

**HILLTOWN TOWNSHIP BOARD OF SUPERVISORS  
REGULARLY SCHEDULED MEETING  
MONDAY, AUGUST 24, 2020**

The regularly scheduled meeting of the Hilltown Township Board of Supervisors was called to order by Chairman John McIlhinney at 7:00 PM and opened with the Pledge of Allegiance. Also, in attendance were Vice-Chairman James Groff, Supervisor Caleb Torrice, Township Manager Lorraine Leslie, Chief of Police Christopher Engelhart, Township Engineer C. Robert Wynn, Township Solicitor Steve Harris, and Finance Director Marianne Egan.

1. ANNOUNCEMENTS: None.
2. PUBLIC COMMENT ON AGENDA ITEMS ONLY: None.
3. CONSENT AGENDA:
  - a) Minutes of the July 27, 2020 Board of Supervisors Meeting
  - b) Bills List – August 11, 2020
  - c) Bills List – August 25, 2020
  - d) Financial Report - July 31, 2020

Motion was made by Supervisor Torrice, seconded by Vice-Chairman Groff, and carried unanimously to accept and approve items 3(a) thru 3(d) on the Consent Agenda as written. There was no public comment.

4. ADJOURNMENT OF REGULAR MEETING: Chairman McIlhinney adjourned the regular meeting at 7:02 PM.
5. PRIVATE PETITION FOR ZONING AMENDMENT: FILED BY US HOMES CORP. DBA LENNAR:

The presentation by the applicant and discussion from those opposed to the Petition were recorded by the court stenographer with the following speaking:

For the Applicant:

Carrie Nase-Poust, Fox Rothschild  
Edward Wild, Esquire, Benner and Wild Attorneys at Law  
Steve Senior, 714 Minsi Trail, Perkasio, PA 18944

Against the Petition:

Dale Ott, 246 Mill Road, Hatfield, PA 19440  
Faye Riccitelli, 515 Hilltown Pike, Line Lexington, PA 18932, Remax 440  
Elizabeth Ott, 246 Mill Road, Hatfield, PA 19440  
Richard Neff, 202 Hilltown Pike, Hilltown, PA 18927

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Cathy Jacobs, 1613 Hilltown Pike, Hilltown, PA 18927

Board of Supervisors:

Chairman, Board of Supervisors, John B. McIlhinney  
Vice-Chairman, Board of Supervisors, James Groff  
Supervisor, Caleb Torrice

6. ADJOURNMENT OF HEARING: The hearing was adjourned at 7:35 PM with Chairman McIlhinney's motion to approve the revised ordinance, which reduces the density from 5 units per acre to 3.82 units per acre, which reduces the number of units from 194 to 174, died due to the lack of a second. Mr. Ott thanked the Board of Supervisors and Chairman McIlhinney asked Mr. Ott if he sold the 2 acres of farmland for which he was trying to get \$320,000.

7. RESUME REGULAR MEETING: Chairman McIlhinney reconvened the regular meeting at 7:36 PM.

8. CONFIRMED APPOINTMENT: None.

9. LEGAL:

a) Fence Agreement – 403 Siena Way: Solicitor Harris stated David & Jessica Yam, 403 Siena Way, requested a fence which will encroach into three (3) easements. Motion was made by Supervisor Torrice, seconded by Vice-Chairman Groff, and carried unanimously to authorize the fence agreement for David & Jessica Yam, located at 403 Siena Way, to be executed and recorded. There was no public comment.

b) Tabora Farms Agreement: Solicitor Harris stated he has revised the First Amendment to the Stipulation and Settlement Agreement, which defers the installation of the sidewalk and crosswalk to the Hilltown Baptist Church, until Tabora Farms uses the church parking lot for overflow parking. If Tabora Farms wishes to use the parking lot, then they will notify the Township and install the crosswalk and sidewalk within 60 days. Also, in the event Tabora Farms begin to use the parking lot, the Township has the right to grant a notice to require the crosswalk and sidewalk to be installed in 60 days. Solicitor Harris continued to state the agreement has been executed by Mr. Torrice and his wife on behalf of the owners of Tabora Farm and requests a motion to approve the First Amendment to the Stipulation and Settlement Agreement. Chairman McIlhinney stated there is an agreement already with Tabora Farms that was supposed to be finalized on December 27, 2019 and various things were to be done by January. Currently, there is a list of items that are not done and when does it come to the point that Tabora Farms are in default of the agreement and the court order. Solicitor Harris stated the Township somewhat dropped the ball on requiring compliance. A problem has been solved that there is no

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further extension of any of the deadlines and they expect the deadlines will be met. Mr. Wynn confirmed an Engineer's drawing of the parking lot has been received. Solicitor Harris continued to state he has drafted an Improvement Agreement and a Financial Security Agreement that provides a cash escrow with the Township to guarantee the construction of the parking lot, driveway, and the stormwater management facilities. The agreements have been signed by the Torrice's, on behalf of the owners of Tabora Farms, with a \$34,144.00 escrow. Chairman McIlhinney asked if it was a cash escrow that was submitted. It was confirmed it was a cash escrow.

Motion was made by Vice Chairman Groff, and seconded by Chairman McIlhinney, to approve and execute the Improvement Agreement and the Financial Security Agreement for Tabora Farms. Motion passed 2-0-1 with Supervisor Torrice recusing himself from the vote. There was no public comment.

Motion was made by Vice Chairman Groff, and seconded by Chairman McIlhinney, to approve the First Amendment To The Stipulation and Settlement Agreement that defers the installation of the sidewalk and crosswalk to the Hilltown Baptist Church for Tabora Farms until such time it is required for overflow parking. Motion passed 2-0-1 with Supervisor Torrice recusing himself from the vote. There was no public comment.

c) Mill Ridge – Hallmark Homes: Solicitor Harris stated agreements have been drafted for Mill Ridge and when the agreements are signed by Hallmark and the bank, and they are returned to the Township, he requests a motion to approve the agreements and authorized to be signed on behalf of the Township and recorded.

Motion was made by Vice-Chairman Groff, seconded by Supervisor Torrice, and carried unanimously to authorize the approval and signature of the development documents for Mill Ridge once the Development Agreement has been returned signed by the developer and the bank. There was no public comment. Mr. Wynn stated record plans have not been received for Mill Ridge. Solicitor Harris stated the documents will be held in escrow until such time as the record plans are approved. Ms. Leslie noted fees still need to be paid. Solicitor Harris stated the Development Agreement is a set aside agreement and it also requires a deposit. Mr. Wynn stated that is not plan review money. Solicitor Harris stated nothing is going to happen with the agreements until the plans are received, all the funds are received, and then they will talk about releasing them.

#### 10. PLANNING:

a) Sensinger Subdivision Sketch Plan: Mr. Wynn stated Robert Showalter, R. L. Showalter Associates, Inc., is present to discuss correspondence dated July 28, 2020 regarding the Sensinger Subdivision located along Route 113 with access provided through the new cul-de-sac street off of Minsi Trail. Mr. Showalter stated one of the issues the applicant is concerned about is the buffer along Route 113 and the ultimate right-of-way. In order to have more usable area, the applicant would like to ask for a variance to reduce the width of the buffer from 100 feet to 50 feet and to reduce the planting requirements. Chairman McIlhinney stated he has asked in the past, and has not received a satisfactory answer, as to why there is a 100-foot right-of-way on Route

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113. He originally thought it was something the state required, before his time, but he has been told the state does not require the 100-foot right-of-way. Mr. Wynn stated it is in the Comprehensive Plan, the Zoning Ordinance, and in the Subdivision and Land Development Ordinance and was put in before he knew where Hilltown was. Mr. Wynn continued to state Route 113 is an arterial roadway and they are designated with 100-foot-wide right-of-ways. Chairman McIlhinney stated, in light of the fact that the Pennsylvania Department of Transportation won't give the Township traffic lights and turn signals on Route 113 and in the future wants to put round-a-bouts in, he would hate to think the Township is maintaining an arterial right-of-way for future roads for PennDot at an expense of landowners. The residents own the land, and yet, they cannot use the land because of PennDot. Mr. Wynn stated the ultimate right-of-way does not have to be taken by the Township. When the Township does take it, it is usually by easement which the property owner still uses the land and maintains it. Whether or not the Township takes the ultimate right-of-way, the ultimate right-of-way is a planning tool from which the rear yard setback has to be measured from. The buffer is a zoning requirement also. Chairman McIlhinney stated the Township is not doing a service to the residents of the Township that live along Route 113 by continually limiting the use of their own property for some magical thing that is going to happen in the future by PennDot who doesn't really care about the Township anyway. They do not follow anything that the Township requests; they just do what they want. Mr. Wynn stated, if that is the way the Township wants to go, then the Comprehensive Plan, Zoning Ordinance, and the Subdivision and Land Development Ordinance will have to be changed. Mr. Harris questioned if the setbacks comply with the current ultimate right-of-way and yard setback requirements. Mr. Showalter confirmed that they did comply. Mr. Harris stated, the only issue, in terms of whether or not zoning relief is needed, is if the buffer will be reduced. If the Board of Supervisors say that they do not oppose a reduction in the buffer from 100 feet to 50 feet, as shown on the plan, there is the usable rear yard. Chairman McIlhinney asked if this is the same situation that occurred at Diamond Street and Route 113; the reason why there are the huge grassy areas. Mr. Wynn stated the difference there, is that the land was dedicated fee simple to the Township, so the Township owns that land as opposed to many spots along roadways where there is an easement at intersections. Chairman McIlhinney stated when the Township asks PennDot for improvements at that intersection with left turn signals, they come back with the answer that they are going to put a round-a-bout in there. Mr. Wynn stated the Township did get the extra turn lane at Wawa because the Township owned the fee simple right-of-way and could convey it to PennDOT so the developer across the street, Weiss, could put the extra lane in in Hilltown Township. Had the Township not own that land, it would not have happened. Chairman McIlhinney stated at Diamond Street, it looks like a whole development lost their back yards all for the benefit for a future 100-foot-wide round-a-bout that the State may come and put in. Mr. Wynn said the State will come to the Township and try to have the Township donate some of the land. Chairman McIlhinney commented they would come in for a round-a-bout rather than a left turn signal, that the Township is willing to put in, when there are accidents occurring there now. After discussion regarding the ultimate right-of-way and buffer, it was agreed upon the applicant leave the ultimate right-of-way to 50 feet and seek a zoning variance to reduce the buffer to 40 feet and the plantings would be worked out during the land development plan review. Applicant, Jim Sensinger, discussed his

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Phase 1 and Phase 2 project and keeping some of the existing trees to count as the required buffer. Again, it was noted this will be discussed at the land development stage.

11. ENGINEERING:

a) Welcome House Road Bank Stabilization: Mr. Wynn stated the Welcome House Road Bank Stabilization has been completed. The removal of the rest of the mats and the yard raked with additional topsoil should be done in a day or two.

12. UNFINISHED BUSINESS: None.

13. NEW BUSINESS:

a) Scott Drumbore – H&K – Requesting for extension of hours for September for the Concrete and Asphalt Plant at the Skunkhollow Quarry: Ms. Leslie stated H&K has requested to operate the concrete batch plant, asphalt batch plant, and the crushing plant between the hours of 6:30 pm to 6:30 am, Monday through Saturday, between September 1, 2020 and September 30, 2020, excluding holidays, for the PennDOT projects per their letter dated August 17, 2020. Ms. Leslie stated H&K provided the reports for July and they did not use excess hours. Motion was made by Vice-Chairman Groff, seconded by Supervisor Torrice and carried unanimously to grant the extension of hours between September 1, 2020 and September 30, 2020 for the Concrete and Asphalt Plant at the Skunkhollow Quarry per their letter dated August 17, 2020 with the exception of striking the part in the letter in regard to "and/or private customers." There was no public comment. Solicitor Harris stated he contacted Scott Drumbore about the long reports and Mr. Drumbore stated he would be willing to attach a letter noting any excess hours instead of the long reports. Ms. Leslie stated she needs the reports, which are off the equipment, for validity.

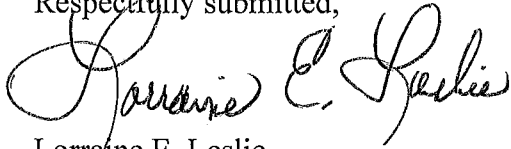
b) Trash Discussion: Chairman McIlhinney stated, in the past, the Board has casually mentioned having one trash hauler in the Township rather than multiple haulers. He just recently had an experience where a truck went by his house to pick up on Friday. They did not pick up because of the rain so they were to pick up on Saturday. The trash and recyclables were out on Saturday, but the recyclable truck did not pick them up. Two hours later, the trash truck came by and was told to call the office that the recyclables were not picked up. Finally, Wednesday, someone called him back and they said they would pick up the recyclables that day. They did not pick up the recyclables until Friday. Ms. Leslie stated the Township cannot license the trash haulers. Some Townships have explored having one trash hauler so then there would be some sort of leverage over the company if they start fowling up. There was no interest from Vice-Chairman Groff or Supervisor Torrice to look into having one trash hauler for the residents of the Township.

14. SUPERVISOR'S COMMENTS: None.

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15. PUBLIC COMMENT: None.
16. PRESS CONFERENCE: It was noted Channel 69 News was present.
17. ADJOURNMENT: Upon motion by Vice-Chairman Groff, seconded by Supervisor Torrice and carried unanimously, the August 24, 2020 Hilltown Township Board of Supervisors meeting was adjourned at 8:10 PM.

Respectfully submitted,



Lorraine E. Leslie  
Township Manager

(\*NOTE: These minutes were transcribed from notes and recordings and should not be considered official until approved by the Board of Supervisors at a public meeting).

BEFORE THE HILLTOWN TOWNSHIP  
BOARD OF SUPERVISORS  
BUCKS COUNTY, PENNSYLVANIA

- - - - -

In re:           Hearing for Private Petition for  
                  Zoning Amendment

- - - - -

MONDAY, AUGUST 24, 2020

- - - - -

A hearing for Private Petition for Zoning  
Amendment, taken by and before Catherine Meredith,  
Court Stenographer and Notary Public, was held at  
the Hilltown Township Building, 13 West Creamery  
Road, Hilltown Township, Bucks County,  
Pennsylvania, on the above date, commencing at 7:00  
p.m.

- - - - -

BOARD OF SUPERVISORS (PRESENT)

JACK MCLLHINNEY, CHAIRMAN  
JIM GROFF, VICE-CHAIRMAN  
CALEB TORRICE

- - - - -

BUCKS COUNTY COURT REPORTERS  
Neshaminy Valley Commons  
2410 Bristol Road  
Bensalem, PA 19020  
215-702-2730

- - - - -

## APPEARANCES:

## COUNSEL FOR HILLTOWN TOWNSHIP BOARD OF SUPERVISORS:

HARRIS &amp; HARRIS

BY: STEPHEN B. HARRIS, ESQUIRE  
HARRIS & HARRIS  
1760 Bristol Road  
P.O. Box 160  
Warrington, PA 18976-0160  
Phone: (215)343-9000  
Email: Sharris@harris-palaw.com

## REPRESENTING THE APPLICANT:

FOX ROTHSCHILD, LLP

BY: CARRIE B. NASE-POUST, ESQUIRE  
2700 Kelly Road, Suite 300  
Warrington, PA 18976  
(215)345-7500



## E X H I B I T S (NOT ATTACHED)

DESCRIPTION	PAGE
Revised Ordinance Amendment	9
Site Plan	9

## I N D E X

Applicant:	Page
MS. CARRIE NASE-POUST	5
Audience Members:	
EDWARD WILD	9
STEVE SENIOR	12
DALE OTT	15
FAY RICCITELLI	22
ELIZABETH OTT	25
RICHARD NEFF	28
KATHY JACOBS	30

1 THE CHAIRMAN: Start the Private  
2 Petition for Zoning Amendment filed by  
3 U.S. Homes doing business as Lennar.  
4 Stephen?

5 MR. HARRIS: We're going to  
6 basically follow sort of a modified plan  
7 like we did with the original hearing.

8 We have been notified that the  
9 Applicant has an amended ordinance which  
10 reduces the density from five units per  
11 acre to 3.92 units per acre and other  
12 than that it remains the same which  
13 basically reduces the number of units  
14 from 194 to 174.

15 So we'll allow the Applicant and the  
16 landowner if he has wishes go to 15  
17 minutes to make a presentation. We will  
18 then open the floor to anyone that's  
19 opposed to make a 15 minute  
20 presentation. You can divide up the  
21 time among whoever you want, however you  
22 want, and then we'll proceed to see  
23 whether or not the Board is prepared to  
24 take action on the plan this month.

25 So do I see Carrie? There she is.

1 MS. NACE-POUST: I'm here in the  
2 corner.

3 MR. HARRIS: You're up. I might  
4 add that Carrie sent in a letter with  
5 the amended ordinance and an amended  
6 plan. On the twentieth, I asked and I  
7 understand that the township manager in  
8 addition to distributing that to the  
9 Board of Supervisors and distributed it  
10 to Mr. Ott as the spokesman for those  
11 opposed to the Application.

12 MS. NACE-POUST: Thank you. Good  
13 evening, Carrie Nace-Poust, attorney at  
14 the law firm of Fox Rothschild, here  
15 this evening on behalf of the Applicant,  
16 U.S. Home Corporation doing business as  
17 Lennar.

18 We were here last month and listened  
19 to the Board's deliberations regarding  
20 the ordinance amendment and the concerns  
21 that were raised regarding density.

22 The Applicant has taken these  
23 concerns into consideration while also  
24 considering the requirements to develop  
25 a residential development like this that

1 would be successful and desirable to the  
2 community and the Township.

3 As we all know, a certain density is  
4 necessary to provide the type of  
5 amenities that are required for this  
6 type of age-restricted community,  
7 including the clubhouse and other  
8 amenities as well as potential off-site  
9 improvements.

10 So as a result the Applicant has  
11 gone back and as Mr. Harris has  
12 indicated, they are proposing to amend  
13 the ordinance that is before you this  
14 evening by reducing the density to 3.82  
15 units per acre from the five units per  
16 acre which is currently permitted in the  
17 PC-1 Zoning District.

18 When you apply this to the property  
19 that we're proposing to develop, this  
20 would result in a ten percent reduction  
21 in the total density bringing the units  
22 from 194 to 174.

23 What this does and you can see I  
24 have the plans in front of you this  
25 evening. The plans that are on the

1 bottom, if you can see it are the plans  
2 that were initially submitted to the  
3 Township.

4 What we've done is we removed  
5 approximately 20 units from the eastern  
6 portion of the property that is adjacent  
7 to the other residential properties  
8 thereby allowing an increase in the open  
9 space.

10 Previously we were proposing open  
11 space of 50 percent which was  
12 approximately 38 acres. This reduction  
13 in the density now allows the open space  
14 to be increased to 55 percent with  
15 approximately 42 acres being preserved.

16 In addition, it also reduces the  
17 impervious surface from 39 percent down  
18 to 37 percent.

19 So in terms of considering density,  
20 I also do want to note that previously  
21 was confirmed during the planning  
22 commission meetings and a letter by the  
23 township engineer, that the only other  
24 B7 retirement village here in the  
25 Township, which is the Villages of

1           Dorchester that was developed back in  
2           the early 2000s, that was developed at a  
3           density of 8.2 units per acre was  
4           permitted, ultimately developed due to  
5           site constraints at 5.8 units per acre.

6           The PC-1 District does currently  
7           allow five units per acre and we have  
8           now reduced that density further to a  
9           proposed 3.82 units per acre.

10          So we are hopeful and we believe  
11          that this reduction does address the  
12          concerns that have been raised by the  
13          Township as well as some of the  
14          community concerns and is a reasonable  
15          compromise while still allowing us to  
16          develop a viable project in providing  
17          the amenities that are necessary for a  
18          successful residential development for  
19          age-qualified individuals.

20          Therefore, we are respectfully  
21          requesting that this Board approve the  
22          revised amendment this evening.

23          I would also ask Mr. Harris that the  
24          Revised Ordinance Amendment, as well as  
25          the Site Plan that was submitted be

1 moved into record as exhibits as well.

2 MR. HARRIS: It will be.

3 - - -

4 (Whereupon, Exhibits Revised  
5 Ordinance Amendment and Site Plan were  
6 marked for identification.)

7 - - -

8 MS. NACE-POUST: Otherwise, I have  
9 nothing further at this time. If you  
10 have any questions with what is being  
11 submitted, I'm happy to answer any  
12 questions.

13 THE CHAIRMAN: I'm fine.

14 MR. GROFF: No, thank you.

15 MR. WILD: Good evening. My name  
16 is Edward Wild. I have the privilege of  
17 representing Mr. and Mrs. Rosenthal.

18 I'll be very brief. This has been  
19 around a long time and you've seen it.  
20 I know that you have evaluated it. You  
21 saw all the evidence that went into the  
22 record and I think it's easy to maybe  
23 lose a little focus in the time that  
24 goes by and in the noise and the  
25 opposition that gets generated.

1 I just want to make a couple of very  
2 quick points. On the density issues,  
3 the site is able to be developed  
4 according to the By-Right Plan that you  
5 saw. And that was a 150,000 square feet  
6 of retail and 34 or so single-family  
7 dwellings.

8 In terms of what's proposed, you  
9 have less density. Not more density,  
10 less density than what by-right would be  
11 left.

12 You're not getting 150,000 square  
13 feet of retail or some other alternate  
14 by-right use. The property is going to  
15 developed somehow, some way, sooner  
16 rather than later and there is going to  
17 be all of the impacts that you're  
18 hearing about.

19 The only question is impacts in what  
20 capacity, as retail or as 55 and older?  
21 The density has been reduced by --  
22 effectively your site capacity  
23 calculations which are satisfied, the  
24 overlay plan that your engineer wanted  
25 to see that treats the lots as if



1 they're single-family lots owned in fee  
2 rather than in a condominium.

3 There are only singles, twins and  
4 triples. In other words, on the  
5 townhouse side, there's no more than  
6 three units per dwelling so you're not  
7 getting clusters of townhouses that your  
8 ordinance would permit in multifamily  
9 development. There's no four, five,  
10 six, seven units in a cluster. And  
11 you're not getting the retail that I  
12 mentioned.

13 On the objective merits, I would  
14 belabor that. You can evaluate that but  
15 on the Applicant's side the objective  
16 merits far outweigh the concerns raised  
17 by those that would like to see no  
18 development.

19 Less traffic not more. More taxes,  
20 not less. Participation by the Township  
21 in transfer tax. And frankly, a very  
22 nice plan and appropriate community that  
23 would lessen the impact.

24 You've got the Regency at Hilltown.  
25 You haven't had catastrophic objection

1 or concerns or traffic or other things.

2 You have less here than there.

3 So I'll leave that to you. I mean,  
4 I've been around a long time. I was  
5 telling the story outside about the cell  
6 tower and how Hilltown was progressive  
7 enough when they approved the cell tower  
8 at the Township building when most  
9 people were opposing.

10 You got a cell tower, you collect  
11 the rents and all the people that came  
12 out here and objected to the cell tower  
13 that I did years ago all now think it's  
14 a good thing that you have cell service  
15 and that you're a landlord.

16 This would be the same. You have  
17 the same objections and the same  
18 concerns however this is caused. So I  
19 would urge you to respectfully consider  
20 approving the request.

21 MR. HARRIS: Anybody else for the  
22 Applicant or the owner?

23 MR. SENIOR: My name is Steve  
24 Senior, S-E-N-I-O-R, 1714 Minsi Trail.  
25 I live right down the street from the

1 Toll Brothers one where our former Chief  
2 Egly used to have a farm. I used to  
3 drive up there, pick his son up, George  
4 Egly, Jr. for Boy Scouts.

5 Our family home has been there since  
6 1970 and a couple years ago when they  
7 developed that and I heard about a  
8 development was going in I was just fit  
9 to be tied.

10 That's all I can think. Oh, my God,  
11 the traffic that's going to be on this  
12 road. It's just going to destroy this  
13 neighborhood and everything like that.

14 I didn't know initially it was going  
15 to be an over 55 community. I just knew  
16 a development was going in.

17 I'm wondering how many people that  
18 are outside protesting against this  
19 actually live in one of these  
20 developments that they put in, in the  
21 last ten years, just out of curiosity.

22 But I live in a single home, and in  
23 all the time that I have been there, I  
24 have noticed absolutely no increase in  
25 traffic on our road and I think they've

1 got 250 or 260 homes in there.

2 I've driven through it. It's well  
3 kept. It's Toll Brothers. I'm not a  
4 big fan of Toll Brothers personally but  
5 this is a different developer. This is  
6 a higher end, because it's an over 55  
7 communities, I was a landscaper. You  
8 don't see much activity in these 55 and  
9 over communities. You're not going to  
10 get the traffic. Whatever, whoever is  
11 making that up or coming up with that  
12 theory, I don't know where they are  
13 getting it from, but I live right down  
14 the street from it and the whole time  
15 that Toll Brothers Development has been  
16 there, I may have seen a total of three  
17 or four vehicles either going into that  
18 development or coming out in the last  
19 ten years, whatever, so I don't know how  
20 long it's been there so I'm not -- I  
21 don't think it's been there ten years  
22 but you know, how many years it's been  
23 there, that's what I've seen.

24 So I'm just here to give my  
25 perspective on it and that's it. I'm

1 not really for building in all of  
2 Hilltown, but my feeling is, I'm  
3 familiar with Swartley Road and I would  
4 rather see an over 55 community go in  
5 there like this gentleman, I guess, the  
6 attorney was just saying, than shopping,  
7 more shopping. We've got Walmart.  
8 We've got a stretch down there of 309  
9 which is insane with traffic because of  
10 the shopping, not because of houses.  
11 That's it. That's all I have to say.

12 THE CHAIRMAN: Thank you.

13 MR. HARRIS: Is there anyone else  
14 who would like to speak in favor of this  
15 project? Okay. It's just about quarter  
16 after so now we'll allow anybody that  
17 wants speak against the project until  
18 7:30, and we'll do that either one  
19 person take the whole time or you can  
20 divide it up or do whatever you want to  
21 do.

22 MR. OTT: Hello. Dale Ott, 246  
23 Mill Road. We are here tonight to voice  
24 the community's opposition to the  
25 proposed amendment and proposal --

1 MR. HARRIS: You're reading and  
2 when you read, you go like a rocket ship  
3 and she can't take it down.

4 MR. OTT: This being requested by  
5 the Venue at Hilltown, a by-right  
6 development plan is what needs to be  
7 considered.

8 There are over 1,050 approved  
9 existing units for sale in an eight-mile  
10 radius of the site at the same price  
11 range and amenities. The Pulte  
12 Development that is on Forty Foot Road  
13 is only four miles away and will consist  
14 of 375 units of the same caliber that  
15 are being proposed here.

16 This development was conveniently  
17 omitted from the Applicant's market  
18 analysis in hopes to make the proposal  
19 appear more practical.

20 We have shown that these units can  
21 create financial burdens to the owners  
22 as they may not be able to sell them,  
23 these units, at a loss. This is proof  
24 positive that these units are not in  
25 demand.

1           This is not creating an economic  
2           growth within the community or the  
3           homeowner but setting us up for  
4           low-income housing units.

5           To compound the problem, since  
6           February of 2020, the senior housing  
7           property values have declined by 49  
8           percent making it even more difficult to  
9           sell these properties.

10          The application's transportation  
11          study states 504 cars and 1,008 trips  
12          would be introduced per day from this  
13          development.

14          But if you use the ITE trip  
15          generation a tenth addition referred to  
16          by the Applicant on Page T-17, it states  
17          the average trip generated by senior  
18          adult housing or detached is 4.27 and  
19          3.74 attached housing.

20          Using these numbers to calculate and  
21          generate numbers of trips would equate  
22          to 194 houses, I realize that has  
23          changed, multiply it by a 1.57 occupancy  
24          which the Applicant says is going to be  
25          the case for the housing, multiply that

1 by 4.27 daily trips, that equals 1,300  
2 cars per day.

3 When three-bedroom housing is added,  
4 the occupancy rate will obviously  
5 increase and more realistic calculation  
6 would be 194 homes times 2.5 occupants  
7 times 4.27 daily trips equals 2,070 cars  
8 per day.

9 The size and location of this  
10 proposal incurs traffic and safety  
11 issues for the surrounding area that it  
12 cannot accommodate.

13 The Hilltown planning board has  
14 actively rejected this amendment and  
15 plan as it is proposed as they have  
16 recognized the detrimental affects and  
17 health, safety issues and welfare that  
18 this proposal costs to the Hilltown  
19 Community, the citizens and surrounding  
20 property owners.

21 This request for an amendment and  
22 use change is purely for profit,  
23 exercised by the Applicant, proven by  
24 the fact that this development can be  
25 achieved by-right on the existing



1 proposed 24 acres of PC-1 property  
2 outlined in the proposal.

3 There is also other areas within the  
4 Township that can accommodate this  
5 proposal without the need for use change  
6 request or a zoning change.

7 We have shown that this plan will  
8 have a negative effect on the school,  
9 Pennridge School District, by allowing  
10 five times the houses as is currently  
11 zoned even if age-restriction and no  
12 school children requirements are put in  
13 place for this site.

14 In December of 2001, Mr. Wally  
15 Rosenthal was in front of the Township  
16 supervisors opposing a development along  
17 Hilltown Pike. His comments at the time  
18 were that the traffic along Hilltown  
19 Pike is insane. How ironic and  
20 hypocritical that this proposal of 194  
21 houses and introducing over 1,300 cars  
22 per day to Swartley Road, Hilltown Pike  
23 and 309 is now beneficial to the  
24 Township and is not contributing to the  
25 traffic and congestion and safety

1 issues.

2 This proposal does not fix an  
3 existing problem or create a positive  
4 change to the Township. Voting no to  
5 this proposal and denying this proposal  
6 to move forward creates no financial  
7 burden to anyone. There is no  
8 justifiable reason to approve this  
9 proposal to a site that by-right  
10 currently complies to all provisional  
11 requirements to develop the proposed  
12 housing-type community.

13 The Applicant now expects the  
14 Township and its citizens to compromise  
15 their over-zealous proposal to create  
16 higher revenues at the Township's  
17 expense.

18 This proposal is not -- a request  
19 for a variance to add a lot size --  
20 excuse me -- at a lot to a site  
21 configuration or a need to be created  
22 because of a site condition. It is a  
23 request to add five times the housing,  
24 traffic, congestion and endangers to the  
25 residents.

1           The most recent submission by the  
2           Applicant just two days ago to reduce  
3           the overall housing by ten percent does  
4           nothing to address the traffic and  
5           safety issues this proposal would  
6           generate.

7           To suggest that ten percent  
8           reduction in their proposal would  
9           address the residents' concern is  
10          insincere when they are asking for a 520  
11          percent increase in housing that is  
12          currently allowed in their proposal.

13          The Applicant just recently said  
14          this is a realistic compromise. The  
15          by-right plan that was submitted by the  
16          Applicant does have retail in it, but we  
17          know retail is dead and any builder that  
18          would consider doing that is going to be  
19          building at a loss.

20          They also mentioned that the  
21          incentive of -- the transfer tax is a  
22          great incentive while the last five  
23          years the Regency of Hilltown averaged  
24          2.8 percent sales annually and they're  
25          proposing by their reports that ten

1 percent is proposed.

2 So therefore it does not seem  
3 logical that those numbers would work  
4 with the 1,050 units within an  
5 eight-mile radius. We have several  
6 other individuals that would like to  
7 speak tonight.

8 MS. RICCITELLI: My name is Fay  
9 Riccitelli. I live at 515 Hilltown  
10 Pike. I've been there for 20 years.  
11 I'm also a realtor for the  
12 Bucks-Montgomery area for 34 years.

13 I'd like to say something to this  
14 gentleman's point. We agree. We think  
15 the Regency at Hilltown is absolutely  
16 beautiful. In no way does that location  
17 compare to Hilltown Pike and Swartley  
18 Road. They're two entirely different  
19 animals.

20 Hilltown Pike already has a huge  
21 traffic problem unlike Minsi Trail.

22 The point I wanted to make, one  
23 point I wanted to make tonight, was that  
24 the tax projections that the Applicant  
25 mentions on page ten of the impact study

1 state that there is a 10 percent annual  
2 turnover rate for twins and a five  
3 percent annual turnover rate for  
4 single-family dwellings implying that  
5 you will be receiving sizeable transfer  
6 tax annually on these resales.

7 This is to the point that Dale was  
8 just trying to make. I have run numbers  
9 up, down and backwards and I cannot find  
10 any such turnover rates in either  
11 Hilltown or Hatfield for any of those  
12 communities. Most of them are running  
13 about 2.4 or 3 percent not 10 percent  
14 turnover.

15 My fear is that you may be basing  
16 your decision on unrealistic numbers.  
17 If those projections were accurate, the  
18 market would be saturated with listings  
19 and we are saturated right now with  
20 55-plus units over 300,000, but it's not  
21 from a ten percent annual turnover rate.

22 We are saturated because there are  
23 too many of these communities. Right  
24 now when I run the MLS, there are 58  
25 choices presently available within a

1 12-mile radius of Swartley Road right  
2 now. Fifty-eight choices. And that's  
3 not counting Pulte or Limekiln or any of  
4 the others that are going in.

5 The one other point I wanted to make  
6 is that I noticed they used a \$550,000  
7 price tag for the single homes that they  
8 were talking about when they were  
9 originally talking about a by-right plan  
10 of 36 singles being utilized.

11 I don't know why they're using 550.  
12 The New Britain Woods project is one  
13 mile off of 309 also within the Line  
14 Lexington Post Office and they built 28  
15 homes priced between 640 and 996,000.  
16 It has a walking trail, a bike path and  
17 a low HOA and I just don't understand  
18 why you couldn't consider having someone  
19 build something like that when you stop  
20 and think about the income that you  
21 would get from the one percent wage tax  
22 approximately by two people that can  
23 afford a seven to \$800,000 home plus the  
24 12 to 14,000 annual real estate tax that  
25 that would yield, and of course the

1 transfer tax.

2 If you're being enticed by tax  
3 revenue, why not stick to your rural  
4 residential zoning as hundreds of  
5 residents would like and let the  
6 builders conform to your guidelines  
7 rather than you continually working to  
8 conform to theirs. Thank you.

9 MS. OTT: My name is Elizabeth Ott  
10 and I live at 246 Mill Road.

11 Dear Township Supervisors, I stand  
12 in front of you today to oppose the  
13 Venue at Hilltown.

14 I have lived here my whole life and  
15 I believe that the area should be  
16 preserved at all costs.

17 Do you know that every 60 seconds  
18 three acres of farmland is lost in the  
19 United States? That's 1.5 million acres  
20 per year.

21 According to John Piotti, the  
22 president of the American Farm Trust,  
23 those 1.5 million acres represent a  
24 larger percentage of the land because  
25 it's the best land we have left.

1           We are selling off valuable land at  
2           what cost? Putting more cars on our  
3           roads? Making them less safe for the  
4           community members that already live  
5           there?

6           Without farms of any size you would  
7           not have food on your table. Swartley  
8           Road could never suit as many cars as  
9           the proposed plan would introduce to the  
10          community.

11          How are 500 cars safely going to  
12          safely and courteously get through that  
13          road on a one-lane bridge that you can't  
14          see across? There's a program at the  
15          high school effective fall of 2020 where  
16          members of the 55-plus community would  
17          be able to get a rebate -- apply for a  
18          rebate on their taxes.

19          As a recent graduate of Penridge  
20          High School, I can assure you that the  
21          school district does not require any  
22          additional funding.

23          At 20 years of age, I believe I  
24          bring a different perspective to this  
25          discussion. What about the people like



1 me who have grown up here and have all  
2 intentions of remaining in the community  
3 to live near their family after  
4 completing their schooling.

5 No one my age wants to live in an  
6 environment that would be brought by the  
7 current proposal. I'm here representing  
8 the 33 percent of Hilltown residents who  
9 are under the age of 24.

10 As a young adult I believe it is  
11 crucial that people my age are able to  
12 trust their local and state officials to  
13 be their voice.

14 We are not able to hold political  
15 positions at this age but we are the  
16 ones who live with your decisions.

17 This is such a personal thing for me  
18 that I'm not -- I'm so sorry -- please  
19 do not create something that will  
20 adversely effect the rural setting that  
21 Hilltown provides for us.

22 The addition of 194 house will  
23 adversely effect the rural setting in  
24 Hilltown.

25 This type of decision cannot be

1           undone. I remember coming home from  
2           college after not being home for a  
3           month, and the first thing I saw on my  
4           kitchen counter were the plans for the  
5           proposed development. I sobbed. I was  
6           heartbroken and still am. Who would  
7           want this to take over their childhood  
8           home?

9           I hope I am able to provide my own  
10          children with the same kind of childhood  
11          that I did, because it's not something  
12          that's common anymore.

13          Please think of your own children  
14          and how they would be affected if  
15          someone wanted to build almost 200  
16          houses in their backyard.

17          All I want for my children is for  
18          them to be able to grow up like no other  
19          kids do anymore. Please think of the  
20          future and vote no for the Venue At  
21          Hilltown. Thank you.

22          MR. HARRIS: We're down to four  
23          minutes, so speak slowly.

24          MR. NEFF: That's easy, I stutter.  
25          My name is Richard Neff and I live at

1 1202 Hilltown Pike. It's about three  
2 miles right down the road.

3 I moved into Hilltown in 1973 with  
4 my wife. We had a family, a couple of  
5 horses, this and that and blah, blah,  
6 blah.

7 It was a great place to live. It's  
8 not as great as it was then. If and  
9 when I can get out to go to work on  
10 Hilltown Pike, I have to make a right,  
11 go down, make a right onto Swartley Road  
12 and cross my fingers.

13 And when I get to that bridge, two  
14 times I almost didn't make it. It's a  
15 death trap, and Hilltown Pike is, I am  
16 able to just say it is becoming very  
17 nasty.

18 Swartley Road has always been nasty  
19 but there hasn't been a lot of houses or  
20 anything there but people think they're  
21 on the old Hatfield speed limit when  
22 they're using that road in the morning  
23 and at night when I am coming home from  
24 work.

25 I am against the rezone 125 percent.

1 I think it's a bad idea and I would also  
2 like to ask a question. It has been  
3 acknowledged by the Hilltown planning  
4 board that the data in the Applicant's  
5 reports are biased and in favor of the  
6 Applicant. Whose job is it in the  
7 Township to review and to validate the  
8 data off of the Applicant's reports?

9 MR. HARRIS: Well, the Township's  
10 consultants review them all and make  
11 recommendations to the Board.

12 MR. NEFF: Anyway, just as long as  
13 you know, I am totally against it.  
14 Thank you very much.

15 MS. JACOBS: Kathy Jacobs, 1613  
16 Hilltown Pike. We've been in our house  
17 20 years. In that 20 years we're  
18 averaging every five years somebody is  
19 in our front lawn, they've done damage  
20 to our lights, the lawn, and it costs us  
21 money.

22 And it's not just us. Our neighbors  
23 across the street, catty corner to us  
24 have had mailboxes taken out, lawns  
25 destroyed. If they get stuck in the

1 lawn they get caught. Most of the time  
2 they just take off. Everybody is on  
3 their phone texting. They're not paying  
4 attention to the road.

5 We have to get our mail on the  
6 opposite side of Hilltown Pike from our  
7 house. So every time we get the mail,  
8 we cross Hilltown Pike.

9 I too raised my children in this  
10 area and I can tell you that many times  
11 people pass the school buses because  
12 they were in such a hurry to get down  
13 Hilltown Pike.

14 Hilltown Pike on a good day is goat  
15 path. 'Every winter we've got more and  
16 more potholes and less road on the side  
17 for people to cut off on.

18 So I'm very much against any  
19 additional traffic and you can't tell me  
20 that more houses are not going to bring  
21 more traffic, and if you're 55 and up?  
22 Guess what. Your kids come back and  
23 come back to live with you and they have  
24 cars. So I can't say enough how much I  
25 feel against it and we vote.

1 MR. HARRIS: Thank you. Okay. We  
2 are now at the point where the Board  
3 once again as it did at its last meeting  
4 is required to consider the Ordinance  
5 that's currently on the table, is the  
6 one that has 3.82 units per acre.

7 So the question is and we saw a  
8 little bit of this the last time around.  
9 I don't know if anybody's mind has  
10 changed as a result of the ten percent  
11 reduction, but the question is whether  
12 somebody will make a motion to approve  
13 the revised ordinance and it will get  
14 two votes, whether somebody will make a  
15 motion to deny the revised ordinance and  
16 it will get two votes or we'll be left  
17 in the same position that we were at the  
18 end of the last meeting which is that  
19 there were not two votes to adopt the  
20 ordinance, in which event it would not  
21 be adopted.

22 So it's up to somebody to make a  
23 motion.

24 MR. GROFF: I'm not making a  
25 motion.

1 THE CHAIRMAN: I appreciate the  
2 fact that the Applicant has reduced the  
3 number of units from 194 to 174 although  
4 the Bucks County Planning Commission was  
5 quite objective when they stated that  
6 the 240-some would be an appropriate  
7 number, the 194 was of course  
8 acceptable, and I'll make the motion  
9 that 174 in the effort to compromise be  
10 accepted and the Applicant's efforts be  
11 approved.

12 MR. HARRIS: We'll rephrase that  
13 to just say that the Ordinance will be  
14 adopted with a 3.82 density per acre  
15 because what's not happening tonight is  
16 that the Plan is not being approved.

17 It would be an ordinance approved in  
18 the event that it was approved, then it  
19 would have to go through the land  
20 development process and it may or may  
21 not be able to sustain 174 units.

22 All we can say is that that would be  
23 the maximum permitted by the Ordinance,  
24 but you're voting on the Ordinance not  
25 the Plan.

1 THE CHAIRMAN: Is there a second?

2 MR. GROFF: I wouldn't second it.

3 MR. TORRICE: I wouldn't second

4 it.

5 THE CHAIRMAN: Is there another

6 motion?

7 MR. GROFF: No.

8 MR. TORRICE: Not from me.

9 MR. HARRIS: Then the -- if  
10 there's no further action by the Board,  
11 the Ordinance is not adopted and you can  
12 close this Hearing at 7:35.

13 THE CHAIRMAN: The Hearing is  
14 closed at 7:35. The motion is not  
15 adopted.

16 - - -

17 (Whereupon, the Hearing concluded  
18 at 7:35 p.m.)

19 - - -

20

21

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## C E R T I F I C A T E

I hereby certify that the proceedings and evidence noted are contained fully and accurately in the notes taken by me on the examination under oath of the above matter, and that this is a correct transcript of the same, fully transcribed under my direction, to the best of my ability and skill.



Catherine Meredith  
Court Reporter  
Notary Public

(The foregoing certification of this transcript does not apply to any reproduction of the same by any means, unless under the direct control and/or supervision of the certifying reporter.)

- - -

Hilltown Township Board of Supervisors  
Hearing for Private Petition for Zoning Agreement

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Hearing for Private Petition for Zoning Agreement**

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