

**HILLTOWN TOWNSHIP PLANNING COMMISSION  
REGULAR MEETING  
WEDNESDAY, MAY 19, 2021**

The regular meeting of the Hilltown Township Planning Commission was called to order by Chairman David Christ at 7:00 PM and opened with the Pledge of Allegiance. Also, present were Planning Commission members Brooke Rush, Jon Apple, Eric Nogami, Frank Henofer, and Township Engineer, Timothy Fulmer.

1. APPROVAL OF MINUTES – Action on the minutes of the May 3, 2021 meeting – Approval of the May 3, 2021 meeting minutes was tabled waiting for clarification requested by Mr. Rush.

2. PUBLIC COMMENT ON AGENDA ITEMS ONLY: None.

3. CONFIRMED APPOINTMENT:

a) Venue at Hilltown Zoning Petition/Sketch Plan – Carrie Nase-Poust, Esq., 174 Unit Retirement Development – Swartley Road/Route 309: Mr. Matt Caffrey, Director of Land Acquisition, Lennar Philly/Metro Division, was in attendance along with Carrie Nase-Poust, Esquire, and property owner Wally Rosenthal. Mr. Caffrey reviewed their appearance in front of the Planning Commission last year of the plan totaling 79 +/- acres which is split zoned between the PC-1 and the RR Zoning Districts. PC-1 does permit a Retirement Village under the B7 by-right but does not under RR so they were looking to do a text amendment that would allow the total property to be assembled and, therefore, allow a comprehensive retirement village to be constructed. The total number of units, at that time, was 194 homes with access coming off of Swartley Road. They also had a hearing in front of the Board of Supervisors last summer. Although a decision was not rendered by the Board of Supervisors, and, therefore, the application was deemed denied, it was actually good for them because they realized, they, as a company, did not approach it the right way. They did not listen to the people and they apologize for that. After the hearing, they took a moment to see what is best for this property. Ultimately, they still really believe a retirement village is the highest and best use with the economic impact, as well as no impact on schools. It is a product that is very much in need and a really great community for the overall Township. During the hearing, they were able to reduce the total density from 194 to 174 homes, which is shown on the second plan. Mr. Caffrey continued to state, following the hearing, they took a lot of time talking to Township Staff, and had meetings with neighbors (both individually as well as in a group setting). Concerns discussed were:

- **Traffic on Swartley Road:** The previous plan had all of the traffic come in off of Swartley Road. One of the neighbors was willing to grant an easement that would allow the property to take direct access onto Route 309 at Sterling Drive. The access on Swartley Road would be an emergency access only with a bollard and chain. Mr. Caffrey stated they are not married to that but are offering it up unless there is a better solution and are open to feedback and comments. They were able to move the clubhouse closer to the Route 309 entrance and flip the entire community around.

- Density: The single-family homes were pushed off of Swartley Road, increased the buffer with a much nicer screening, and they were able to put their denser coverage away from the property edge, so it was more interior to the community.

- Open Space: They increased the overall open space and tried creating a community that responded well to the comments and concerns that were raised during the meetings.

Mr. Caffrey stated they realize the plan is not perfect, and they still have to go through many revisions of the design to get to a fully acceptable and final plan, but they are hopeful, that at least this is a first step that shows they are really taking seriously the questions and concerns that were raised and they do really want to work cooperatively and collaboratively with the Township as well as the neighbors. They believe this is a much better plan, there is room for improvement, and they want to keep working together. Mr. Caffrey ended by saying they are looking for comments and feedback.

Mr. Christ asked for a highlight of the changes and what they are going to have to ask for to make this plan work. Mr. Caffrey stated the biggest change was the access change which already has a signalized intersection. In terms of relief from a zoning perspective, they are requesting that the B7 Retirement Village use be permitted by Conditional Use within the RR Zoning District. As of right now, the text amendment is the same. Ms. Carrie Nase-Poust stated the only thing that changed in the ordinance amendment from the last time is the density has gone down and the 174 units now complies with the ordinance amendment.

Mr. Rush questioned the addition of the Helm Fence property and if a road would be built through the property. Mr. Caffrey stated he understands there is an equitable owner of the property, and they would be able to get some kind of easement or access easement through the property. He continued to state they do not have a set of plans as it is still conceptual but they do have a handshake agreement that, if they were to proceed, they would be granted the access that they need and would work with them to see the best location.

Mr. Rush questioned current improvements of the existing property and if sidewalks would be required. Mr. Caffrey stated that would be subject to the preliminary and final plan review, but if there were sidewalks required, they would certainly do it.

Ms. Carrie Nase-Pouse stated the hearing was based on the 194 units. After the hearing they amended the ordinance to reduce the density to allow the 174 so it went from 5 units per acre to 3.82 units per acre and that is in the current package. Mr. Fulmer clarified, in the ordinance on page 2, under the B7 Retirement Village, (a) [4] states "Use B3 shall be 2.25 dwelling units per acre and for Use B4 shall be 3.82 dwelling units per acre" which would reflect their current 174-unit proposal. This is the only substitutive change in the document since the Planning Commission saw it originally before the Board of Supervisors meeting in August.

Mr. Nogami questioned the type of buffer that is being proposed between the units and Swartley Road as well as around the other surrounding RR properties. Mr. Caffrey stated they are showing a 224' buffer from the back of the decks/patios on the single family detached homes to Swartley Road and a 35' landscaped screened buffer as well. There is 100' of buffer to the North property between the attached product and the property line. The buffer along Swartley Road is intended to be fully vegetated so it is going to screen the property and the community along with using

existing vegetation to retain the existing woods that are there. Mr. Nogami stated he thinks they would want to have a full visual buffer around the other RR properties. Mr. Caffrey stated they can certainly add more landscape to the existing buffer to make it more of a visual screen. Mr. Nogami questioned if Mr. Fulmer sees an issue having the one road being the primary use and the second exit being just an emergency use. Mr. Fulmer stated, because of the number of units that are being proposed, the ordinance requires two accesses to a public road. In light of the concerns of the neighborhood and keeping traffic off of Swartley Road, that requirement would have to be waived if it would come through for subdivision/land development approval. Mr. Fulmer continued to state a plan of this nature should be reviewed by Emergency Services in terms of the adequacy of the emergency access that is being proposed along Swartley Road. Normally, in the ordinance, it does not permit an emergency access in lieu of a second street access unless it is going to be waived. The requirement for two accesses does not account for the emergency access counting as one access. They would have to waive it under the pretense that they would agree that the emergency access would be sufficient if they were to waive the requirement. Emergency Services may want to see something that is more elaborate on the plan to make sure they can use the access.

Mr. Caffrey stated if it was required that they have a second access, not on Swartley Road, they would look into providing it if that is what the Township requires. Mr. Caffrey stated they can revisit an access through the commercial property. It was noted the access through the commercial property could possibly be a full access instead of an emergency access. Mr. Fulmer stated, with an emergency access, the concern would be that maybe the residents of the community would come to the Township in the future to say they want another way in and out and they could potentially petition the Township to open it up for a full access. If there is some kind of deed restriction or a restrictive covenant against that happening, that could probably safeguard the Township and the residents on Swartley Road, who do not want to see the residents coming out onto Swartley Road. Mr. Caffrey stated the second access onto Route 309 would be a right in . . . right out. Mr. Fulmer added PennDOT would get involved along with an updated traffic study based on the new design.

Mr. Nogami stated he thinks the second access on Route 309 would be better and no Swartley Road access. In regard to parking, Mr. Caffrey stated parking is on one side of the street along with the detached homes having 2 car garages, twins will have 2 car garages, the quads could potentially have 2 car garages although now they have a 1 car garage. He continued to state they will make sure there is adequate parking, especially around the quads. He also noted the garages cannot be turned into a living space.

Mr. Apple stated Road A is a huge improvement, he likes the fact that they do not have to necessarily signalize Swartley Road now and put it where there is already a traffic signal, it is at the top end of the project, and he agrees that a second access out to Route 309 is needed.

Mr. Caffrey stated he believes they have to go back and try to get a second entrance, not just for emergency access, as it would be a big improvement to what is showing.

Mr. Caffrey stated they are not requesting any variances for the setbacks as they are meeting the setback requirements.

Mr. Caffrey stated there is a clubhouse, pool, bocce, pickle ball, and tennis courts.

Mr. Christ stated he agrees the major improvement is the access to Route 309 as opposed to Swartley Road.

Mr. Caffrey stated there is not any plans for the commercial space on Route 309.

Mr. Fulmer stated an issue that needs to be looked into further, is that there is a lot line adjustment for some of the parcels, and they would need to make sure, after the lot line adjustment, the property that is left must be conforming in regard to impervious coverage, etc.

Mr. Caffrey stated he is aware and will insert a table on the plan.

Mr. Fulmer stated in regard to the Helm property, they need to make sure that they are not leaving something non-compliant.

Mr. Caffrey stated it has been excellent feedback and from their perspective, they have more homework to do and will continue to work on improving the plan, and, hopefully have a plan to address the issues.

**PUBLIC COMMENT:**

Mary Tyson, 342 Mill Road, questioned the water supply for the project. Mr. Fulmer stated the application presumes the public water will be provided by North Penn Water Authority.

June Brauer, 304 Swartley Road, stated she received a letter from Lennar that asked them to get on a phone call to give feedback. They thought they were talking about a by-right plan because they thought the other plan was gone and the feedback was not from them. She talked to Mr. Helm today and he had no clue what was going on. They are against changing the zoning. They can do the bi-right and it would comply. They would definitely like to see Emergency Services involved in regard to the road that would go out onto Swartley Road. They would like to see two bedrooms and not three, a walking trail around, and the clubhouse/pool capacity.

Dale Ott, 246 Mill Road, questioned is this how the proposal process works . . . an applicant comes in and requests ten times the amount and they compromise down to five times and they are supposed to consider that a good compromise? According to the plan, they are required to have both B3 and B4 housing but he only sees B4 housing. One-hundred-foot setbacks are proposed along all of the property lines with the exception of the property line that is owned by him. There is only a 35' buffer along his property. They have written the amendment to have three bedrooms rather than two bedrooms. Why would anyone over the age of 55 that have no children living at home require more than two bedrooms. The emergency exit on Swartley Road is unenforceable . . . who opens the gate and when? They ask for special conditions when they are not attempting to utilize the by-right proposal. The quad units are only 30' wide. With the approval of the Limekiln Development and the Del Web facility in Hatfield there is over 870 houses of this type in the area within a short distance and there is no need for a facility like this.

Faye Riccitelli, 515 Hilltown Pike, stated there is over 850 units proposed in new construction with Pulte building 120 units in Forty Foot Road, and Toll Brothers building 496 units in Horsham. Regency at Hilltown still has 29 units left, which is not counting resales. She does not see the need for this community.

Cathy Jacobs, 1613 Hilltown Pike, stated nursing homes and hospitals cannot handle that many people along with the fire and ambulance companies which might not be able to support them.

They will end up with a traffic light at Swartley Road along with the dangerous curve. Hilltown Pike is so overly traveled with cars going off the road right and left.

Vanessa Reed, 1222 Green Street, asked if there is a plan? Did this just come up? Is it a scheme, a plan or a reason for doing all of this? Mr. Christ stated the Township has a Comprehensive Plan that was updated a few years ago. She continued to state she is worried about water, and the environmental thing. The huge unit will affect the climate environmental area here.

Charles Brauer, 304 Swartley Road, asked if any of the zoning people are involved with this. Mr. Christ stated the Township Engineer reviewed the plan and they are proposing a change. Mr. Brauer stated he does not know why they are looking for a plan unless the property is made for it. Bruce McDermott, 920 Hilltown Pike, addressed runoff. He has been on Hilltown Pike for over 20 years and the last 2 years his basement has been flooded because no one is controlling the runoff. How are they going to control the runoff of this development?

Barbara Geitz, 434 Long Leaf Drive, stated she recently traveled Route 309 and the road was flooded down to one lane right in that area. She talked to a gentleman who talked about the single lane bridge, blind curve, a narrow Swartley Road, and now you have school busses and trash trucks.

Michele Tyson, 343/342 Mill Road, stated they are a neighbor to this property and were never contacted to be asked about this property. They do not want re-zoning.

Kent Foster, 1118 Green Street, questioned when does it stop? They have to draw a line somewhere and think about the people who live here.

Susan Waddington, 335 Hilltown Pike, stated she moved here because Bucks County is known to not to over populate. She would like to see the farmlands remain. She is not happy with the traffic and her cracked windows from construction trucks.

Dale Ott, 246 Mill Road, questioned the zoning relief that the applicant is requesting. Mr. Fulmer stated it is the petition to amend the zoning ordinance. Any landowner has the ability to request relief from the zoning ordinance by filing a zoning hearing board application to go to the Zoning Hearing Board for a variance. In this case, the applicant is exercising its right under the Municipal Planning Code to petition the Township to amend the zoning ordinance, and the revised sketch plan is in furtherance of that petition.

David Williams, Valley View Road, stated this sketch reminds him of Hilltown Springs which formally was called Green Meadows. Why do they have to have this kind of development in their area? It is unfair to the residents, to the neighbors, and to the community in general.

Rhonda Reed, 1222 Green Street, asked if anyone has given the Planning Commission the justification to build this many units? Is there a reason? Mr. Christ stated the applicant decides that when they make their application for whatever project they are doing.

Mr. Caffrey thanked the Planning Commission for the opportunity to present and stated they have more homework to do. They will go back and revise the plan accordingly based on the comments and feedback that was received and, hopefully, be back shortly with a revised plan that will move things forward in a better direction.

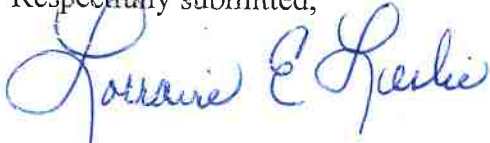
4. PLANNING: None.

5. ORDINANCES/RESOLUTIONS: None.
6. OLD BUSINESS: None.
7. NEW BUSINESS: None.
8. PLANS TO ACCEPT FOR REVIEW ONLY: Mr. Fulmer stated he received the Sensinger Subdivision preliminary application for review and will be on an upcoming agenda. The Knox Winery project will most likely be on the agenda in June with the proposed restrictions.
9. PUBLIC COMMENT: Bill Waddington, 335 Hilltown Pike, stated he teaches engineering and any good engineer knows form and function. If those two elements are present, it is a good design. He didn't see either form or function tonight. It does not make sense from a function standpoint because there are not multiple forms of egress into a facility, and nobody is loving this project, so it does not fit either one of the two criteria at all.  
Dale Ott, 246 Mill Road, stated an impact study and traffic study was submitted for the previous proposal and asked if that was going to be done again. Mr. Fulmer stated his recommendation is that the Township should get the studies but he cannot control what they submit to them at this point.  
Susan Waddington, 335 Hilltown Pike, questioned if the Planning Commission would approve this project without having another traffic study. Mr. Christ stated the Planning Commission is an advisory board of the Board of Supervisors so they do not approve anything; they just make recommendation either for or against a project. The Board of Supervisors will actually vote to either adopt the project or deny the project. The applicant will be doing another traffic study.
10. PLANNING COMMISSION COMMENTS: Mr. Rush requested a current Zoning Ordinance.
11. PRESS CONFERENCE: None.

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12. ADJOURNMENT: Upon motion by Mr. Apple, seconded by Mr. Henofer, and carried unanimously, the May 19, 2021, Hilltown Township Planning Commission meeting was adjourned at 8:05 PM.

Respectfully submitted,



Lorraine E. Leslie

Township Manager/Treasurer

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