

Hilltown Township Planning Commission
April 2006 Work Session Minutes

The Planning Commission met at the Township Building on April 3, 2006. Members present were Brooke Rush, Chuck Kulesza, Denise Hermany, Ken Beer, Bill Bradley and Joe Marino. Mike Beatrice had a work commitment. Lynn Bush from the Bucks County Planning Commission was also in attendance. Rich Manfredi was present for part of the meeting.

Members from the public included Nancy Boice, Sandy Williamson, Kirk Hanson, Joe Sensinger, Lawrence Owen, Susan Hockman Rush, and Marilyn Teed.

Public Comment – None

Approval of Minutes – Denise Hermany made a motion to approve February 23 Special Work Session Minutes and Joe Marino seconded the motion. Bill Bradley abstained since he was not present at the meeting. The minutes passed 5-0-1.

Denise Hermany made a motion to approve March Work Session minutes and Joe Marino seconded. The minutes were approved unanimously, 6-0.

Summary of Supervisor’s Meeting – Brooke Rush informed the PC that the supervisors did not sign the stipulation agreement for Cinnabar Farms/White Chimney. Instead, a motion was passed at the meeting directing the Planning Commission and the Open Space Committee to draft a zoning text change to allow for noncontiguous open space within the same of one of the four open space quadrants of the Township.

Brooke commented that he wasn’t sure of the open space quadrant boundaries and that perhaps instead a maximum distance should be specified. Brooke believes that there could be a situation where open space land is close to another parcel being developed, but across quadrant boundaries. Chuck Kulesza said that quadrant boundaries existed within the township because the Open Space committee has referred to them in the past. He asked Brooke if the spirit of the motion was only to allow for noncontiguous open space within each boundary. Brooke believed this to be true.

Rich Manfredi commented that the Planning Commission should review the wording of his motion and make their recommendations as they seem appropriate. He stated that in essence, the PC is charged with the task of crafting a text change to eliminate the requirement of contiguous open space.

Joe Marino mentioned that the current proposal for White Chimney is not open space. This is deed restricted land and not common open space. People in the White Chimney/Cinnabar Farm proposal would not be able to use the open space. He believes that this is basically a transfer of development rights.

Denise Hermany believes that this draft change is appropriate to consider if it is near a previously preserved open space property. Although there may be other opportunities in the township, in this situation, the open space land is adjacent to the Rosenberger property and if keeping this land as open space encourages the Rosenbergers to do the same, then we have a huge area of contiguous open space land. Ken Beer mentioned that the Rosenbergers already have an application into the county, but this would move them up on the list. Denise commented that this text change needs to be carefully worded. She would not want a builder to buy land in one area in order to have a density bonus in another.

Chuck Kulesza said that we need to clearly define private and public open space and in every instance we should consider the best use of the open space, whether it is deed restricted or open to the public. He mentioned that the Cinnabar property already includes recreational land, so that those people do have some open space property.

Bill Bradley doesn't have a problem with deed restricted open space. He thinks that open space should be contiguous to other open space parcels and that conditions should be established, if we move forward with a zoning text change. In this situation, the land already is in the Rural Residential (CMD) and would not be considered spot zoning as Joe had mentioned.

The PC asked Lynn Bush to comment. She said that there are many conditions, i.e., proximity of adjacent open space, types of properties to be considered, a clause "at the sole discretion of the township, which could be included in the text to prevent certain abuses of any zoning text change. Lynn stated that there is some land that is definitely worthy of preservation. She said that the text change proposal is a good idea if we can preserve properties that meet the township criteria.

Brooke Rush asked Rich Manfredi if the PC first should consider whether it is appropriate to even do a zoning text change regardless of the Cinnabar/White Chimney proposal. "What if WB decides to go ahead and develop both the Cinnabar and White Chimney properties according to the original final plans. Would the township still want to go ahead with the text change?" Rich again told the PC to refer to the motion he made at the last supervisor's meeting. Chuck Kulesza would like the PC to be provided with a copy of the motion wording from the Supervisor's meeting.

Ken Beer said that the township will save the most land by buying development rights or conservation easements that go with the farm. He is a firm believer of development rights and the land staying with the house so that the land can be maintained by the property owner and not the township. He believes that every proposal regarding non-contiguous open space needs to be considered on a case-by-case basis.

Brooke Rush stated that he is concerned that a quadrant requirement could be limiting and that the township would need a legal definition of a quadrant as it is not defined within the MPC. He again mentioned that perhaps a maximum distance should be considered. Lynn Bush said that some MPCs require that recreational land be set aside

within close proximity to the area where developers are paying a recreational fee in lieu of recreational land.

Brooke stated that he believes in a broad definition of open space and that there are many types of open space, such as soccer fields, woodlands, and farmland. Brooke believes that there are many specialty crop farmers who can make a viable living on small parcels of farmland. The goal of open space, in some form, is to keep it from being fully developed.

Lynn commented that the county defines open space as natural areas, farmland and recreational land.

Brooke mentioned that he discussed the zoning text change proposal with the Township solicitor and engineer who commented that it would be difficult to come up with wording that would completely fulfill our intent.

Denise Hermany made a motion *to begin the process of reviewing information to permit the PC to move forward with a text change to our present zoning which allows for noncontiguous open space.* Ken Beer seconded the motion. The motion passed 6-0.

Joe Marino is not opposed to moving forward, however, he believes that we first should review our current zoning and the MPC to determine if there are any possible conflicts. When the township was considering the stipulation agreement, he compiled a list of open space zoning regulations that he will forward to the PC for their review.

Chuck Kulesza would like to invite the Open Space committee to our next work session to discuss the text change. The PC agreed. In the meantime, Brooke asked the PC to think about a list of conditions that they would like included in the proposed text and each member should start to put together something for the next meeting.

Ordinance Review Process - Brooke informed that PC that there was no motion made at the previous Supervisor work session meeting to put forth, into ordinance form, the seven completed ordinances presently with the supervisors. Brooke will follow up on these ordinances again at the next reporting meeting. Brooke told the PC that he stated at the previous Supervisor work session that he believes the Planning Commission was given direction, via a motion, at the May 2005 Supervisor meeting to review the complete the entire ordinance draft. He advised the Supervisors, that until there is another motion stopping that process, the PC will continue their ordinance draft review.

CR1 Zoning District Ordinance -

The PC agreed to remove the last sentence of the purpose paragraph – “This zoning district is intended to be the Township’s short-term residential development district”.

The PC reviewed the uses in the CR1 to determine if all were appropriate for the zoning district. With respect to Accessory Kennel- Non Commercial, Denise Hermany was concerned that a property owner could have a dog run or shelter for 15 adult dogs only 50

ft. from the neighboring property. The PC agreed to limit the number of adult dogs over 6 months of age. All “Use” wording will be finalized during the review of the Use Section of the ordinance draft.

Bill Bradley questioned why a B-3 Single-Family detached conservation design went from 2.25 to 3 units of density per acre. *Lynn Bush is to examine the calculation and will inform the PC.*

CR2 Zoning District Ordinance –

The PC agreed that all minimum side and rear yard calculations for a 50,000 square ft. lot should be consistent for all zoning districts. It was agreed to change the side yard from 20 ft to 25 ft.

Denise Hermany questioned why our minimum rear yard calculation changed from 75 ft. in our present zoning to 50 ft. in the new proposed zoning draft. After some discussion, the PC agreed that the change was okay given the required minimum front and side yard width calculations.

Bill Bradley questioned why a B3 Single- family detached conservation design - Option 1 changed from 30, 000 sq. ft to 26,000 sq ft. He prefers that the lot size stay at 30,000 sq. ft. since we already have a 20,000 sq. ft. conservation design – Option 2. Lynn Bush believes the number changed to allow for 65% open space. She will go back and recalculate the open space percentage with a 30,000 sq. ft. lot size.

In reviewing the Uses associated with the CR2 District, the PC concluded that the Nursing Home setbacks should be changed. The agreed setbacks were a minimum 100 ft. rear yard, minimum 75 ft. side yard and a minimum 75 ft. front yard. The PC also decided that a C16 Continuing Care Retirement Community should have the same required setbacks as a Nursing Home.

PC Note: In preparing the minutes, Denise Hermany noticed that Zoning Draft dated 2-05-06 did not include the C16 Use -Continuing Care Retirement Community which had been included in the original draft proposal. At the next work session meeting, the PC will need to confirm whether or not this Use is appropriate in the CR2. The PC also needs to review both drafts concurrently.

Denise will make the above revisions into the electronic version of the draft ordinance and forward same to the PC members.

Planning Review

Orleans Bennett – Brooke informed the PC that the applicant appeared before the Supervisors one week after their sketch plan presentation to the Planning Commission. Denise Hermany inquired who placed them on the Supervisor’s agenda. She thought that the Supervisors agreed to first review our Regular Meeting Minutes which would preclude the applicant coming before the Supervisors within one week. This change in

policy was addressed after the problems with the Kirk Tract sketch plan approval process. This procedural issue should be addressed again with the Supervisors. Brooke will follow up this at the next reporting meeting. We had many creative ideas for the Orleans Bennett applicant to which the Supervisors weren't privy to.

McGrath – The PC received a revised by-right sketch plan that shows a reduction from 101 lots to 95 lots. The PC decided not to comment on the revised by-right plan until they receive Bob Wynn's engineering review. The PC agrees that it is important to compare the benefits of both plans and that the by-right number of dwellings is critical to the review process due to the fact that the developer continues to make the comparison to a single-family type project.

Chuck Kulesza believes that the developer stated that their "quad design" type of housing was not allowed by our current ordinance. He does not believe that to be true, rather, this type of housing configuration might warrant waiver considerations. Furthermore, Chuck suggested that while we are in the draft stage of the zoning ordinance, the PC might want to consider describing the "quad design" as a distinct housing configuration if it proves to be a popular design.

Brooke commented that the quad design gets rid of side and rear yards, which allows the applicant to condense the housing and create greater density.

Kratz – As recommended by the PC, this plan now shows full road improvements and previously, none were proposed.

Sperling – This minor subdivision plan at Rickert and Rt. 152 has never been before the PC. There were no comments.

Additional Meetings – The PC would like to complete their ordinance review and are requesting approval for two additional meetings, one in April and May. Denise, Lynn and Brooke will begin the process of selecting dates and Brooke will make a request for same at the next reporting meeting.

Public Comment – With respect to the Orleans/Bennett proposal, Nancy Boice stated that she hopes that trees are not removed to allow access to Keystone Drive. She believes that the PC should require the applicant to purchase additional land that could allow for a second access point, similar to what was required of the Holly Farm's applicant.

The meeting adjourned at 10:40pm.

Respectfully Submitted,

Denise Hermany
Planning Commission Secretary

These minutes are not considered official or approved until voted upon by the Planning Commission at a public meeting.