

Hilltown Township Planning Commission July 2005 Work Session Minutes

The Planning Commission met at 7:30 pm at the Township Building on July 7, 2005. Members present were Mike Beatrice, Jack McIlhinney, Ken Beer, Brooke Rush, Bill Bradley and Denise Hermany. Chuck Kulesza was not in attendance. Kris Kern and Lynn Bush from the Bucks County Planning Commission were also present.

Township members attending were Sandy Williamson, Joe Marino, Phyllis Antunes, Donna DiMella, David Thomas, and Joe and Barbara Salvadore. Jerilyn Covert from the News Herald also attended.

Public Comment – None

Lynn Bush requested that the June 2005 Work Session minutes be amended to remove Yardley Township from the last paragraph of the first page since they don't have an ordinance that is opting for lower signs. Mike Beatrice made a motion to approve the revised minutes and Ken Beer seconded the motion. The minutes were approved.

Richland Township Open Space Court Case – According to Lynn Bush, Richland Township supervisors gave approval for a YMCA to be built on township open space land that was part of a cluster development, even though township residents and the BCPC questioned whether that was allowable. Township residents sued because the YMCA is only accessible to those residents who pay a membership fee. The Planning Commission then discussed this relative to our open space fields and the Deep Run Association. It was agreed that the Deep Run fields on township open space are open to all residents. Mike Beatrice is a little concerned, however, if the township permits the Deep Run Association to dominate the fields exclusively on Saturdays since that is the most optimal time for the community to use the fields.

Lynn Bush said that all open space needs the proper documentation on the plan with the appropriate easements. Townships should not depend on the zoning ordinance.

Guttman Cluster Subdivision – The developer submitted two new sketch plans that appear to be designed as a CR 2 cluster requiring an amendment to the zoning ordinance and a zoning map change. Both plans called for a 45 home development with a circular road and some houses in the woods. One plan has 20,000 square foot lots with open space and the other, 30,000 square foot lots and open space. After closely reviewing the plans, the PC decided that neither one met the open space requirement for a 20,000 or 30,000 sq ft lot cluster in the CR 2 district. In addition, none of the open space was contiguous and some of the open space was deed restricted on two of the lots and shouldn't be part of the open space calculation. It appears that the developer took 45 lots and tried to back that number into each cluster development.

Jack McIlhinney and Bill Bradley commented that the builder never demonstrated that 45 homes was the appropriate by-rite number. The PC believes that 45 homes is probably not the correct by-rite number. The original 50,000 sq ft plan, with 52 homes, had never been fully engineered and had unreasonable amounts of woodland clearance (15 ft clearance around the home). Jack also mentioned that, on the 50,000 sq. ft lot plan, the

builder removed the original house and barns and wanted to construct 3 new homes. The new cluster sketch plans do not show that.

Jack McIlhinney preferred the 30,000 sq ft plan because there is more taxable land to provide revenue for the township. Denise Hermany prefers that less homes border Green Street and that the development is more buffered from the road. Mike Beatrice would prefer less woodlands disturbance than is shown on the two plans.

The PC also questioned why the developer decided to put so many homes in the woods when they suggested that a P-loop be built around the pond. Bill Bradley also commented that Road A should connect in some way to the Silverdale Park.

The PC would like the developer to come back with a plan that meets the open space requirements for the cluster ordinance in the CR 2 district and plan the number of lots accordingly.

White Chimney/Cinnabar Farms – The developer proposed that the White Chimney Farms site, minus a 3 ft. flag lot with the house and barn, be given as open space to the Township in exchange for a 30,000 sq. ft. lot development on the Cinnabar site. The Cinnabar site presently has approval for public sewer with 50,000 sq. ft. lots.

The PC had several concerns, but also was interested in the proposal.

Jack McIlhinney is concerned that the township is losing the opportunity for a builder to bring additional infrastructure to an area of the township that may be required in the future. He also believes that the township will receive more tax revenues for homes that are built on 50,000 sq. ft. lots as opposed to 30,000 sq. ft. lots.

Denise Hermany commented that if the township decided to go ahead with the proposal, she would prefer that the White Chimney parcel be given to the township in its entirety and that the township deed restrict the parcel's development rights and then sell the whole property as a unit. The open space would still be preserved, but the township wouldn't have to maintain it.

Jack McIlhinney believes that if that occurred, it would be beneficial for the township to put that money in a fund for future infrastructure. Brooke Rush commented that he would like to see several funds set aside for road improvements, side walks, etc.

Lynn Bush told the PC that the developer is requesting a zoning relief because they can't meet the open space requirement for a RR cluster. They can only achieve 47% and the ordinance calls for 55%. Also the basin will need to be increased on the Cinnabar site if the number of homes increases which will further decrease the open space number.

Lynn Bush commented that the proposal should be reviewed carefully. A township shouldn't place more homes on one site, just to save a farm in another area. This proposal should be done only if the final Cinnabar development makes sense and is good planning.

Jack McIlhinney commented that this is similar to transferring development rights. What is to stop builders in the future from purchasing additional parcels in other areas of the

township so that they can increase density at another site? Brooke Rush agreed. If we allow this developer to do this, how can we prevent others from doing the same thing?

Jack McIlhinney mentioned at a previous Supervisors meeting that Henry Rosenberger commented that he has an application with the BCPC to preserve four tracts (130 acres) of land adjacent to the White Chimney property. Mr. Rosenberger noted that the Preservation Board is accepting his application with the condition that White Chimney Farm is not developed. Jack McIlhinney received conflicting information from the BCPC, who commented that the Rosenberger application is not contingent on a White Chimney approval. Properties may be approved more quickly if there is more continuous open space, but it is not required. Ken Beer said that being next to open space gives you a few extra points and may move you up on the list. Lynn Bush stated the BCPC approves about 10 applications a year and that Mr. Rosenberger is presently #4 on the list. The township approval of the White Chimney property as open space may move him to #3.

Zoning

Buffering – After reviewing our improved zoning ordinance and those of Buckingham and Lower Makefield Townships, the PC requested that Lynn Bush rewrite our ordinance to be more similar to those townships. The PC discussed setbacks for buffering between farmland and residential developments and buffering for corner lots. Brooke Rush requested some pictures of good buffering at different stages of plant/tree maturity. We will review the rewrite at our next work session meeting.

Proposed Rural Residential Development Options – Lynn Bush provided a table comparing the different proposed options and the open space requirements for each option. Density was calculated using a 100 acre parcel with an 85% suitable building site. The calculations below would not require public water to be available. In the chart below, required open space and site resources were deducted before the site yield was calculated.

Option 1

	<u>Lot Size</u>	<u>Density</u>	<u>Open Space</u>	<u># units/100 acre site</u>
B1	3 acres (130,680 sq ft)	none specified	0%	28 homes
B3	50,000 sq. ft	.56 units/acre	28,400 sq ft/lot	47 homes

Option 2

B1	1.8 acres (78,408 sq ft)	.56 units/acre	0%	47 homes
B3	30,000 sq. ft.	1.45 units/acre	55%	55 homes

A lengthy conversation took place with many different comments and opinions. Ken Beer prefers Option 2. Denise Hermany prefers Option 2 as long as the open space cluster requires township approval and is not an automatic option. As it stands now a builder would automatically opt for the 30,000 sq ft cluster because the yield is larger. There are some areas of the township where a cluster isn't always appropriate.

Jack McIlhinney believes that 50,000 sq. ft. is an appropriate size for the RR district and he believes that a 1.8 acre size penalizes those people who bought a 3 acre property thinking that they could subdivide off a 50,000 sq. ft. lot. At least a 1.5 acre zoning option would allow the property to be subdivided. He also would prefer no open space in the options, because that represents less tax revenue for the township. In addition, the homeowner is penalized because he would not receive as much money for the property from the developer. Some PC members said that if the 1.8 acre option remained, that perhaps those homeowners who already purchased a 3 acre lot would be grandfathered and be allowed to subdivide off a 50,000 sq ft lot in the future. Denise Hermany commented that she didn't think that number was as large as some people thought. The homeowner would need 300 ft of road frontage and it would depend on where the original house was situated on the property.

With respect to taxes, Lynn Bush noted that, even though development brings in tax revenues to a community, every study she has read concluded that incremental development creates a net tax burden on an existing community because of the increase need for services.

Brooke Rush commented that zoning isn't constant and situations change. Many PC members agreed. Just because you were allowed to subdivide off a 50,000 sq. ft. lot doesn't mean that it is a given in the future.

Mike Beatrice believes that zoning should benefit all those in the township and not just those residents who want to sell their property. He would like to see the builder have options so that some open space can be preserved.

Brooke Rush commented that all of the discussion up to this point has centered on the possibility of changing the current 50,000 sq ft lot size to 1.8 acres, which Jack refers to as the taking of land-owners rights. Brooke reminded the PC that this possible change in lot size is also giving the land owners, who now would only be able to subdivide into 3 acre lots, the ability to almost double their density without running public water lines.

Brooke Rush requested that Lynn Bush look at the options again so that the total number of building units is equalized for all of the options. Mike Beatrice also asked Lynn to do a sample chart that reflected a more likely acreage for a future parcel. The data we received from the BCPC for tax parcels in the township shows a much higher percentage of smaller size parcels.

Zoning Review – The PC realizes that the zoning review is going to take considerable time. Brooke Rush will request that the supervisors advertise an extra PC work session meeting for 7:30 pm August 29th. The PC will continue their review of the zoning ordinance. Lynn Bush commented that Article 8 needs little or no review because it is required language.

Brooke Rush mentioned that the Rich Manfredi requested that the PC review the current zoning ordinance with respect to the “In-law suite” wording and ADA requirements.

Public Comment – Phyllis Antunes commented that she owns the property adjoining the Smith Tract. An easement on the Smith plan allows a future road to connect to her property. The Antunes received a letter from the lawyer representing the Smith tract

which also discusses a walking path easement along their property line. The Antunes knew nothing about this additional easement nor did the PC. One PC member stated that if the road was extended through the Antunes property in the future, a sidewalk would probably be required.

Ken Beer made a motion to adjourn the meeting at 11:20 pm.

Respectfully Submitted,

Denise Hermany
PC Secretary