

Hilltown Township Planning Commission
February 2006 Work Session Minutes

The Planning Commission met at the township building on February 6, 2006. Members present were Brooke Rush, Bill Bradley, Chuck Kulesza, Ken Beer, Mike Beatrice, Denise Hermany and Joe Marino. Also present was Lynn Bush from the Bucks County Planning Commission, Barb Salvadore and Jack McIlhinney.

Dick Smith was in attendance from the public.

Public Comment – None

Approval of January Minutes – Brooke added the PC length of service terms for Ken Beer (3 years) and Joe Marino (5 years). He thought that he had already made those changes when reviewing the draft. Denise Hermany was going to check whether those were the only changes that were not incorporated into this version of the minutes.

Mike Beatrice was curious when the term was changed to 5 years. He always remembered it being 4 years. Lynn Bush stated that according to PA Municipal Code the term should be 4 years.

Mike commented that the minutes should include Chuck Kuleza's questioning why the buildings of Blooming Glen were included in the scope of the Barn Preservation ordinance and that Brooke Rush replied he thinks they should be preserved. Mike commented that he is in favor of preserving historic buildings but the Supervisors' specific direction was to exclude historic buildings from the scope of this ordinance .

The minutes passed 5-0-2 with Mike Beatrice abstaining until Denise was sure that the reviewed draft of the minutes was the most current one submitted and Bill Bradley abstaining because he was not in attendance.

Approval of January 26 Special Session Minutes - Denise Hermany made a motion to approve and Ken Beer seconded. The motion passed 5-0-2 with Ken Beer and Bill Bradley abstaining because they were not in attendance.

McGrath Builders – Visit to 55+ Age Qualified Community- Presently the Planning Commission has for review a new zoning ordinance submitted by McGrath Builders. McGrath extended an invitation for the PC to visit one of their Age Qualified Communities. At this time, the Planning Commission decided not to accept their invitation to visit their site. Many of the PC members commented that any new zoning ordinance should stand on its own and should not be tied to a specific builder's proposed development. Brooke Rush stated that making a visitation at this time may imply an approval of use. Ken Beer said that he doesn't want to be wined and dined.

55+ Age Qualified Community Ordinance-

Denise Hermany commented that there were a number of things in the proposed ordinance of which she did not agree, especially the proposed number of units per acre and how that translated into the number of cars. These homes will not be limited to 2 individuals. Denise also reviewed minutes from May 2004 when Lynn Bush outlined for the PC some of the drawbacks of these communities which are listed below:

-In 2001, more than ½ of the units and in 2002 more than ¼ of the units, built in Bucks County were for age-qualified communities. The builder usually tries to justify higher densities, by presenting studies that there is less impact on community services.

- Although you do save some money in school impact fees, the savings are not as great as the developer proposes. The BCPC has seen studies from Central Bucks that show that empty nesters move from their home in the community to an age-qualified home and a new family with children moves into the original house. The net change ends up being the same number of school children.

- Schools, as well as municipalities, also rely on the Earned Income Tax. With seniors you no longer have that income.

-People who are 55+ also require services that a community is not presently providing.

-You are creating a segregated community.

-Studies also show that there is the same amount of traffic and that you need the same amount of street improvements and widening.

-According to the Fair Housing Act, you can only restrict 80% of the housing to be age qualified. You have a higher density and can still have children in 20% of the homes.

-There is nothing firm in township zoning ordinances to keep it age-restricted over time. Residents in Middletown Township are petitioning to allow their Age-Qualified Community to be opened up to all age groups. Residents are having a difficult time reselling their units.

Jack McIlhinney stated that he did not believe Lynn's comment that age restriction only can be limited to 80%. He said that a township can restrict housing. Lynn Bush clarified his comment, stating that Housing only can be restricted to 100% if it is contained in the township municipal code.

Brooke Rush commented that if the density for this use were the same as a by-right plan in the RR, that he would definitely prefer this use. The question becomes how much is this use worth in terms of additional density. Chuck Kulesza said that we already have an Age Qualified Zoning Ordinance. Ken Beer mentioned that he remembers when it was recommended that this area along Route 313 be reserved for industrial use; however it was met with too much opposition. Mike Beatrice questioned whether our Industrial Use area could be challenged if the Township ran out of space. Lynn Bush said the question

should be asked of the Township Solicitor; however, it is her understanding that if a Township has provided for their fair share of Industrial Use, the zoning challenge probably would not holdup in court.

Minsi Trail Residents Letter Request –Homeowners along Minsi Trail requested that the road be turned into a cul-de-sac. The Planning Commission believes that the request is unreasonable. What would prevent other township residents requesting that their roads be converted to cul-de-sacs? Brooke Rush believes that we should be looking for ways to add roads within the township to handle traffic not eliminate this road in particular as it is a major connector to Route 313.

Wilson Minor Subdivision – The PC questioned the location of the closest sidewalks to this property. There are several finished homes between this proposed subdivision and the approved Braccia Subdivision.

McDonalds Addition – The McDonalds Corporation will have to appear before the zoning hearing board for parking space relief.

Kirk Final – The PC still has not seen the proposed layout for the water line.

Stipulation Agreements – The PC questioned the status of the Cinnabar/White Chimney Farm stipulation agreement. Brooke Rush commented that last fall the Zoning Hearing Board turned down the WB Home’s consolidation request. One of the ZHB members recused himself from voting because of a family member having a conflict of interest and there was a one to one vote and the request was denied.

At the December Supervisors meeting, the applicant requested that they be given direction after the first of the year. Mike Beatrice asked if the applicant still plans to pursue open space on White Chimney Farm and development on Cinnabar Farm. Ken Beer stated that even though the applicant said that they weren’t interested, the supervisors should still request that the applicant deed the White Chimney farm house and property to Hilltown Township. The township could then deed-restrict the 30 acres and sell the house.

In discussing stipulation agreements, many PC members commented that the Planning Commission should receive copies of any stipulation agreements that are associated with development plans. Chuck Kulesza commented, “How does the PC know that the submitted plan follows the requirements of the stipulation agreement?” Barb Salvadore noted that there have only been 5 stipulation agreements in the township, all occurring within the past 5 years.

Stipulation Agreement Motions –

The PC made a motion to recommend to the supervisors that prior to final approval of a stipulation agreement that the Planning Commission have an opportunity to review and comment on the most current plan from a planning perspective. The motion passed 7-0.

The PC also made a motion that once a stipulation agreement is approved by the supervisors, a copy is forwarded to the Planning Commission. The motion passed 7-0.

Lynn Bush stated that she can not recall being involved with a Planning Commission that hasn't received copies of stipulation agreements.

Zoning Ordinance Review

Brooke Rush will provide final copies of the completed zoning to the Supervisor's Work Session on Monday, February 13, 2006. Those ordinances include: CMD, Trade Use, Family Accessory Apartment, Barn, Farmstead and Bed & Breakfast. It was also noted that Definitions and the Buffer Ordinance need a few minor revisions, after which they will be forwarded to the Supervisors.

Mike Beatrice asked Lynn Bush at what point she ties zoning into the Comprehensive Plan. Lynn stated that as she conducted her zoning review, she did refer to the Comprehensive Plan. However, the Plan does not include much of a mandate. Mike Beatrice commented that the last 2 Comprehensive Plans indicated one of the primary reasons why people stayed or moved into Hilltown Township was because of open space. He believes that increasing impervious surface in the proposed zoning, has a negative impact on open space. Lynn Bush stated that it is her impression that the amount of impervious surface on a lot has less of an impact on the feeling of open space. Most people think of open space as contiguous land. Lynn mentioned that you do want to provide open space because water recharge is an issue in the Pennridge area. You need a sustainable approach to water quantity and quality, so that an area doesn't tap out its resources. You want to try to keep as much water as possible here without it being piped via sewer to another area. Only Pennridge and Solebury Township are doing studies looking into this problem. As of yet PA, hasn't any zoning based on water.

Buffer Ordinance – Brooke Rush asked John Apple to visually represent the proposed Type 1 buffer (non-residential/residential). John recommended that the buffer requirement be changed from 25 ft to a range between 25 and 35 feet so that the buffer could meander and look more natural. John also recommended that under the General Regulations Section A, #8, that the second sentence is removed and more rigid buffer maintenance requirements be added to the ordinance. *Denise to forward his suggested changes to maintenance requirements to Lynn Bush for her review.*

Brooke requested that Lynn revise the plant types and standardize the planting requirements for all buffers to be listed per 100 ft. of buffer for all types of buffers, verses various units of measurements as currently listed.

Some PC members discussed the need to complete the review process of the proposed zoning and that another special meeting be scheduled. Joe Marino made a motion to recommend to the Supervisors that a second meeting be scheduled. Denise Hermany seconded the motion. The motion passed with a 4 to 2 vote with Mike & Bill opposed due to time constraints. The meeting date requested is February 23, 2006.

Public Comment – Dick Smith mentioned that he is interested in 55+ Age Qualified Housing. He has research the units in Neshaminy Falls which he said cost around \$100,000.

Meeting adjourned at 10:40pm.

Respectfully Submitted,

Denise Hermany
Planning Commission Secretary