, who took issue with the calculations. While it was Mr. Wynn's opinion that the by-right number was 45 single-family dwellings, Mr. Benner advised that the applicant elected not to contest that finding.

Mrs. Hermany wondered why it was so important for the applicant to propose deed restricted open space when it is such a great concern of the Planning Commission. Mr. Benner stated that the original application proposed to change the open space ratio, however the Bucks County Planning Commission's recommendation was to keep the plan simple by proposing a by-right Cluster Option development with 20,000 sq. ft. lots without changing the open space ratio, which could be accomplished by taking advantage of the deed restricted option per lot. Mrs. Hermany commented that the Planning Commission recently had a very long discussion with Mrs. Bush of the Bucks County Planning Commission about this very issue, who stated that she could not understand why the applicant was proposing deed restricted open space. Discussion took place.

Mr. Bradley seconded Mr. McIlhinney's original motion. Mr. Kulesza and Mr. Beer were opposed. Motion passed.

Mr. Kulesza explained that he was opposed because he does not feel it would be useful at this time. Mr. Benner stated that the applicant elects not to comply with the recommendation. Mr. Kulesza believes that there is some merit to a zoning change for this area, however he does not feel it is appropriate for just this one property, which he would view as "spot zoning" and feels that a more comprehensive view of the area should be considered. If this area is to be considered for dense development, Mr. Kulesza

commented that the Township must consider the additional traffic that would be generated.

(*Mr. Benner had to leave the meeting due to another obligation, and stated that the applicant would be represented for the remainder of this discussion by his associate, Mr. Ed Wild).

If the plan had been submitted with a bit more creativity, with less deed restricted open space, larger lots, and with dwellings proposed around the pond area, Mrs. Hermany believes the Planning Commission would have looked upon the applicant's re-zoning request more favorably.

Motion was made by Mr. McIlhinney to recommend denial of the re-zoning request until such a time that the applicant more accurately depicts what the Township envisioned with respect to open space as an off-set to reduced tax revenue. (There was no second to the motion).

Chairperson Rush believes that it would be very difficult for the applicant to propose any plan that would be compliant in every aspect. If that is the case, Mr. McIlhinney stated that perhaps this particular parcel is not amenable providing a development the Township desires, and suggested that there should be deed restricted open space on the rear of 50,000 sq. ft. lots. Lengthy discussion took place.

When this plan was first presented, Mr. Beatrice recalls that several Planning Commission members felt that if there is any area where the extension of public sewer should be considered, it would be an area similar to this, which is located adjacent to Silverdale Borough where infrastructure currently exists. With that being said, Mr. Beatrice is concerned with the ripple effect it could cause if only this parcel is re-zoned, which is why he requested additional information with respect to the failing septic systems. Mr. Beer might support the re-zoning of this tract, however he agrees with Mr. Beatrice that the number of failing systems in that area may require consideration for re-zoning as well. . Mr. McIlhinney questioned what public water and sewer have to do with the applicant's re-zoning request. Mr. Wynn explained that if a subdivision is proposed for this site, whether zoned RR or CR-2, or if it is for 50,000 sq. lots or ½ acre lots, proposing public sewer or any other sewage facilities, the issue of failing systems in close proximity of this site will be something that would be dealt with in the Planning Module stage of the project. Mr. McIlhinney does not feel that the issue of sewers should enter into it. He has yet to see any plan submitted from the developer showing that the Township will receive usable open space area.

Motion was made by Mr. McIlhinney to recommend that the developer submit a plan showing a mix of lot sizes (50,000 sq. ft., 30,000 sq. ft., and 20,000 sq. ft.), while also

providing the Township with open space that is contiguous with the Silverdale Borough park, prior to making a recommendation with respect to the applicant's request for a zoning change. (There was no second to the motion at this time).

Lengthy discussion took place concerning the neighboring properties experiencing failing septic systems.

Mr. McIlhinney restated his original motion to recommend that the developer submit a sketch plan showing a mixture of 50,000 sq. ft., 30,000 sq. ft., and 20,000 sq. ft. lots, while still providing for meaningful Township open space that is contiguous with the neighboring Silverdale Borough park prior to making a recommendation with respect to the applicant's request for a zoning change from RR to CR-2 Zoning. Motion was seconded by Mrs. Hermany. Mr. Kulesza, Mr. Beatrice and Chairperson Rush were opposed to the motion. Motion passed: 4:3.

Mr. Wild respectfully noted that the applicant has no intention of submitting an additional sketch plan at this time, however they would be willing to compromise with the Township by submitting a plan with altering lot sizes, and meaningful contiguous open space in the future. Discussion took place.

Motion was made by Mr. McIlhinney to recommend approval of the applicant's re-zoning request for the Guttman Tract from RR to CR-2 if the applicant submits a plan in the future with altering lot sizes of 20,000 sq. ft., 30,000 sq. ft., and 50,000 sq. ft. lots in a mix that is agreeable to the Planning Commission, as well as providing for a contiguous piece of open space that adjoins the Silverdale Borough park. (There was no second to the motion at this time).

Mr. Beatrice expressed concerned that the Planning Commission is allowing the septic failures in the area influence them, and therefore is reluctant to make a positive vote to change the zoning for this property without first reviewing all the facts. Mr. Bradley was also opposed to recommending approval of the applicant's re-zoning request since they have not provided a suitable proposal that meets the Planning Commission's numerous requests with respect to cluster developments, lot size, and meaningful open space.

Mrs. Hermany seconded Mr. McIlhinney's latest motion.

Mr. Wynn stated that this applicant or any future property owner of the site that has been re-zoned to CR-2 Zoning does not necessarily have to do what the Planning Commission recommended in their motion. He explained that the property owner could subdivide in accordance with the CR-2 Zoning District requirements, with all 20,000 sq. ft. lots. Mr. Jim D'Angelo, president of D'Angelo Construction, commented that he has taken the direction of the Planning Commission and other Township Board's and committees to

heart since April of last year, and he has no intention of proposing a 20,000 sq. ft. lot subdivision that he knows would not be approved by the Township. It is not his intention to attempt to shove a 20,000 sq. ft. lot subdivision before the Township, which he knows he could never get approved. Discussion took place.

Mr. Beatrice, Mr. Kulesza, and Mr. Bradley were opposed to Mr. McIlhinney's latest motion. Motion carried.

2. Blooming Glen Mennonite Church Land Development Waiver – Mr. David Citro was in attendance to present the plan. Mr. Wynn's review dated July 6, 2005 was discussed. The Township received a request to waive submission of land development for a proposed 4,000 sq. ft. community pavilion to be constructed in the rear yard area of the Blooming Glen Mennonite Church located at 713 Blooming Glen Road. The site, which contains the church, two single family dwellings, a parking area, and other related improvements was the subject of a land development plan that received final approval by the Supervisors on July 25, 1994. Stormwater Management was addressed by construction of a detention basin located in the northern corner of the property. Stormwater runoff from the proposed pavilion is to be directed to the existing detention basin via construction of a swale, and managed by slight modification of the outlet structure. Inspection of the site indicates that the detention basin is well maintained with no evidence of erosion immediately downgrade.

Mr. Wynn recommended approval of the land development waiver request conditional upon the following being resolved in a manner satisfactory to the Township:

- Construction of the stormwater management swale should be guaranteed via execution of Financial Security Agreement pursuant to Section 701 of the Township Stormwater Management Ordinance, or the swale should be constructed, installed, and stabilized prior to issuance of a zoning/building permit for the community pavilion.
- Verification of approval should be received in writing from the Bucks County Conservation District for proposed erosion and sedimentation control measures to be implemented during earth disturbance activity. A copy of the erosion/sedimentation control plan, submitted for review and approval by the Bucks County Conservation District, should be submitted for Township records.
- A proposed access drive to the community pavilion appears to be unnecessarily long and requires additional impervious surface, construction cost, and earth disturbance. The applicant should consider

constructing the access drive from the existing parking area directly to the pavilion, rather than via connection to an existing asphalt driveway.

- Sanitary sewer lateral and water lateral are identified on the plan for connection to the community pavilion. Note #11 indicates that water and sewer lateral construction shall be in conformance to requirements of the Hilltown Township Water and Sewer Authority. Verification of approval should be received in writing from HTWSA relative to the construction of these facilities.

Mr. Beatrice asked if there is enough septic capacity available to handle the additional restroom. Mr. Citro replied that is currently being coordinated with HTWSA. He explained that the Church proposes to utilize the facility only during summer months, and primarily during the weekends.

- Building permit should not be issued until building construction plans are reviewed by the Code Enforcement Officer for compliance with the applicable building codes.

Motion was made by Mr. Beer, seconded by Mr. Beatrice, and carried unanimously to recommend approval of the Blooming Glen Mennonite Church Land Development Waiver Request, with satisfactory completion of the conditions as specified above.

3. White Chimney Farms/Cinnabar Farms Consolidation – Mr. Chris Canavan of W.B. Homes, along with Mr. Scott Guidos, the applicant's engineer, was in attendance to present the plan. Mr. Canavan advised that the applicant's proposal is to preserve open space at the White Chimney Farms property, with the additional density proposed to be constructed at the Cinnabar Farms property. He explained that the concept is to take the lot yield from White Chimney Farms and incorporate it with the lot yield from Cinnabar Farms under the Rural Residential Cluster provision. This provision would allow for a lot size reduction from 50,000 sq. ft. to 30,000 sq. ft. with 55% open space. The applicant would then be able to preserve 35+/- acres of open space at White Chimney Farms and create one flag lot of three acres for the existing farmhouse and barn. At Cinnabar Farms, the applicant would develop 39 total lots, 38 new dwellings plus one existing house, while preserving six acres of open space in East Rockhill Township. As part of this proposal, the Hilltown Authority would need to request an additional 16 EDU's from East Rockhill over and above the originally approved 23 EDU's needed for the original Cinnabar Farms project for sanitary sewer service. White Chimney Farms received conditional preliminary plan approval for 21 lots, which includes 20 new lots plus one existing lot. Cinnabar Farms received conditional preliminary plan approval for a total of 23 lots, including 22 new lots and one existing, for a total number of 44 lots between the two projects. Mr. Canavan noted that this new proposal would reduce the

total lot count to 40 between both sites. He believes that an advantage of this proposal would be the elimination of significant infrastructure improvements for White Chimney Farms that would have to be built by the developer and then maintained by the Township in the future. It would also eliminate the need for 20 new on-site systems, and would provide for a reduction in the length of public water extension into the RR District by 2,300 linear feet. The non-consolidated plan would provide for five acres of open space on the East Rockhill Township portion of the development, while the consolidated plan would provide for 40.93 acres of open space, with 35.87 acres of that located in Hilltown Township. Mr. Canavan also noted that the consolidation proposal protects a very scenic vista, which is mentioned in the Township's Comprehensive Plan and Open Space Plan. He provided slides of the view from Rt. 113 just north of the village of Blooming Glen, looking through the valley toward the northwest, which would remain if the consolidated plan is approved.

The lot sizes proposed for the Cinnabar Farm property with the consolidation plan would be 30,000 sq. ft. minimum, with several lots quite a bit larger. Discussion took place concerning the waivers that would be required and the variances that would be required from the Zoning Hearing Board in order to accomplish the consolidated plan.

Mr. Beer would be agreeable to the proposal if the Township would benefit from the sale of development rights of the White Chimney Farms property. Mr. Canavan noted that in order for the developer's financial model to work with this proposal, the sale of that dwelling on White Chimney Farms is crucial, however he did feel that some sort of a compromise could be struck with respect to the White Chimney Farms lot. Lengthy discussion took place.

Mr. McIlhinney was concerned that there would be no open space provided for the 40 lots that would now be constructed on the Cinnabar Farms property. Mr. Canavan advised that the eventual buyer would be purchasing a house in a development of 30,000 sq. ft. lots that they would know up front, would not be serviced by additional open space property. Also, the buyers would be aware that there is a six-acre park adjacent to the subdivision in East Rockhill Township would be available for their use. Mr. McIlhinney commented there would now be 30,000 sq. ft. lots on the Cinnabar Farms site, without the open space that normally would be required in RR, with existing neighbors surrounding the site who thought that required open space would be provided. He also noted that no infrastructure would be installed to provide public water service to the adjacent properties of the White Chimney Farms site. Further, Mr. McIlhinney advised that if the developer would have constructed the second development with 50,000 sq. ft. lots, all of which would have provided tax revenues to the Township. Mr. Canavan does not believe there will be a depreciation in the value of the 30,000 sq. ft. lots versus the 50,000 sq. ft. lots, because the houses themselves will remain the same size and price. He reminded Mr. McIlhinney that there is an impervious surface limitation in the

Ordinance on the 50,000 sq. ft. lots of 9%, and since the lot size would be decreased, the impervious surface, per the Ordinance, would be increased with the construction of larger dwellings.

Discussion took place regarding the six acres of open space located in the East Rockhill Township portion of the Cinnabar Farms development. Mr. Canavan noted that a parking area has been provided to access the open space and a trail network will also be constructed to connect to the sidewalk and loop back through the property. Mrs. Hermany asked if street trees and berming are proposed around the open space. Mr. Canavan replied that street trees will be provided, however berming is not proposed since it fronts on a local access roadway.

Mr. Beatrice felt that the suggestion made by Mr. Beer, originally put forth by Mrs. Hermany, to permit the Township to benefit from the sale of development rights on the White Chimney Farms property was an excellent one. He would prefer open space in that area that is farmed, rather than a paved parking lot and ball fields. Mr. Canavan had no objection, as long as the financial situation can be agreed upon. Mr. McIlhinney is concerned that if this proposal is considered an acceptable way to proceed in the Rural Residential Zoning District, he fully expects that there will be other developers who own two or three parcels proposing similar scenarios, which is essentially establishing their own TDR program. Mr. Canavan believes that this particular situation is unique due to the issue of the availability of the public sewer extension through East Rockhill Township. He reminded the Commission that both the Cinnabar Farms property and the White Chimney Farms property were previously approved, with the Cinnabar site was approved for the extension of public sewer.

Mr. Kulesza asked if East Rockhill Township has agreed to provide the additional EDU's to serve the additional dwellings at the Cinnabar Farms site. Mr. Canavan replied that East Rockhill has agreed to provide the EDU's for the smaller development, however some initial inquiries must be made by the Hilltown Authority on behalf of the Township for this consolidated proposal. However, East Rockhill has stated that the capacity is available. Mr. Kulesza recalls that there was much discussion with the Supervisors that public sewer would not be extended beyond the originally proposed number of dwelling units. Mr. Canavan believes that the discussion was that public sewer would not be extended beyond the Cinnabar property. East Rockhill Township had expressed that they had very limited capacity available within that treatment plant. He does not feel it is the intention of either East Rockhill or Hilltown to allow for the continued extension of public sewer into the RR District.

Chairperson Rush commented that if this proposal were to move forward, he would be a bit more comfortable if there was a way to achieve the 55% of open space on the Cinnabar Farms site. Lengthy discussion took place concerning the possibility of carving

out more open space from the larger lots located along the rear of the Cinnabar site. Mr. Canavan advised that the main issue for consideration by the Zoning Hearing Board is the proposal for two non-contiguous tracts to be combined and for the density calculations. The other variance request is for the use of public sewer, since the Ordinance states that on-site systems are required for Cluster developments. Another variance would be the issue of a reduction in the standard from 55% open space to 47% open space. Chairperson Rush is in favor of the consolidation proposal because he believes it makes for good, out-of-the-box thinking. Mr. Beer encouraged the consolidation plan with the use of development rights on the White Chimney property, which would remain as such for perpetuity. He noted that if the parcel is designated as open space, there is the possibility that a future Board of Supervisors could sell it. Chairperson Rush commented that development rights would also produce tax revenues, where open space property would not. Mr. Canavan believes that a compromise can be reached with respect to the development rights on the White Chimney Farms site.

Mr. Kulesza wondered if the Cinnabar Farms site is appropriate for the density that is proposed with the consolidation plan. Mr. Beer reminded Mr. Kulesza that the Cinnabar site is located in very close proximity to Perkaskie Borough, where the density is greater and the infrastructure exists. Mr. Kulesza asked if the adjacent property is then also considered appropriate for such density. Mr. Beer advised that is something the Township would have to discuss and consider on a case-by-case basis. Mr. Kulesza disagreed, feeling that the Township has to consider the request in a more comprehensive way by stating whether or not the area is appropriate for that type of density. If the quest is to obtain open space at any price, Mr. McIlhinney stated that this is the answer, which will provide for small, square lots with 50 ft. setbacks, which in the past was not looked favorably upon due to its "cookie-cutter" appearance. Further, Mr. McIlhinney noted the Township would be receiving a piece of open space that will not provide any tax revenue. Mrs. Hermany does not believe that this issue can be considered in a vacuum, and feels that in this situation, the proposal makes sense.

Public Comment:

1. Ms. Sandy Williamson of Mill Road feels this is one of the most creative plans she has ever seen. Near her home, the Berry Brow property is being developed under the previous Ordinance requirements with lots of 30,000 sq. ft. and with the open space designated as a separate parcel located across Hilltown Pike from the development. This was a decision the Township made with the developer in order to consolidate the attractive open space area. If the existing residents in the area of this property were asked if they would prefer a connection to public water over the ability to preserve this scenic vista, Ms. Williamson believes those residents would choose to retain the vista, which could add immeasurably to the value of their property. Discussion took place.

2. Mr. Henry Rosenberger of Rt. 113 previously expressed his strong support of this concept at the June 27, 2005 Board of Supervisor's meeting. He and his family own four properties adjacent to the White Chimney Farms site, and are considering preserving that land through an application presently before the Bucks County Land Preservation Board.

Mr. Rosenberger stated that he was misquoted by Mr. McIlhinney at the July 7th Planning Commission Worksession meeting, who stated that the approval of the application before the Bucks County Farmland Preservation Board was contingent on the White Chimney Farms property not being developed. Mr. Rosenberger did not make that statement, nor has he consulted the Farmland Preservation Board about it. At the June 27, 2005 Supervisor's Meeting, Mr. Rosenberger acknowledged the fact that his family was considering preserving the properties they own near the White Chimney Farms site but were very concerned about what is proposed for the surrounding properties.

Mr. Rosenberger wished to correct the record to state the following: "Our family has purchased farms for the purpose of preserving land for the community and for future generations. We see this as a benefit that serves the entire community, however we will not allow our goodwill to be used for commercial gain by neighboring landholders intent on developing and benefiting from the presence of our preserved lands. We will explore all options to prevent this from happening."

Mr. Rosenberger would prefer that his comments be quoted accurately. As a candidate running for public office in Hilltown Township, Mr. Rosenberger would have expected more professionalism from Mr. McIlhinney, who inferred that Mr. Rosenberger perhaps lied or extended his authority beyond his ability. He would appreciate an apology from Mr. McIlhinney, and a correction to the record, noting that he will not allow himself to be spoken about falsely in this or in any other context.

Mr. McIlhinney does not believe that he misquoted anything, and read from the previously approved minutes of the June 27, 2005 Board of Supervisors Meeting, which states "Mr. Rosenberger noted that they are accepting the application only with the condition that the White Chimney Farms property is not developed."

Mr. Rosenberger explained that the "they" as referred to in these minutes is his family, not the Bucks County Land Preservation Board. Mr. McIlhinney commented that Mr. Rosenberger's family does not have the authority to accept applications, the Bucks County Land Preservation Board does. Mr. Rosenberger provided a word-for-word transcription of that statement from tape recordings taken by another individual. Mr. McIlhinney stated that the section he quoted came from the approved minutes of the June 27th Supervisor meeting, and suggested that perhaps Mr. Rosenberger request a correction to those minutes from the Board of Supervisors.

With respect to the very creative proposal before the Commission this evening, Mr. Rosenberger supports it. He noted that the view from Rt. 113 in Hilltown toward Minsi Trail is one of the most beautiful vistas remaining in the area, which extends all the way to the Ridge with only one house in sight besides the White Chimney Farm. Mr. Rosenberger feels that the site is well worth preserving.

Motion was made by Mr. Beer to recommend that the White Chimney Farms/Cinnabar Farms Consolidation plan as presented this evening move forward to seek variances from the Zoning Hearing Board, with the condition that the flag lot be removed and that the development rights for the White Chimney Farms property be sold with the proceeds going to the Township, and with additional open space provided on the Cinnabar Farms property. Mr. Bradley seconded the motion. (No vote was taken at this time).

Mr. Canavan does not anticipate that there will be any sale of development rights for the White Chimney Farms property; rather he believes that the applicant would be willing to deed restrict the site from future development, with the property either being sold or held in a public trust, for which revenue would be generated for the benefit of the developer as well as the Township. Mr. Canavan feels that a compromise can be reached with respect to allowing the White Chimney Farms parcel to remain as one contiguous farming property, with future dialogue concerning the protection of the land and the financial arrangements involved. Lengthy discussion took place.

Mr. McIlhinney suggested that a caveat be added to Mr. Beer's motion that any monies from the sale of the White Chimney Farms property would be used to purchase additional open space and/or park and recreation land. Mr. Kulesza believes that a park is not the only form of open space the Township should consider, and noted that agricultural preservation is considered open space as well. Mrs. Hermany believes that discussion of financial matters is at the discretion of the Board of Supervisors.

Mr. Wynn commented that other than the two-acre parcel containing the existing dwelling, there would actually be a conservation easement held by the Township. Within that two-acre parcel, which would be unrestricted, the property owner would be permitted to construct a swimming pool or some other accessory building. The remaining lands would then be placed in a conservation easement held by the Township to insure that the land is always used for agricultural purposes and is not sold or developed by the individual property owner. Mr. Beer asked the difference between transfer of development rights and a conservation easement. From a zoning standpoint, Mr. Wynn explained that the sale of conservation easement or development rights for agricultural purposes is a form of private-ownership open space specifically to preserve agricultural according to the Ordinance. This is exactly the mechanism that the Township has used in the past to purchase development rights from individuals. Discussion took place.

Mr. Beer's original motion on the previous page, which was seconded by Mr. Bradley, was carried unanimously.

4. Miller Tract Subdivision (Final) – The applicant's engineer was unable to be in attendance to present the plan this evening. The Supervisors granted conditional preliminary plan approval on May 23, 2005. Mr. Wynn's engineering review dated July 8, 2005 was discussed.

Chairperson Rush asked what sidewalk and roadway improvements are proposed for this site. Mr. Wynn replied that the plan includes a very small widening of the roadway and drainage/shoulder improvements along the roadway frontage of the two proposed lots. There is also a sidewalk easement being granted ten feet beyond the ultimate right-of-way, dedication of the right-of-way, and the requirement for a note to be placed on the plan that in the event the larger lot is ever further subdivided, the then owner may be required by the Board of Supervisors to provide full improvements along the entire frontage of both Keystone Drive and Schultz Road, including along the frontage of Lots #1 and #2. Discussion took place.

Motion was made by Mr. Beer, seconded by Mr. Kulesza, and carried unanimously to recommend conditional final plan approval to the Miller Tract Subdivision, subject to completion of all outstanding items as noted in the July 8, 2005 engineering review.

5. Traynor Subdivision (Minor) – Mr. Todd Myers, the applicant's engineer, along with Mr. Dan Traynor, the applicant, were in attendance to present the plan. Mr. Wynn's most recent engineering review dated July 8, 2005 was discussed.

Mr. Beatrice expressed concern with whether or not the proposed roadway improvements could sustain the heavy quarry truck traffic. Mr. Wynn explained that the required improvements are not actually to widen the cartway, but rather to provide a separation from the drainage swale, which does not exist at present, and also to provide an adequate drainage swale in order to convey the runoff that is right along the edge of the cartway. At present, there is a 24" to 30" drop on the edge of the asphalt along Church Road that was actually undermined by the drainage. Part of the deterioration of the road in that area is due to the lack of a shoulder.

Mr. Beatrice wondered if the property across the street would experience headlight glare from vehicles exiting the shared driveway. Mr. Myers replied that the driveway is proposed to run between the barn and the dwelling, not directly across from the neighboring farmhouse. Discussion took place.

Mr. McIlhinney recalls that there was a problem with the drainage in this area along the entire length of the roadway due to encroaching trees and shrubs. It is Mr. Wynn's

understanding that the major issue with the drainage was from the culvert to the east, which is heavily eroded. He believes the point that was made early in the planning process was that full improvements or construction of a drainage swale along the entire frontage would require the removal of a significant number of trees. Mr. Wynn noted that there are some trees that still must be removed, however many are dead or are not of a very high quality.

The applicant has requested the following waivers:

- From Section 140-27.B(4), which requires lot lines intersecting street lines to be substantially at right angles or radial to the street line, from the street line to the rear of the lot.

Motion was made by Mrs. Hermany, seconded by Mr. Kulesza, and carried unanimously to recommend waiver from Section 140-27.B(4), as noted above for the Traynor Minor Subdivision.

- From Sections 140-28.P, and 140-29.D, which requires cartway reconstruction/overlay, drainage improvements, and cartway widening within the frontage of the site.

Motion was made by Mr. Beatrice, seconded by Mr. McIlhinney, and carried unanimously to recommend partial waiver from Sections 140-28.P and 140-29.D, as noted above for the Traynor Minor Subdivision.

- From Section 140-36.A – Sidewalk – which requires sidewalk along the frontage of the site.

Motion was made by Mrs. Hermany, seconded by Mr. Kulesza, and carried unanimously to recommend waiver from Section 140-36.A as noted above for the Traynor Minor Subdivision.

- From Section 140-48, which requires streetlights along all streets as required by the Township.

Motion was made by Mr. Beatrice, seconded by Mr. McIlhinney, and carried unanimously to recommend waiver from Section 140-48, as noted above for the Traynor Minor Subdivision.

Motion was made by Mr. Beatrice, seconded by Mr. Kulesza, and carried unanimously to recommend conditional preliminary/final plan approval to the Traynor Minor

Subdivision, pending completion of all outstanding items as noted in Mr. Wynn's engineering review dated July 8, 2005.

6. Braccia Subdivision (Preliminary) – Mr. Ed Wild, the applicant's legal counsel, and Mr. Robert Showalter, the applicant's engineer, were in attendance to present the plan. Mr. Wynn's most recent engineering review dated July 11, 2005 was discussed. The extension on this plan requires action by August 29, 2005.

This 13.569-acre site located partially within the RR Zoning District and partially within the Village Center Zoning District is proposed to be subdivided into nine single-family lots (Use B1). One lot is proposed to access from an existing shared residential driveway. The site, which has frontage on Hilltown Pike, is located approximately 1,000 ft. east of the intersection of RT. 152 and Hilltown Pike, and is primarily meadow with a hedge/tree row around the perimeter of the site. Public water is proposed via extension of HTWSA facilities to be extended from the Mill Road/Rt. 152 intersection. On-lot sewage disposal systems are proposed.

Chairperson Rush asked if a Homeowner's Association has been proposed for the site. Mr. Wild replied that the applicant is open for discussion in this regard. If a Homeowner's Association were to be established, the ordinary maintenance of the two proposed basins would be their responsibility. However, if the Township would prefer a Homeowner's Association for the long-term maintenance of the basins, the applicant would be agreeable to that, as well. In the past, Chairperson Rush expressed concern with an individual lot owner taking sole responsibility for the maintenance of a basin, since he is not certain that an individual homeowner would truly understand the cost involved. Lengthy discussion took place.

Mr. Beatrice mentioned the difference in the allowable impervious surface ratios for the two separate zoning districts encompassed by the development. Discussion took place.

Mr. Kulesza asked if there is a deceleration lane proposed along Hilltown Pike. There is no deceleration lane proposed however, Mr. Wynn noted that the roadway is proposed to be widened to 17 ft. He also reminded the Commission that PennDot, during the review of the Oskanian Tract Subdivision, requested 26 ft. half roadway width, though after some discussion, PennDot agreed to reduce the requirement to 19 ft. Mr. Wynn anticipates that PennDot will require a similar widening in this location as well. Mr. Kulesza referred to the Bucks County Planning Commission review dated February 4, 2005, Item #5, with respect to safe sight distance. Mr. Wild commented that the applicant must have preliminary plan approval from the Township prior to securing a PennDot permit. He believes that the intersection has been designed in such a way that the PennDot permit will be issued. Mr. Wild advised that the selection of the entrance to the development was arrived at after lengthy discussion as to how this property could be

configured. He is certain the applicant's engineer has addressed the issue of sight distance to the satisfaction of PennDot's requirements.

*Since this plan was originally submitted in 2000, Mr. Wynn noted that the Ordinance section numbers listed by the applicant are the numbers that were in place with the previous Subdivision/Land Development Ordinance.

The applicant has requested the following waivers:

- From Section 505.16, which requires the entire cartway to be leveled/paved with ID-2 wearing course in conjunction with the proposed road widening and drainage improvements.

The July 11, 2005 review notes that the entire cartway of Hilltown Pike should be leveled/paved with ID-2 wearing course in conjunction with the proposed road widening and drainage improvements, however the applicant has requested a waiver of this requirement and is proposing milling and wearing course overlay of the half width of Hilltown Pike.

Motion was made by Mrs. Hermany, seconded by Mr. Beer, and carried unanimously to recommend partial waiver from Section 505.16 as noted above for the Braccia Subdivision.

- From Section 516.1.A, which requires a minimum slope of 2%.

Motion was made by Mr. McIlhinney, seconded by Mrs. Hermany, and carried unanimously to recommend waiver from Section 516.1.A as noted above for the Braccia Subdivision.

- From Section 504.2.D, which requires lot lines be substantially at right angles from the street line to the rear lot line.

Motion was made by Mr. Beer, seconded by Mr. Kulesza, and carried unanimously to recommend waiver from Section 504.2.D, as noted above, for the Braccia Subdivision.

- From Section 403.4, which requires identification of existing features within 100 ft. of the tract boundary.

Motion was made by Mrs. Hermany, seconded by Mr. McIlhinney, and carried unanimously to recommend waiver from Section 403.4 as noted above for the Braccia Subdivision.

Motion was made by Mr. Kulesza, and seconded by Mr. Beer to recommend conditional preliminary plan approval to the Braccia Subdivision, pending completion of all outstanding items as noted in Mr. Wynn's engineering review dated July 11, 2005, and with the caveat that the drafting issue of the impervious surface on the plan be amended.

Public Comment:

1. Mrs. Nancy Boice of Mill Road questioned the split zoning of the property and asked if any of the actual lots are zoned both RR and VC. Mr. Wynn replied that two of the lots are located in both zoning districts, however the change in zoning districts is located on the edge of both lots.

Mr. Beatrice wondered if any of the lots located in the VC Zoning District could be used as a commercial property. Mr. Wynn replied that they could, noting that several years ago, Lot #1 was considered for commercial development. Mrs. Hermany suggested that those lots located in the VC District be restricted from commercial use. Chairperson Rush commented that there is a Village Center zoning that permits certain businesses to occur, and he feels that should be encouraged, not restricted. Mr. Beatrice explained that new homeowners should be made aware of the potential impact of a commercial use next to their home. Chairperson Rush stated that at some point, a potential homebuyer has to take responsibility for understanding what they are purchasing. Mr. McIlhinney suggested that the developer notify any potential buyers of the lots located within the VC Zoning District and the potential for commercial use, within the disclosure statement. Discussion took place.

Mr. Kulesza amended his original motion to add language to recommend that the developer of the Braccia Subdivision be required to provide a declaration of different zoning to potential homebuyers, as noted above, which was seconded by Mr. Beer, and carried unanimously.

D. PLANNING – None.

E. OLD BUSINESS: None.

F. NEW BUSINESS:

1. Mr. Wynn presented a copy of a proposed Stipulation of Settlement Agreement between the Township and Haines and Kibblehouse for the Planning Commission's review. He explained that the Supervisors will be considering the Stipulation of Settlement Agreement at a Public Meeting to be held on August 25, 2005. Depending on whether or not the Supervisors accept the Stipulation of Settlement Agreement, they will also schedule a Public Hearing to consider adoption of an

Ordinance to amend the Zoning Ordinance to reflect the provisions of the Stipulation Agreement. The Township Solicitor has also forwarded this document to the Bucks County Planning Commission for review. The Supervisors are asking the Planning Commission to review the proposed Ordinance amendment and to provide their recommendation on the proposed amendment at the August 15th Planning Commission meeting. Chairperson Rush was uncomfortable with being asked to provide a recommendation on such a technical document. Lengthy discussion took place.

G. PLANS TO ACCEPT FOR REVIEW ONLY: None.

H. PUBLIC COMMENT: None.

I. MYLARS FOR SIGNATURE:

1. Calvary Church Lot Line Adjustment
2. Aichele Tract Subdivision
3. Groff Tract/Quiet Acres Lot Line Adjustment
4. Rubel/Wright Lot Line Adjustment

J. PLANNING COMMISSION COMMENTS: None.

K. PRESS CONFERENCE: None of the reporters in attendance requested a press conference.

L. ADJOURNMENT: Upon motion by Mr. Beer, seconded by Mr. Beatrice, and carried unanimously, the July 18, 2005 Planning Commission meeting was adjourned at 11:10PM.

Respectfully submitted,

Lynda Seimes
Township Secretary