

HILLTOWN TOWNSHIP PLANNING COMMISSION
REGULARLY SCHEDULED MEETING
Monday, March 20, 2006
7:30PM

The regularly scheduled meeting of the Hilltown Township Planning Commission was called to order by Chairperson D. Brooke Rush at 7:40PM and opened with the Pledge of Allegiance. Also present were Planning Commission members Ken Beer, Bill Bradley, Denise Hermany, Chuck Kulesza, and Joe Marino with Mike Beatrice arriving at approximately 8:00PM; along with C. Robert Wynn, Township Engineer, and Lynda Seimes, Township Secretary, to record and take minutes of this meeting.

A. APPROVAL OF MINUTES: None

B. PUBLIC COMMENT ON AGENDA ITEMS ONLY:

1. Ms. Sandy Williamson of Mill Road presented photocopies of drawings of dwellings in an age-qualified development located in Manheim, PA. Each house is different with varying lot sizes, which she feels helps to avoid the “cookie-cutter” look. She feels that houses that are densely built and identical are the rental units of the future, which is not what she would like to see in Hilltown Township. Ms. Williamson is concerned that the dwellings proposed in the McGrath Subdivision, which are proposed to be identical and in a quad format will not be as desirable in the future.

2. With respect to the McGrath Subdivision, Mr. Mark Antunes of 932 Callowhill Road noted that the recent article in the Daily Intelligencer newspaper was very questionable when looking at the long-term effect upon the community. Mr. Antunes noted that the long-term projections for these types of concentrated developments is that there will not be that age-qualified population to sustain or support them in the future at which time those structures then become cheaper housing where families with children will tend to congregate. He feels that this could be a much greater per capita unit burden on the community in the future with a very real drain on the school system and the tax structure. Mr. Antunes is concerned that there is no guarantee or legal binding agreement that once an age-qualified community is constructed, they will in perpetuity remain age-restricted and exclusive of family living with children. Mr. Marino noted that Mrs. Bush of the Bucks County Planning Commission had advised that the law states a minimum of 80% of the residents must be age 55 or over, however the Township could require a 100% ratio with how they structure the approval. Mr. Antunes does not believe that would prevent someone from labeling this development as discriminatory and unfair, which could result in a Supreme Court lawsuit. He urged the Commission to seriously consider what legal ramifications might be involved in the future when the developer is long gone.

3. Ms. Susan Hockman Rush Matthews thanked Mr. Lawrence Owen for preparing detailed correspondence addressing many issues with the McGrath Homes proposal. She advised that the Hockman farm, which is included in this proposed

development, has been part of the Samuel Harold Hockman family since 1943, however Ms. Matthews is aware that members of the Hockman family have resided on that farm prior to 1893 when her first uncle was born there. Harold Hockman currently occupies the farmhouse, and may, if he can contend with this nearby development, reside there until he sees fit to depart on his own volition or until his death. Ms. Matthews advised that the site's historic name "the Fulmer-Rosenberger Farm, circa 1840" is significant for its role in the development of agriculture in central Bucks County through the mid to late 19th century, and is also important as an example of a surviving collection of farm buildings. In July of 2002, a proposed federally funded road project resulted in the farm being evaluated for potential listing in the National Register of Historic Places, and in October 2002, the Fulmer-Rosenberger Farm was deemed eligible for listing in the National Register of Historic Places. Equally important is the former Egly Farm, approximately 55 acres of the proposed development site, which is also considered to be important to the agriculture of Bucks County history and is a contender for listing in the National Register. The Heritage Conservancy prepared the study for the Fulmer-Rosenberger Farm in August of 2005, a copy of which has been provided to the Township. Ms. Matthews currently lives on the eastern shore of Maryland, and is downriver of all of this development, which she believes infringes on her lifestyle as well. She referred to statistics showing that Hilltown Township, from the year 2000 to 2004, ranks third in top development in this area, with Buckingham Township in the lead and Bensalem Township in second. Ms. Matthews intends to pursue the preservation of at least the original parcel that was purchased from William Penn's son and preservation of the historic buildings that exist on that land, and noted that she is not without resources to pursue that goal.

C. CONFIRMED APPOINTMENTS:

1. Wilson Subdivision (Minor) – Mr. Mark Hintenlang, the applicant's engineer, and Mr. John Wilson, the applicant, were in attendance to present the plan. Mr. Wynn's engineering reviews dated January 17, 2006 and March 13, 2006 were discussed. The Bucks County Planning Commission review has not yet been received.

The applicant is requesting the following waivers:

- From Sections 140-16.C(16), 140-16.D(2), 140-16.D(8), 140-16.C(6)(d), and 140-16.D(4), which contain plan preparation requirements related to identifying existing features and natural resource protection requirements on a minor subdivision plan. Partial relief is requested to permit existing features information to be shown within the developed area of the site only. Waiver is requested due to the large site area (18.8 acres) and the minimal site impact (0.75 acres) pertaining to the minor subdivision.

Motion was made by Mrs. Hermany, seconded by Mr. Beatrice, and carried unanimously to recommend waiver from Section 140-16.C(16), 140-16.D(2), 140-16.D(8), 140-16.C(6)(d), and 140-16.D(4) as noted above for the Wilson Subdivision.

- Section 140-27.B.4 and Section 140-27.B(11), which contain requirements relative to lot line orientation and lot depth/width ratio. Waivers are requested in order to maintain the shape of the agricultural area of the tract, and to provide additional width of Lot #2 along Hilltown Pike, to correspond with the limits of the garden area on Lot #1. Mr. Wynn's review notes that lot depth should be increased to be consistent with the lot depth of the adjoining parcel TMP #15-28-146-2.

Mr. Wilson explained that there have been natural boundaries on the property since 1938 when purchased by his father. The farm has been existence since 1850. It is his preference to make the lot 245 ft. wide and 225 ft. deep, however if the Township insists, Mr. Wilson would be willing to make the lot 225 ft. wide and 225 ft. deep. Discussion took place.

Motion was made by Mr. Marino, and seconded by Mr. Beer to approve waivers from Sections 140-27.B.4 and 140-27.B(11), to provide for an additional 20 ft. of width for Lot #1 of the Wilson Minor Subdivision to follow an existing natural feature of the garden area. Mr. Kulesza was opposed. Motion passed.

- Sections 140-28.P, 140-29.D(2), 140-51.B, 140-35, 140-51.C, 140-36, 140-51.D, and 140-48, which require cartway reconstruction/overlay, cartway widening, curb, sidewalk, and streetlights to be installed along Hilltown Pike within the frontage of the site. Waivers are requested based on the minor nature of the proposed improvements and rural aesthetics of the area. Hilltown Pike is a State highway in fair condition and minimal construction activity is proposed within the frontage of the site for installation of a new driveway on Lot #2. Note 16 has been added to the record plan relative to further subdivision of Lots #1 and #2.

Mr. Wynn's review states that the note should be revised to state that "any additional subdivision or land development of both Lot #1 and/or Lot #2 shall require installation of street improvements, as deemed necessary by the Township, along the frontage of both Lots #1 and #2 by the future subdivider/developer of Lot #1 and/or Lot #2 at the time of future land development/subdivision."

Motion was made by Mrs. Hermany, seconded by Mr. Beatrice, and carried unanimously to recommend waiver from Sections 140-28.P, 140-29.D(2), 140-51.B, 140-35, 140-51.C, 140-36, 140-51.D, and 140-48, requiring cartway reconstruction/overlay, cartway

widening, curb, sidewalk, and streetlights to be installed along Hilltown Pike within the frontage of the site for the Wilson Minor Subdivision.

- Section 140-44, which requires installation of concrete monuments at all property corners. A partial waiver is requested from installation of one concrete monument at the eastern corner of Lot #2, such that the farmer can continue to cultivate this area. Although this request notes that this property corner was relocated as requested by the Township in order to comply with lot depth/width ratio requirements, lot layout still does not conform to depth/width requirements.

Discussion took place.

Motion was made by Mr. Beatrice, seconded by Mr. Beer, and carried unanimously to recommend partial waiver from Section 140-44, from installation of one concrete monument at the eastern corner of Lot #2, such that the farmer can continue to cultivate the area, as noted above for the Wilson Minor Subdivision.

- Sections 140-26, 140-47, and 140-59-63, which require community recreation facilities.

Community and recreation facilities (Sections 140-26 and 140-47) are not applicable to a minor subdivision. However, Sections 140-59-63 require dedication of recreation land, or fee in-lieu-of recreation land for all subdivisions. As the nature of the proposed subdivision does not appear to facilitate dedication of recreation land, Mr. Wynn recommends that the Township accept a fee in-lieu-of recreation land in the amount established by Township Resolution #2006-6, to be deposited by the applicant prior to plan recordation.

Motion was made by Mrs. Hermany, seconded by Mr. Beatrice, and carried unanimously to recommend waiver from Section 140-59-63, requiring a fee-in-lieu of recreation land for the Wilson Minor Subdivision.

- A waiver is requested from Section 305.C of Ordinance #2003-2, which requires existing manmade impervious surfaces to be considered as meadow when developing pre-development flow rates. Waiver is requested for existing impervious surfaces on Lot #1, which are not included in the stormwater management calculations. The applicant is also seeking a waiver of fee in-lieu-of stormwater management facilities for Lot #1, which the applicant's engineer tabulates as \$3,000.00 (based on existing 7,000 sq. ft. of impervious surface on Lot #1) to be deposited into the Municipal Stormwater Management Capital Fund.

Chairperson Rush advised that the waiver of fee in-lieu-of must be requested from the Boar of Supervisors, not the Planning Commission.

Motion was made by Mr. Beer, seconded by Mr. Marino, and carried unanimously to recommend waiver from Section 305.C of Ordinance #2003-2, requiring existing manmade impervious surfaces to be considered as meadow when developing pre-development flow rates for the Wilson Minor Subdivision.

Motion was made by Mr. Marino, seconded by Mr. Beer, and carried unanimously to recommend conditional preliminary/final plan approval to the Wilson Subdivision, pending completion of all outstanding items as noted in the March 3, 2006 engineering review.

Chairperson Rush commented that this plan was very difficult to read and review due to poor copy quality.

2. McGrath Homes (Zoning Ordinance Amendment) – Mr. Thomas Hecker, the applicant's legal counsel, along with Mr. Paul Callahan of McGrath Homes, Mr. Wayne Johnson and Mr. Matt Hammond, the applicant's engineers, were in attendance to present the plan. At the last meeting, the applicant had provided informational data in support of the request to permit an age-qualified community at the properties located along Rt. 313/Rt. 113/Minsi Trail, namely the Egly and Hockman properties. As requested by the Planning Commission, the applicant has prepared a by-right plan of 101 single-family dwelling units, and also prepared a plan showing the proposed age-qualified community of 404 dwelling units, which has been reduced by 50 units at the request of the Planning Commission. Mr. Hecker presented revised information showing traffic generation and fiscal impact for the 101 lot by-right plan versus the 404 age-qualified plan.

Due to the impact on the tributary to the Morris Run, Mr. Hammond explained that a loop road could be eliminated to provide the best overall site impact while maintaining the density the applicant is seeking. The applicant has also dealt with matters of infiltration, which they feel they can accomplish along a particular ridge on the site that is located on the north side of that unnamed tributary. Soil testing has been conducted on the site, and Mr. Hammond is aware that there is permeability in the soils at that location, as well as the potential for infiltration. The remainder of the basins that were expanded throughout the site are for the purpose of controlling stormwater management. Mr. Hammond noted that the by-right plan has the same linear footage of road as the age-qualified plan. There is a typical layout of streets and lots that are configured in accordance with the 50,000 sq. ft. lot provision of this Zoning District. The lot configuration encompasses all of the land on the site, with a road network supplying access to the lots and typical stormwater management facility basins at several locations throughout the site. The applicant

recognizes that there is more impervious surface on these quad buildings than there would be on a single-family dwelling lot, and therefore, has compensated for that. There is a flow of water off the site that traverses under Rt. 313, across the site and then under Minsi Trail into the Morris Creek, flowing toward the Perkiomen Creek. The difference with this particular plan is to greatly expand the stormwater management capability. As with other projects, the applicant intends to reduce the flow from the site by approximately 10% to 25%. Whatever the flow is measured at on that particular location on Minsi Trail today would be reduced by 10% to 25% following development of the site. Chairperson Rush clarified that Mr. Hammond was speaking about the rate, not the volume of the water flow.

Mr. Hammond stated that the age-qualified plan itself will include approximately 116+ acres of open space, which is slightly more than was originally proposed due to the elimination of the loop street. This plan, as opposed to the single-family lot plan, gives the applicant the ability to preserve and protect the environmental features that occur along the riparian corridor through the site, which includes floodplains, vegetation and wetlands, which will be maintained and protected. The by-right plan does not provide for the ability to accomplish that as greatly as with the age-qualified plan, in as much as all of the land is deeded out to the adjoining property owners throughout the site. The only area that would become common ground might be the detention basins. The internal roads would be offered for dedication to the Township. Mr. Beatrice questioned the cul-de-sacs on the by-right plan, noting that the Township typically discourages cul-de-sac streets. Mr. Hammond replied that there may be a need for a waiver, due to the inability to access an area on the site other with a cul-de-sac street. Mr. Beatrice wished to clarify that the by-right plan would then require additional waivers. Mr. Kulesza asked if any recreation land is proposed on the by-right plan. Mr. Hammond replied that there is not. Mr. Wynn noted that there is a recreation land requirement for land to be dedicated to the Township. Also, because there are more than 25 dwelling units, Mr. Wynn advised that there is actually a requirement to provide recreational facilities.

Mr. Kulesza stated that the lowest cul-de-sac proposed on the by-right plan appears to be crossing wetlands or waters of the Commonwealth. Mr. Hammond agreed that was correct. Mr. Hecker noted that this by-right plan is only intended to show the fee-simple areas versus the road rights-of-way, much like the age-qualified plan, which shows the fee-simple ownership areas, the roadway network, and the consequential open area for the site. There is approximately 119 acres of open space on the plan layout, which is proposed to be utilized in various ways. There is a fee-simple lot ownership of approximately 32 acres, and the roadway area takes up approximately 7 ½ acres with a limited common area, which is the area intended to provide access to the units themselves. The applicant is proposing a recreation center on five acres of land, and over 13 ½ acres has been dedicated to stormwater management. All of this would leave approximately 111 acres of land that would fall into an open space area category, all of

which Mr. Hammond noted is usable in some fashion, whether it be for walking trails, buffer yards, or natural features preservation.

Mr. Wynn advised that the by-right plan would require a number of SALDO waivers. Further, there are several lot depth to width ratio problems, as well as a number of lot lines with bends and odd configurations that do not comply with requirements. Chairperson Rush expressed concern with the natural features on the site, including steep slopes, wooded areas and wetlands. It was his understanding that the goal of this discussion was to review and consider the by-right plan for single-family dwellings. Chairperson Rush needs to understand what can be accomplished on the site currently, so that he can have an educated choice between the by-right plan and the age-qualified plan, which would entail a zoning change. Mrs. Hermany, Mr. Bradley, and Mr. Kulesza agreed. Mr. Hecker advised that until a plan is fully engineered, whether it be for an age-qualified community of quad units or a single-family by-right plan, the developer would not be able to provide exact density numbers. He reminded the Commission that there is a significant cost factor involved with engineering additional plans. Discussion took place.

Mr. Hecker stated that the plan indicates most of the elements that the Planning Commission is looking for, and pointed out a forested section of land that has been removed from development. Most of the environmentally sensitive areas on this site occur along the stream valley, with riparian buffer areas and flood plains, both of which have been acknowledged on the plan. There are also varying degrees of steep slopes along and immediately adjacent to the stream valley, as well as associated waters of the Commonwealth. Floodplain areas have been calculated and indicated on the plan, as well as woodlands and other small pockets of wetlands throughout the stream valley itself. Mr. Beatrice questioned the way the Morris Run has been depicted on the age-qualified plan that was distributed at a previous meeting, which he noted is dramatically different from what is depicted on the by-right plan before the Commission this evening. Mr. Hecker noted that there might have been a drafting error or a difference of opinion when the edge of the streamline was drawn from one plan to the next. He stated that all of that area is in fact located within a floodplain and would become a 100% protected area. Discussion took place.

The Impact Study, which had originally been submitted in March of 2004, was resubmitted in January of 2005 and then resubmitted again after the previous meeting was considered. Mr. Hecker noted that a comparison overlay of the proposed development area on top of the existing features plan has been provided to the Township. In the Impact Study, there is a plan where the road layout and lot configuration for the age-qualified proposal has been superimposed on the existing features for the purposes of indicating a lack of intrusion into those areas. It is quite clear and evident, in Mr. Hecker's opinion, that the applicant has avoided all but perhaps one crossing of the

unnamed tributary, and therefore avoided any intrusion into the natural features areas that are to be protected. Chairperson Rush wondered what generated the change to the plan eliminating 48 dwelling units. Mr. Hecker replied that upon the request of the Planning Commission at their last meeting, the applicant simply prepared a revised plan with fewer units. Discussion took place regarding the density proposed for the site.

Mr. Wynn asked why three of the buildings located at the intersection of Roads C and E are depicted in a different fashion than all of the other proposed dwellings – with dashed instead of solid lines. Mr. Callahan explained that those particular buildings would create a lifetime estate for Mr. Hockman, who would continue to live in the existing farmhouse. Those buildings are laid out so that the units that will eventually be constructed in that location are in place and shown on the plan.

Chairperson Rush had hoped that the applicant would prepare and submit a by-right plan that could be reviewed by the Township Engineer prior to review by the Planning Commission, which has not yet been accomplished.

With reference to the woodlands shown on the bottom left hand corner of the by-right plan, Mr. Bradley asked if the applicant has taken into consideration the Ordinance requirement of 80% preservation, with the proposed streets and cul-de-sac. Mr. Hecker does not specifically recall.

Mrs. Hermany expressed concern with the required recreational land, the floodplain and wetlands on the site, recreational facilities, lot depth-to-width ratio, the cul-de-sacs and other factors for financial comparison of the 101 unit by-right plan versus the 404 unit age-qualified plan. She suggested that the applicant take into account the Township's Ordinance requirements, as well as the natural features of the property, which she believes is essential to make a comparison of the by-right plan and the age-qualified plan.

Mr. Hecker noted that the age-qualified community would have a much greater positive impact on the Township versus the single-family dwelling by-right community. All things being equal, Chairperson Rush would embrace this age-qualified concept wholeheartedly, however at this point, the wide range of units between the by-right plan to the age-qualified plan does not allow for equality, with the age-qualified plan would create four times the amount of density. He further believes that the applicant must submit a by-right plan showing some reasonable attempt to meet the current Ordinance requirements, so that the Planning Commission can properly review it.

Chairperson Rush suggested the Commission hear comments from regarding the Minsi Trail Bridge, which some area residents have proposed to remain closed with a cul-de-sac on either side. Mr. Callahan was contacted by some neighboring residents prior to this

meeting, asking whether they should attend tonight's meeting to discuss this very issue, to which he had advised that the topic before the Commission this evening would be whether or not the applicant's request for a zoning change for an age-qualified development would be appropriate. Mr. Kulesza wished to clarify that neighboring residents contacted Mr. Callahan directly to see if they should attend tonight's meeting. Mr. Callahan replied that was correct. Regardless, Chairperson Rush opened the floor for public comment regarding the Minsi Trail Bridge.

Public Comment:

1. Mr. Mark Antunes of 932 Callowhill Road believes it was the hope of the neighboring property owners that Minsi Trail would basically become a private road by the bridge remaining closed. It was also Mr. Antunes' understanding that the Planning Commission was not in favor of that proposal. He noted that he would like the road he lives on to become a cul-de-sac as well so that he could avoid the current traffic. Mr. Antunes recalls that there was a gentleman at the last Planning Commission meeting who had been all but promised that his horse farm operation in the vicinity of this proposed subdivision would be able to be maintained with no difficulties. Mr. Antunes urged the Planning Commission to discover what promises may have been made by the developer to those neighboring property owners. He feels that making Minsi Trail a cul-de-sac street would cause even greater traffic at the already congested intersection of Rt. 113 and Rt. 313. As more and more dwelling units are added in Hilltown and other neighboring communities, Mr. Antunes noted that Rt. 313, which is currently considered to be an over-burdened corridor, will no longer be able to accommodate the volume of traffic that will be experienced.

2. Mr. Henry Rosenberger of Rt. 113 echoed Mr. Antune's comments regarding the current traffic volume on Rt. 313, and would support the improvement of existing roadways to accommodate a greater flow of traffic, as opposed to allowing Minsi Trail to become a cul-de-sac street. Further, Minsi Trail is a historic road, which he would like to see remain in use. Mr. Rosenberger reminded the Planning Commission that the McGrath proposal is a major project that would require a change in zoning and should not be taken lightly. He wondered why the Township would consider a high density development in the Rural Residential Zoning District, where no services exist to support the number of people who would reside there.

Mr. Kulesza asked what type of road Minsi Trail is currently classified as. Mr. Wynn believes it is currently classified as a minor collector roadway, however he is not certain.

There was no further public comment concerning Minsi Trail.

Mrs. Hermany asked if the Minsi Trail Bridge was closed when the traffic counts were collected in 2003. Mr. Hammond replied that it was. Since the traffic patterns were completely changed due to the closure of Minsi Trail, Mrs. Hermany wondered how the data was collected for the Traffic Impact Study, to show a true picture of the traffic flow in that area. Mr. Hammond explained that the applicant considered historical data in terms of counts that were previously taken from the area. The Traffic Impact Study submitted to the Township included data showing results with the bridge open and with the bridge closed. Mr. Heinrich, the Township's Traffic Engineer, had reviewed the applicant's study and made recommendations in terms of increasing those diversion trips along Minsi Trail. However, Mr. Heinrich agreed with the methodology and assumptions the applicant made in forecasting the future traffic in terms of the intersection of Rt. 313/Rt. 113 and the surrounding areas. Mrs. Hermany asked what year the historical data used was taken from. Mr. Hammond was not certain, however he believes it was 1988 or 1989, and obviously the flow of traffic has increased since that time, but the data can be interpolated to be fairly accurate. When the Traffic Impact Study was prepared in 2003, Mrs. Hermany commented that the applicant assumed that the build out, if this was to become an age-qualified community, was to have happened in the year 2006. She asked how this would change the data since three years have passed. Mr. Hammond does not believe it would change the data significantly, and reminded Mrs. Hermany that the study was carried out until the year 2016. With respect to the number of vehicle trips per day, Mrs. Hermany wished to clarify the percentage estimates given by the developer at the last meeting (40% and 15%) of the population of the age-qualified development that would still be working outside the home. As far as the percentage, Mr. Hammond cannot estimate the number of residents who work outside the home, however he noted that the amount of sites that are counted and compiled determine the average number of vehicle trips per day. He reviews data that is collected from existing age-qualified developments, from which the average traffic trips per day have been determined. Following the last meeting, Mr. Hammond reviewed another of McGrath's projects located in Middletown Township (Shadybrook), and determined that with 300 dwelling units, the numbers were fairly close to the rates that had been utilized to predict the amount of traffic for that development. Mr. Hammond noted that the Traffic Impact Study for the site in Hilltown was conducted in 2004, and was generated assuming 456 units. The plan before the Commission this evening has been reduced to 404 units, which would reduce the number of anticipated daily trips.

Mr. Kulesza referred to the Traffic Generation Summary for the 101 single-family unit by-right plan versus the 404 age-qualified plan, noting that the age-qualified figures, even with all of the reduction in numbers, still has a larger traffic impact than the by-right plan. Mr. Hammond agreed that there would be a 23% increase in trips over the AM and PM peak hours. Mr. Kulesza questioned the proposed improvements to the Rt. 113/Rt. 313 intersection. Mr. Hammond stated that some improvements have been proposed as part of the Traffic Impact Study, and in 2004, the applicant assumed that at a minimum, left

turn lanes on Rt. 313 at its intersection with Rt. 113 would be provided, as well as the possible signalization of the Rt. 113 and Minsi Trail intersection, turn and deceleration lanes at the entrance to the development on both Rt. 313 and Rt. 113, assuming the bridge was open. The applicant heard comments made by area residents at the last meeting, regarding some additional issues they had in terms of the intersection of Minsi Trail and Rt. 113, and the intersection of Rt. 113 and Rt. 313. Since the last meeting, the applicant has begun investigating what additional improvements might be necessary for those intersections. Mr. Beer commented that the traffic patterns have changed greatly since Minsi Trail has been closed. Discussion took place.

Mr. Beer does not believe it is realistic or feasible to construct 101 single-family dwellings with the by-right plan because it will require too many variances and/or waivers due to the natural features of the site. He believes the age-qualified plan, though the density is too high for his liking, would be more feasible to construct, with respect to the natural features of the site.

In February of 2005, Mr. Beatrice noted that the Bucks County Planning Commission completed a lengthy review of the proposal, with one of the points being that the Fiscal Impact Study, when it considered new residents, assumed that there would be 3.7 residents per dwelling unit in a single family situation, using the 1980 Census figure. Mr. Beatrice noted that this figure would be much different than the 2000 Census figure, which Bucks County identified as 2.8 residents per dwelling unit. When the resident per dwelling figure is used on a single-family basis, multiplied by the 101 dwelling unit by-right plan, Mr. Beatrice advised that there would be 283 new residents in a single family situation. In the alternative, with the age-qualified plan, Mr. Beatrice noted there are 1.8 residents per dwelling would result in a difference of 345 residents between the single-family plan and the age-qualified plan.

Mr. Beatrice also referred to the Bucks County Planning Commission review, which states that the Township's recently adopted Comprehensive Plan (2003) notes that the objective was to manage growth through the Development District Concept – CR-I and CR-II. Mr. Beatrice commented that both those Zoning Districts have more than enough room to accommodate Hilltown's growth projections through the year 2010. Other items mentioned in the BCPC review is that the RR District is not intended to support dense residential development, and that the zoning should be compatible with the surrounding land uses, while the section of the Township where McGrath has proposed this very dense development is predominantly single-family residential dwellings and active farming. Personally, Chairperson Rush believes that the Township Engineer should provide a cursory review of the proposed by-right single-family dwelling sketch plan, at which time the Planning Commission would have firm information on which to base their recommendation.

Chairperson Rush asked what would happen to the existing cell tower located on the Egly property. Mr. Hecker replied that there is a lease in place that the developer would have to honor. Discussion took place.

Mr. Kulesza requested additional information concerning the deed restriction that would be enforced by the Homeowner's Association for the age-qualified requirements. Mr. Hecker advised that a Declaration of Covenant, Restrictions and Conditions would be prepared, which would contain the rights and obligations of anyone purchasing a dwelling in an age-qualified community. The developer would be required to include, by State law, with the execution of an Agreement of Sale, a copy of that Declaration and a copy of a Public Offering Statement, which is a condensed version including some financial information, such as the cost to be a member of the Homeowner's Association on a monthly basis. Mr. Hecker stated that restriction would limit the age of residents to 55 and older. All of these documents would be provided to the Township Solicitor for review and comment. In the event that the Township or the residents might want to remove that age restriction, Mr. Kulesza asked what the mechanism would be to do so. Mr. Hecker replied that there is a provision in the declaration that states that the declaration cannot be terminated without the affirmative vote of 80% of the residents. Further, McGrath Homes includes an additional provision in the declaration of every municipality where an age-qualified home is constructed that the age restriction cannot be terminated without the additional consent of the municipality, which is an added layer of protection. Mr. Kulesza asked if that provision has ever been tested in the courts. Mr. Hecker advised that no one has ever challenged it, nor has anyone ever attempted to terminate the age-restriction provision to the best of his knowledge. Mr. Bradley asked if residents over age 55 with children would be prohibited from living in the development. Mr. Hecker explained that there are no children living in these types of developments. He noted that the statute says that there can be no discrimination by race, creed, sex or age, however there is an exception that has been made in the Federal Fair Housing Act adopted by the State of Pennsylvania, which states that there can be age discrimination provided that a minimum of 80% of housing has been set aside for people age 55 and older. What that means, in Mr. Hecker's opinion, is that the remaining 20% of housing is available for people who are under age 55. Further, he noted that the Act does not address children, and in fact states that there is a right to exclude children from residing in a development, provided the 80% criteria is met. Mr. Hecker assured the Commission that there would be no children living in this community. Discussion took place.

Mrs. Hermany requested that the applicant submit the assumptions and analysis that supports the data behind the Fiscal Impact Study. Mr. Hecker advised that the applicant has only revised the numbers of the originally submitted Fiscal Impact Study to include the information to support the 101 unit by-right plan, which also includes the back-up information clearly footnoted in the study itself. Mrs. Hermany asked when the data to

prepare the study was collected. Mr. Hecker believes the data was collected in 2004. Mr. Callahan noted that the Fiscal Impact Study has been revised to include the by-right plan information and the footnotes providing for the collection of data, which he will provide to the Township tomorrow. Mr. Kulesza had previously requested a copy of the power point presentation that the applicant had provided to the Planning Commission in February, but he has not yet received that information. Mr. Hecker commented that the entire presentation and slides are actually included in the Fiscal Impact Statement that was previously submitted to the Planning Commission. Mr. Kulesza wished to make it clear that both he and Mr. Bradley are not in possession of any of this information because they were not members of the Planning Commission at the time. Because the information and data that was submitted in 2004 has been revised to address the by-right single-family dwelling plan, Chairperson Rush suggested that new copies be submitted to the Township and to the Planning Commission members.

***(NOTE: The original Fiscal Impact Statement and accompanying documentation and copies of plans were hand-delivered to all Planning Commission members, including Mr. Kulesza and Mr. Bradley at their meeting of June 22, 2004. Copies have since been provided to the new Planning Commission member, Joe Marino.)**

Assuming the additional information that was requested this evening can be submitted in a timely manner, Mr. Hecker asked if this proposal could be reviewed and hopefully receive a recommendation from the Planning Commission at their April meeting. Chairperson Rush noted that the deadline for submission is by noon on the last Monday of every month, which in this case would be Monday, March 27, 2006. Discussion took place.

Mr. Beatrice wondered what issues the developer has with the Township's existing Ordinance that currently permits the construction of an age-qualified community in the development district, but not in the Rural Residential Zoning District, which the Township is trying to preserve. Mr. Hecker replied that the developer has considered the B-7 Use under the existing Ordinance, but found that it is questionable as to whether the proposed style of quad units would fit within the multiplex designation. He explained that the walls of the structure and a small area outside of the structure of the quad units for patios, decks, etc. are conveyed to the homeowner, however McGrath Homes does not typically lot out the properties. The type of development that McGrath Homes typically constructs does not meet the requirements of the existing Ordinance. Taking the advice of the Planning Commission and Township residents at previous meetings, the applicant proposed a stand alone Ordinance to change the zoning and to address the issue of constructing an age-qualified community for this particular parcel only.

The McGrath Homes plan and proposed Age-Qualified Ordinance was tabled for further discussion and possible recommendation at the April 17, 2006 Planning Commission.

3. Coventry Meadows II Subdivision (Final) – Ms. Carrie Nace, the applicant's legal counsel, and Mr. Scott Guidos, the applicant's engineer, were in attendance to present the plan. Mr. Wynn's most recent review dated February 20, 2006 was discussed. This plan received conditional preliminary plan approval from the Board of Supervisors in January of 2006.

Four parcels totaling 22.85 acres (gross) within the CR-II Zoning District are proposed to be subdivided into 15 single family detached cluster (Option 2) lots (Use B3). Access to Lots #1 through #13 is proposed via extension of Chestnut Lane (proposed internal roadway of the Coventry Meadows Subdivision). Lots #14 and #15 are proposed with driveway access on Keystone Drive. The existing use of the site is a non-conforming auto salvage yard (Use H6). The property contains areas of woodlands and a drainage channel within the center of the site. Lots are to be served by Telford Borough Authority public water and sanitary sewer facilities.

This subdivision was the subject of a Zoning Hearing Board decision dated February 2, 2005 and subsequent Stipulation Agreement dated October 20, 2005. Conditions of the Agreement include development of the property with Use B-3 Single Family Cluster Option (2), with a minimum of 55% open space, generally in accordance with the sketch plan dated November 24, 2004, with the elimination of Lots #7 and #12. Chestnut Lane is proposed to be extended from the adjacent Coventry Meadows Subdivision.

Chairperson Rush questioned the route of the walking trail. Mr. Guidos replied that the trail is proposed to enter the site from Schoolhouse Road to the development's interior roadway. Mr. Kulesza stated that the proposed walking path, as noted in the Stipulation Agreement, is significantly different from that which was previously proposed to travel below the cul-de-sac, rather than across and along the streambed. Mr. Wynn explained that the location originally shown on the sketch plan for the purposes of the Stipulation Agreement showed the walking path within the floodplain, which had not been delineated on the original plan. The second reason is to attempt to avoid a mid-block crossing, which will still exist if the roadway is ever extended to the adjacent property. The walking path will also serve the function of connecting the two roadways of Schoolhouse and Keystone with the internal road sidewalk system. Discussion took place.

Motion was made by Mr. Marino and seconded by Mr. Kulesza to recommend conditional final plan approval to the Coventry Meadows II Subdivision, pending completion of all outstanding items in the February 20, 2006 engineering review. Mr. Beatrice was opposed. Motion passed.

Mr. Beatrice noted that the Planning Commission had not been involved with the review or planning process of this subdivision until after the Stipulation Agreement was executed by the Board of Supervisors. Mrs. Hermany agreed, stating that the Planning

Commission did not have the opportunity to even review the plan until after the Stipulation Agreement had been signed.

With respect to Coventry Meadows I Subdivision, Mr. Beer noted that there is an existing old stone dwelling on the property that the Planning Commission was not aware of, and suggested that developers be encouraged to point out all existing features on the site.

4. Orleans/Bennett Tract Subdivision – Sketch Plan – Mr. Ed Murphey, the applicant's legal counsel, and Mr. Greg Litzer, the applicant's engineer, were in attendance to present three sketch plans (aka: SK-1, SK-2, and SK-3) for the Bennett Tract located at Fairhill School Road, Fairhill Road and Keystone Drive. The site consists of approximately 86.5 acres (net) and includes two dwelling units and multiple outbuildings and other private improvements. The site is located within the RR Zoning District and is proposed to be subdivided, while retaining the existing Bennett dwelling and improvements. The other existing dwelling located on Lot #13 is proposed to be removed.

SK-1 (last revised January 12, 2006) is essentially the same plan that was previously reviewed by the Planning Commission in December of 2005. It includes the cul-de-sac in lieu of the extension to Fairhill Road, and includes some revisions to lot lines and building envelopes. The size of Lots #1 and #2 have been increased with the proposed dwellings cited in the natural terrain grades to take advantage of existing vegetation, thereby reallocating Lots #3 and #4. These revisions would further facilitate the preservation of the views from Fairhill School Road. It appeared that the Planning Commission's major concern with this sketch plan was the number of lots loaded on a P-loop street, which only permits less than 25 lots. This particular plan proposes 29 lots taking access to the P-loop street.

SK-2 is an alternate Use B-1 layout designed to reduce the number of lots taking access on the P-loop road to less than 25. This is accomplished by relocating several of the lots served by the internal road to front directly onto Fairhill School Road, and adding one more lot to Keystone Drive. The lot total remains the same and the cul-de-sac has been eliminated. While this plan is similar to SK-2, views from existing roads are somewhat compromised in this plan's attempt to comply with P-loop loading provisions. Personally, Mr. Litzer does not care for this sketch plan as much because many of the viewscapes and conservation values are not as favorable as SK-1.

At the December meeting, the Planning Commission requested that the applicant consider providing a second permanent means of access to Keystone Drive as opposed to Fairhill Road. Mr. Litzer noted that there is a thick wooded corridor in that area and he does not believe that there is sufficient space for a full width right-of-way. He pointed out that there are approximately four existing dwellings that would be impacted as well.. Mr.

Murphey advised that Mrs. Bennett had spoken to the owner of the narrow, 30 ft. wide piece of land, who was not very receptive to having their privacy impacted by a permanent access to Keystone Drive. Discussion took place.

SK-3, upon recommendation by the Bucks County Planning Commission, shows the layout of a Use B-3 Cluster with 37 - 30,000 sq. ft. lots with 55% open space, which is permitted as a by-right use in the RR District. This plan relies on either an offsite extension of the public sewer or an onsite wastewater plant, and as such, would require a variance from the provision that Use B-3 in the RR District rely upon individual on-lot septic systems. However, open space is significant and the planning concept is similar to the SK-1 & SK-2 sketches, albeit more compact. The existing tree-lined driveway from Fairhill School Road to the Bennett dwelling would remain as the main entrance to the development. With this lot size, a 32 ft. cartway would be required and Mr. Litzer is not certain that the trees along both sides of the existing drive could be saved. The secondary access to Fairhill School Road with SK-3 is the applicant's way of circumventing the P-loop loading requirement. Chairperson Rush was confused because normally a cluster plan in the RR District provides for less density, not more. It is Mr. Litzer's opinion that the cluster option does allow for fair density, and noted that the developer is not necessarily governed to the by-right plan with any set density level, as long as they comply with the impervious surface requirements and natural resource restrictions. A cluster plan actually provides for more freedom with impervious surface. He noted that SK-1 is not as fully developed as it could be because the impervious surface issue is the real limiting factor on that plan. Discussion took place.

Mr. Murphey felt it was important to talk about the issue of water and sewer on all three sketch plans. He agreed with Mr. Wynn's review that SK-2, from an aesthetic standpoint is not very desirable, however SK-3 has some benefits from a utility standpoint that should be acknowledged, which had been a significant issue during the pre-submission staff meetings to identify and possibly address failing systems in the nearby Cherry Road area. Mr. Litzer advised that SK-1 as originally submitted contemplated either a community wastewater system on-site or connection to public sewer, though there would be a great distance to run the lines that might make SK-1 financially unfeasible. SK-3 however, with the additional housing units, would be financially easier for the developer to address that longer distance for connection to public sewer. Mr. Litzer stated that the applicant is not contemplating on-lot systems for any of the three proposed sketch plans. Mr. Beer asked if the applicant intends to run a gravity system or a force main to extend the sewer. Mr. Litzer advised that it would be a gravity system to a certain point and then a lift pump. Discussion took place concerning the possible connection to public sewer in order to also address failing sewer systems in the Cherry Road or Fairhill School Road area.

Mr. Kulesza suggested that the Board of Supervisors provide the Planning Commission with a formal policy procedure to be followed with respect to the extension of public sewer on this or any other plan that comes before the Township, prior to the Planning Commission providing their recommendation.

Chairperson Rush felt strongly that a development of this size should have two permanent points of access. Mr. Beatrice disagreed, noting that he once lived in a 200-unit townhouse development for ten years that only had one access and never experienced any problems. Mrs. Hermany asked the reason for the limitation of 25 dwellings on a P-loop street. Mr. Wynn explained that there was a concern about emergency services accessing the site. Mr. Kulesza encouraged the applicant to attempt to gain additional property in order to provide a second access to Keystone Drive. If the purpose of a second egress from the development is to provide emergency access, Mr. Litzer suggested that perhaps the walking trail be constructed to be emergency vehicle accessible. Mr. Beer questioned the access to the proposed Township-owned open space and commented that emergency vehicles must also be able to gain access to the walking path or recreational facilities that might be provided. Lengthy discussion took place.

A recommendation has been received from the Open Space Committee endorsing SK-3 allowing for 37 lots and a greater percentage of open space. A recommendation was also received from the Park and Recreation Board endorsing the concept of SK-3 with the proviso that a wood-chip walking trail be constructed throughout the proposed open space area with access from Fairhill Road and with 37 acres of open space being deeded to the Township for perpetuity.

Public Comment:

1. With respect to the extension of public sewer, Mr. Bill Godek of 206 Broad Street recently reviewed a document dated June of 2005, which stated that the Hilltown Water and Sewer Authority capacity was at half and that the Pennridge Wastewater Treatment Plant was at capacity at that time.
2. Even though she was not present when this plan was discussed, Ms. Sandy Williamson, member of the Open Space Committee, has heard that the Committee preferred SK-3, in part because of the way the open space was laid out. She is fairly certain, however that the Open Space Committee did not envision a road being constructed through the woods.
3. Mrs. Nancy Boice of Mill Road is not a fan of P-loop or cul-de-sac streets because she feels they are a poor design tool, particularly in an area where there is increasing density. She believes it offers nothing in terms of the flow of traffic and only contributes to it. Mrs. Boice encouraged the Planning Commission to limit the use of

both P-loop and cul-de-sac streets to areas where there is a potential for a future connection to a neighboring property. She would prefer that there be a secondary access to this development, and all others that are submitted.

If there was less density proposed and some of the lots were made larger, Mrs. Hermany would support SK-3.

Mr. Beatrice would like to see as many natural features as possible preserved and would prefer that there be as much contiguous open space as possible.

Mr. Marino believes there should be a secondary access to the development. Chairperson Rush commented that for him to consider more than 25 units on a P-loop street, there would have to be a second access to the subdivision – whether it be simply a maintained emergency access or an actual roadway.

If there is Township-owned open space, Mr. Beer feels it should be somehow deed restricted so that it cannot be sold in the future. It is Mr. Beer's understanding that a majority of the Board of Supervisors can sell or make changes to the use of Township-owned open space. Mr. Murphey advised that each homeowner who purchases property pursuant to an approved subdivision plan in Pennsylvania has the individual right to enforce compliance with that approved plan. Therefore, if there were 46 acres of open space dedicated to the Township as permanent active or passive open space, those homeowners from that subdivision would have the right to bring action to enforce that restriction.

It appears to Chairperson Rush that it is a consensus of the Planning Commission that they would prefer a plan showing some type of cluster development with contiguous open space that would include a walking trail, as well as a secondary access to the site.

D. PLANNING – Mr. C. Robert Wynn, Township Engineer –

1. Kirk Tract Subdivision – Planning Modules – Mr. Wynn presented the Kirk Tract Planning Modules for signature following this meeting.

E. OLD BUSINESS: None.

F. NEW BUSINESS:

1. Mr. Wynn advised that the Township no longer has a Fire Marshal, and therefore, the staff will now direct applicants to forward their plans to the servicing fire company for review. Discussion took place.

G. PLANS TO ACCEPT FOR REVIEW ONLY:

1. Sperling Tract Subdivision

H. PUBLIC COMMENT:

1. Mr. Mark Antunes commended the Planning Commission for asking McGrath Homes the "hard questions" that are necessary while reviewing a plan of that magnitude.

I. PLANNING COMMISSION COMMENTS:

1. Mr. Beatrice expressed concern with the possibility that a majority of the Board of Supervisors could make changes to regulations that the Planning Commission would like to see in place today. If the Board of Supervisors changes course and deviates from the Comprehensive Plan by permitting the extension of public sewers and changes zoning to allow for more dense development, Mr. Beatrice commented it would be a serious detriment to the entire Township.

2. Mr. Beer has heard that the old springhouse on the Oskanian Tract will be saved from demolition. Mr. Wynn advised that the information Mr. Beer received was incorrect, and noted that there are no plans to save the springhouse, which is located beneath the road. He is aware that the developer of the Oskanian Tract is attempting to save a very large sycamore tree on the property.

J. PRESS CONFERENCE: No members of the press were in attendance at this time.

K. ADJOURNMENT: Upon motion by Mr. Beer, seconded by Mr. Marino, and carried unanimously, the March 20, 2006 Planning Commission meeting was adjourned at 11:23PM.

Respectfully submitted,

Lynda Seimes
Township Secretary

(*These minutes were transcribed from tape recordings and not considered official or approved until voted upon by the Planning Commission at a regularly scheduled public meeting).