

HILLTOWN TOWNSHIP PLANNING COMMISSION
REGULARLY SCHEDULED MEETING
Monday, April 17, 2006
7:30PM

The regularly scheduled meeting of the Hilltown Township Planning Commission was called to order by Chairperson D. Brooke Rush, and opened with the Pledge of Allegiance. Also present were Planning Commission members Ken Beer, Mike Beatrice, Bill Bradley, Denise Hermany, Chuck Kulesza, and Joe Marino; along with C. Robert Wynn, Township Engineer.

A. APPROVAL OF MINUTES – Action on the minutes of the February 20, 2006 Planning Commission Meeting – Chairperson Rush noted the following misspelled name that appears on pages 8, 9, and 10, which should be “**Matt Hammond**” not Brett Hannon as is listed in the minutes.

Motion was made by Mr. Beer, seconded by Mr. Marino, and carried unanimously to approve the minutes of the February 20, 2006 Planning Commission meeting, as corrected.

B. PUBLIC COMMENT ON AGENDA ITEMS ONLY:

1. Ms. Eleanor Cobb of 2300 Rickert Road read the following letter into the record “Sirs and Madame: At present there are many housing developments proposed and being developed in Hilltown Township. There are several, including the Guttman Tract mentioned on the agenda this evening. As 30-year residents of the Township, my husband Richard and myself are concerned about what will happen to these developments if all of the lots or homes planned are not sold. Who will be responsible to maintain the unsold properties? How long will the developers have to finish the building and settlement processes for all of the development? In the United States today, probably only 5% of the population can afford most of the homes in these developments. Real estate has slowed. People moving up from \$400,000.00 to \$700,000.00 to \$1 million dollar homes are becoming fewer. Many homes at the \$500,000.00 and \$600,000.00 level are not selling. If lots are sold at different locations on these properties, how will it look in the future? Who will pay to maintain the sewers, provide the landscaping work needed, and pay for the completion of the roadways in and around the development? Who will make up for the expected tax revenue? For instance, the property on Pinewood Lane near us had several homes with spaces in between. One house sat all alone in the middle of the project, the road was not paved, the lots between were not mowed, and the expected taxes were not realized. This continued for ten years. Surely the Township should plan for these eventualities. With the rise in interest rates and the housing market slowing, who will pay for these dotted hillsides and all of the fees and taxes necessary to maintain them? We believe this is an important issue that should be addressed before any new projects are considered. Provisions for the above should be added to the contract agreed upon with developers or other individuals. A zoning change may be in order. We expect a response to this letter.”

C. CONFIRMED APPOINTMENTS:

1. C. David Baker Tract – Mr. Ron Monkrts, the applicant’s engineer, and Mr. David Baker, the applicant, were in attendance to present the plan. The engineering review of the sketch plan dated March 13, 2006 was discussed. The 9.89-acre parcel located along the west side of Rt. 313 is proposed to be subdivided into two lots. The site is within the PC-2 Zoning District along the front portion of the parcel, with the rear of the tract located in the RR Zoning District. The property currently contains an insurance office, associated parking, and driveway access to Rt. 313, which will remain on Lot #1 (5.83 acres). Lot #2 containing 4.06 acres is proposed for development of a medical office building (Use D1) with additional parking, and will utilize the existing driveway access along Rt. 313. Lots are to be served by on-lot water supply and spray irrigation facilities.

The sketch plan identifies several variances to be requested from the Zoning Hearing Board, which include requirements relative to buffer yards where the office use abuts land zoned in the RR District. Additionally, a variance is requested to permit the structures located in the PC-2 District to be served by on-lot water supply and spray irrigation facilities. The entire RR portion of the site, with the exception of the spray irrigation areas, will be deed restricted against future development, therefore this area which is much wider than the restricted buffer, will act as the buffer between the zoning districts. Mr. Baker stated that it was his intention to deed restrict all except the commercially zoned portion along the frontage of the site.

It appears to Mr. Beatrice that there is a fair amount of residentially zoned land abutting the lot where the medical office will be located. Lengthy discussion took place concerning the buffer that is required between zoning districts.

The review notes that the plan identifies a proposed spray irrigation area in the rear of Lot #2, which is intended to serve the proposed medical office building. The existing insurance office on Lot #1 is served by a spray irrigation area located in the rear of Lot #1. In accordance with Section 3.A of Ordinance #96-4, no component of a spray irrigation system shall encroach within the required front, side, and rear yard area designated by the Zoning Ordinance. It appears that a portion of the perimeter of the spray irrigation area on Lot #2 encroaches within the side yard setback adjoining Lot #1, in non-compliance with this requirement.

The applicant has requested the following waiver:

- From Section 140-16.B(1) – Plan Scale – Due to the size of the site, the plans were prepared at a 1” = 40’ scale to provide better clarity.

Drainage improvements, cartway reconstruction/overlay, cartway widening, curb, sidewalk, and street trees are required to be installed along Rt. 313 within the frontage of the site. Based on potential increase in traffic along Rt. 313 and increase in the trips generated by the site, Mr. Wynn feels that the Township should, at a minimum, consider requiring shoulder and/or cartway widening improvements along the frontage. Personally, at the very least, Mrs. Hermany believes that cartway widening improvements along the frontage of the site should be required. Mr. Beer agreed, however he noted that the type of improvement would be predicated by what PennDot has required for the construction of an eventual truck lane along Rt. 313. Lengthy discussion took place.

Mr. Baker appreciated the comments provided by the Planning Commission this evening, and noted that he has decided to discontinue pursuing this development until more information has been obtained with respect to PennDot's future plan for the construction of a truck lane along Rt. 313, and how that might impact his proposal. The plan was tabled.

2. McGrath Homes – Zoning Ordinance Amendment - Mr. Doug Maloney, the applicant's legal counsel, and Mr. Wayne Johnson, the applicant's engineer, were in attendance to present the plan. Both financial and traffic impact data regarding the difference between a single-family development and an age-qualified development was submitted. At the last meeting, the applicant presented a By-Right Plan with 95 single family dwellings that they believe could be constructed on those parcels, given the current Zoning and SALDO regulations. This evening, Mr. Maloney is seeking a recommendation from the Planning Commission as to whether they believe the AQC concept is a viable zoning alternative, and if so, if this site is the appropriate location for it. Mr. Johnson presented information dated April 14, 2006, which addresses Mr. Wynn's April 10, 2006 review of the By-Right Sketch Plan for this site. He referred to the first Site Capacity Calculation sheet, and provided a power point presentation of the comparison between the By-Right Plan and the proposed Age-Qualified Plan.

Mr. Beer asked how many quad units are proposed on the AQC plan. Mr. Maloney replied that there are 392 units proposed. Further, a few design changes were made to the plan including retaining the Hockman Farm complex, which allowed for the elimination of two units; and including the cell tower that exists on the Egly property, which has a clear zone requirement of 150 ft. radius (the height of the tower) that culminated in the elimination of one unit.

Mr. Beatrice noted that the applicant drafted a proposed Ordinance for a use that is presently permitted, though not in the RR Zoning District; and was disappointed that the applicant did not attempt to work with the Township through the existing Ordinance. Discussion took place.

Mr. Marino was not prepared to make a recommendation for a change of zoning district, however he personally feels that this site is a good location for an age-qualified community, and believes it would be a good financial impact for the Township and the School District. He encouraged compromise between the applicant and the Township, and suggested that the applicant meet with the Township professional staff including the Engineer and the Solicitor. With respect to the economic evaluation, Mr. Kulesza stated that the Township must consider the big picture without getting caught up in the economic impact of this one particular development.

Mr. Bradley commented that there would be an increased burden of traffic, police, fire, and emergency services on the Township as a result of this development. He feels that the trade-off between 95 single-family dwellings, and 392 age-qualified dwellings is huge. Mr. Bradley questioned the proposed density, and believes there should be a balance between the single-family development versus the age-qualified development. Mrs. Hermany asked what the absolute minimum number of quad units the developer would need to construct to make this development feasible. Mr. Maloney is not certain that the developer has done that computation. He explained that as the density is reduced, the amount of infrastructure is also reduced. At this point, Mrs. Hermany would prefer that 95 single-family dwellings be constructed on this site, rather than 392 age-qualified units. She commented that the Planning Commission must consider the needs, wants and impact on Township services, not only from the School District's standpoint. Mr. Beatrice advised that the Comprehensive Plan, which was adopted after input from a majority of Township residents, points to the fact that they want a more open community, and noted that the location of this site has been targeted for low density residential construction, as opposed to this type of high-density. Mr. Beatrice feels that the developer should have proposed this type of community in the development district, where services currently exist. Chairperson Rush wondered what "services" Mr. Beatrice is referring to.

Motion was made by Mr. Marino to recommend that the McGrath Homes site be developed with quad units to be changed in some form to an Age-Qualified Zoning District. There was no second to the motion. Motion failed.

Motion was made by Mr. Beatrice, and seconded by Mr. Bradley to recommend denial of the McGrath Homes request for a change of RR Zoning to Age-Qualified Zoning for this site and any other site in the RR district. Prior to a vote, discussion took place.

Mr. Beer is not opposed to changing the zoning for age-qualified housing, however he is opposed to the proposed density. If there were some way to compromise with a lower number of units, he would reconsider.

Public Comment:

1. Mr. Gene Cliver of Telegraph Road feels that developers should construct homes that are affordable for the working people of the Township, not specifically for people over age 55. He referred to the size and the cost of dwellings that are being constructed in Hilltown Township, and suggested that requirements be added to the Zoning Ordinance to prevent unaffordable housing for the average individual.

2. Mrs. Eleanor Cobb of 2300 Rickert Road commented that an age-restricted development was recently constructed in Perkasio Borough, with a requirement that the development be pedestrian-friendly for the elder residents. Mrs. Cobb appreciates Mr. Beatrice's comments regarding the Comprehensive Plan survey addressing the desires of Township residents. She agreed that a development of this density should not be permitted in the Rural Residential Zoning District.

3. Mr. Mark Antunes of 932 Callowhill Road referred to a recent newspaper article in the Morning Call regarding McGrath Homes' attempt to develop a golf course, which was denied. There was a quote from an individual in the McGrath organization in that article stating that McGrath Homes makes a larger profit on single homes. If that is the case, Mr. Antunes wondered why this age-qualified community is being proposed at all. Based on the current postponement of Social Security being made available to the citizens of this country, and the projections of the average individual having to work longer, Mr. Antunes noted that the applicant's traffic studies might not be accurate. He believes that the individuals who move into this development would be in their late 50's or early 60's, who would still be working, and therefore, Mr. Antunes believes the traffic impact study may be fundamentally flawed.

Mr. Kulesza agreed with Mr. Beatrice's assessment that this type of development in this location is not what the residents want. He does not feel that there are enough traffic improvements proposed to accommodate the impact this type of development would generate. Mr. Kulesza also does not feel that the proposed density is appropriate for this area, and referred to the Comprehensive Plan, which clearly states that this is an area of the Township that should remain as rural as possible. In fact, the Comprehensive Plan survey results had the highest number of respondents who wanted to preserve farmland in this area.

Mrs. Hermany believes that the proposed density is the major hurdle this plan is presenting. She is not opposed to an age-qualified development in this location, however she feels that the density is just too great.

Vote was taken on Mr. Beatrice's original motion. Mr. Beatrice, Mr. Bradley, and Mr. Kulesza were in favor of the motion, while Mr. Marino, Mr. Beer, Mrs. Hermany, and Chairperson Rush were opposed. Motion did not carry.

Motion was made by Mrs. Hermany and seconded by Mr. Marino to recommend that the Planning Commission re-examine a revised Age-Qualified Zoning Ordinance as proposed by McGrath Homes for this location that allows for a significant reduction in the number of units. Discussion took place.

Mr. Marino withdrew his second to this motion, when Mrs. Hermany clarified that a proposal she would consider would include a number of approximately 120 or less quad units. Mr. Kulesza seconded Mrs. Hermany's motion.

Mr. Beatrice questioned whether that motion would constitute spot zoning. Chairperson Rush does not believe it does, noting that when Zoning Districts were originally determined, arbitrary lines were drawn where it seemed to make sense at the time. It was his impression that the reason Planning Commissions were established was to look at individual properties in a changing, dynamic environment, and is often asked to re-evaluate where a line was drawn. Instead of asking the developer to propose a new Age-Qualified Ordinance, Mr. Beatrice proposed that the Planning Commission re-write their own version. Discussion continued.

Mrs. Hermany, Mr. Kulesza, Mr. Beer and Mr. Bradley were in favor of the motion. Mr. Bradley, Mr. Marino, Mr. Beatrice, and Chairperson Rush were opposed. Motion did not carry.

In light of the two motions that failed this evening, Mr. Beer suggested that the applicant consider all of the comments heard this evening, and then proceed accordingly.

The plan was tabled.

3. Gwen Kratz Subdivision (Minor) – Ms. Cheryleen Strothers, the applicant's engineer was in attendance to present the plan. Mr. Wynn's engineering review dated March 28, 2006 was discussed.

The applicant's waiver requests relative to street improvements including cartway widening, drainage, curb, and sidewalk are no longer applicable, and the plan has been revised to propose street improvements in accordance with SALDO requirements. One waiver request remains as noted within correspondence dated March 15, 2006 relative to plan scale. Pursuant to Section 140-16.B(1), a minor subdivision plan must be drawn at a scale of 1" = 50' or 1" = 100'.

Motion was made by Mr. Beer, seconded by Mr. Marino, and carried unanimously to recommend waiver from Section 140-16.B(1) with respect to plan scale for the Gwen Kratz Subdivision.

Motion was made by Mrs. Hermany, seconded by Mr. Beatrice, and carried unanimously to recommend conditional preliminary/final plan approval to the Gwen Kratz Subdivision, pending completion of all outstanding items as noted in the March 28, 2006 engineering review.

4. Proposed Wal-Mart Expansion – Mr. Marc Kaplan, representing the Wolfson Vericcicho Group, the owner of the Hilltown Crossings Shopping Center, was in attendance to discuss the proposal. Mr. Kaplan presented sketches of the existing shopping center including the Wal-Mart, the strip stores, the grocery store, and the two outparcels. The applicant is considering an 89,000 sq. ft. addition to the Wal-Mart for a super store, and the accompanying addition to the parking area as well as the addition of an unnamed fast food restaurant. A totally reconfigured stormwater detention basin is also proposed. The Hilltown Crossings Shopping Center has been in existence since 1995/1996, with Wal-Mart being the anchor store. The applicant would prefer that the Wal-Mart remain at this site in Hilltown Township, and therefore has purchased an additional 4.5 acre-adjacent parcel to accomplish this.

Mr. Kulesza commented that the existing McDonald's Restaurant currently provides taxes to the North Penn School District.

Mr. Kaplan noted that there are still some vacant stores in the shopping center, and for a period of time, there had been a significant vacancy in the center. The developer currently pays significant taxes to the Township, the School District and the County, over ½ million dollars per year in real estate taxes.

The site is located within the PC-1 Zoning District and is a permitted use. The applicant believes that the proposal complies with all dimensional requirements for the shopping center. In the area that is not yet developed there are some ditches carrying stormwater coming from above the site in a random manner, flowing into the existing detention basin and then off the property. Mr. Kaplan advised that the applicant has devised a way to pick up that stormwater from above the site, carrying it into a swale and then to the detention basin in a more orderly fashion in a way that would control erosion. The site is very similar to the Wal-Mart that was constructed in Quakertown, for which the applicant won an award from DEP for sensitively developing a shopping center and controlling the stormwater rate and quality.

Mr. Kaplan pointed out some travel lanes within the parking lot that currently experiences congestion with the traffic flow. There are also three entrances and exits to

the parking area that cause difficulty with turning radii. Therefore, the applicant has proposed to re-configure the shopping center so that there would be a 90degree entrance and exit in front of the Wal-Mart in one location so that there would be a more orderly and controlled traffic flow. Similarly, instead of allowing the traffic to filter down to one corner of the site, there is a traffic aisle proposed that would control the traffic and bring it away from the intersection to the 90 degree turn to provide for orderly stacking.

A significant buffer including evergreens and a split rail fence with wire mesh around the detention basin has been proposed between the shopping center and the rear of the dwellings located along Hilltown Pike. Mr. Beatrice asked how close the expanded center would be to the rear of the lots on Hilltown Pike. Mr. Kaplan replied that those lots along Hilltown Pike are predominantly long and narrow, and there should be sufficient distance available. He reminded Mr. Beatrice that this site is zoned PC-1, where this use is permitted. The applicant intends to construct the detention basins and the landscaping between the active portion of the shopping center and the adjoining neighbors.

Mr. Beatrice asked what the impervious surface ratio is currently on the site, and what it is proposed to be. Mr. Brian Zappala, the applicant's engineer, replied that the Ordinance allows for 70% and this proposal, with the additional impervious surface, would still remain below 70%.

Mr. Beatrice asked if Wal-Mart will be installing gasoline service on the site. Mr. Kaplan replied that there is no gasoline service proposed.

Mrs. Hermany asked the definition of a "super store." Mr. Kaplan explained that the sale of groceries is what constitutes a Wal-Mart super store, noting that Wal-Mart is the largest seller of food in the country today. This proposal would add an approximate 45,000 sq. ft. area of food market to the existing store. It would take the store size from approximately 120,000 sq. ft. to approximately 215,000 sq. ft. Mrs. Hermany believes that the Clemons Supermarket currently located in the shopping center would vacate the site if the Wal-Mart became a super store. On the contrary, Mr. Kaplan stated that the trend now seems to be for neighboring grocery stores to make a concerted effort to compete, rather than close.

Mrs. Hermany feels that the re-configuration of the interior access points, travel lanes and parking lots is a great idea to alleviate the congestion on the site. Chairperson Rush wondered if the relocation and distance of the queue would be negatively impacted by increased traffic. Discussion took place.

Chairperson Rush asked if any Zoning variances would be required. Mr. Kaplan replied that further study would be needed to determine if the removal of additional trees would require relief from the Ordinance requirements, further the existing ditches would have to be reviewed from DEP's standpoint to determine if they are considered wetlands. If variances are indeed required, Mr. Kaplan assured the Commission that the applicant would appear before the Zoning Hearing Board before applying for land development.

Mr. Kaplan hopes that the proposal will receive favorable consideration because the applicant is hoping to have Wal-Mart remain in Hilltown Township.

With respect to Mr. Kulesza's earlier comment regarding the taxes from McDonald's going to the North Penn School District, Mr. Wolfson recalls that when the property was purchased from the previous owner, there were some agreements between the North Penn and the Pennridge School Districts. He noted that taxes from the front portion of the shopping center actually do go to the North Penn School District, and the remainder of the site, including the proposed Wal-Mart expansion and their parking lot, provides taxes to the Pennridge School District. Mr. Wolfson does not know which school district the taxes for the newly purchased additional 4.5 acres would go to. If the taxes for the proposed fast food restaurant are not designated to the Pennridge School District, Mr. Kulesza suggested that applicant consider relocating the restaurant so that they do.

If Clemons Supermarket were to relocate, Mr. Bradley asked if there is any chance that Sam's Club could replace it. Mr. Kaplan noted that the applicant has a lease with Clemons and he did not wish to speculate at this time whether or not a Sam's Club would be feasible.

Public Comment:

1. Mrs. Marilyn Teed of Mill Road asked if the retention basin will be raised due to the elevation change. Mr. Zappala replied that the proposed fast food restaurant and the parking along Wal-Mart would have to be elevated. Discussion took place.

Mrs. Teed commented that the entrance to the McDonalds should be widened or reconfigured, because it is difficult to maneuver the turn into their parking lot with large vehicles.

2. Mrs. Nancy Boice of Mill Road was pleased with the proposal for better control of the site circulation for the Wal-Mart portion of the shopping center, and suggested that the applicant consider connecting the planting islands or somehow restricting access on the other side of the shopping center to make for better, safer traffic flow through the parking lot of the Clemons and the strip stores. Due to contractual obligations and what

may be accomplished with the McDonald's parking area, Mr. Wolfson is not certain this request could be granted, however the applicant will investigate the possibility.

- D. PLANNING – None.
- E. OLD BUSINESS: None.
- F. NEW BUSINESS: None.
- G. PLANS TO ACCEPT FOR REVIEW ONLY:
 - 1. Sunoco (Final)
 - 2. Guttman Tract Subdivision (Prel.)
- H. PUBLIC COMMENT: None.
- I. PLANNING COMMISSION COMMENTS: None.
- J. PRESS CONFERENCE: No reporters were present at this time.
- K. ADJOURNMENT: Upon motion by Mr. Beer, seconded by Mr. Beatrice, and carried unanimously, the April 17, 2006 Hilltown Township Planning Commission meeting was adjourned at approximately 10:30PM.

Respectfully submitted,

Lynda Seimes
Township Secretary

(*These minutes were transcribed from tape recordings taken by Mrs. Denise Hermany, and are not considered official until approved by the Planning Commission at a regularly scheduled public meeting).