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August 5, 2025

Village of Quiet Acres, Inc.  
c/o Christen G. Pionzio, Esquire  
Hamburg Rubin Mullin Maxwell & Lupin  
1684 S. Broad Street, Suite 230  
Lansdale, PA 19446

**Re: Hilltown Township Zoning Hearing Board  
Village of Quiet Acres, Inc.; Appeal No. 2025-005**

Dear Christen:

Please find enclosed herewith a copy of the Decision of the Hilltown Township Zoning Hearing Board dated August 4, 2025 in the above-captioned matter. The original of this Decision is being retained by the Township for its file.

Thank you for your attention to this matter.

Very truly yours,  
**Grim, Biehn & Thatcher**

  
**KELLY L. EBERLE**

KLE/ben  
Enclosure

cc: Hilltown Township Manager (w/encl.)  
Mr. Christopher Ferris (w/encl.)  
Mr. Joseph C. Koerwitz (w/encl.)

**HILLTOWN TOWNSHIP ZONING HEARING BOARD**

In Re: Village of Quiet Acres, Inc.

Appeal No. 2025-005

A hearing was held in the above matter on Wednesday, June 18, 2025, at 7:00 p.m. at the Hilltown Township Municipal Building. Notice of the hearing was published in The Intelligencer advising that all parties in interest might appear and be heard. In addition, the property was posted, and written notice was provided to neighboring property owners as required by the Zoning Ordinance.

The matter was heard before D. Brooke Rush, Chairman, Stephen C. Yates, Vice Chairman, and Matthew Knox. In addition, Kelly L. Eberle, the Board Solicitor, was in attendance, as was the Board stenographer. Applicant was present and was represented by Christen Pionzio, Esq. The following individuals requested, and were granted, party status: Chris Ferris, 76 Tall Oaks Drive; and Joseph C. Koerwitz, 77 Tall Oaks Drive.

The following exhibits were admitted and accepted into evidence:

**Zoning Hearing Board's Exhibits**

- B-1 Proof of Publication
- B-2 Posting Certification
- B-3 Letter with Enclosure dated May 21, 2025 to Neighboring Property Owners from K. Eberle
- B-4 Entry of Appearance of Chris Ferris  
Entry of Appearance of Joseph C. Koerwitz

**Applicant's Exhibits**

- A-1 Amendment: Revised attachment to Application
- A-2 Woodland Removal Summary

- A-3 Aerial Plan
- A-4 Zoning Plan
- A-5 House photos (4)
- A-6 Woodlands definition from Zoning Ordinance
- A-7 Arbors Plan
- A-8 Arbors Review Letter
- A-9 Rockwell Associates Report: Quiet Acres Development – Urban Forest Review  
March 17, 2025
- A-10 Rockwell Associates Report: Quiet Acres Development – Matrix
- A-11 Voluntary Declaration of Restrictive Covenant dated December 8, 2023

**Additional Parties' Exhibits**

- F-1 Photos of Wooded Area from adjacent property (6)

No other documentary evidence was submitted or received by the Hilltown Township Zoning Hearing Board. After weighing the credibility of the testimony and documents offered, the Hilltown Township Zoning Hearing Board renders its Decision on the above Application as more fully set forth below.

**I. FINDINGS OF FACT**

**The Applicant and Parcels**

1. The Applicant is Village of Quiet Acres, Inc., ("Applicant").
2. Applicant owns Quiet Acres Manufactured Housing Community ("Quiet Acres") which consists of 115 units on approximately 35.6 acres in Hilltown Township's MHP – Mobile Home Park Zoning District, located along Orchard Road and Pheasant Hill Road, and identified as Bucks County Parcel No. 15-001-133 ("Quiet Acres Parcel").

3. Applicant is also the owner of 126 Highland Park Road and 150 Highland Park Road (collectively, the “Property”), more specifically identified as Bucks County Parcel No. 15-001-127 and 15-001-131 respectively.

4. The Property consists of approximately 20.337 net acres of vacant, unimproved land and is adjacent to Quiet Acres.

5. Parcel 15-001-131 is a landlocked parcel located at the bottom of the Property consisting of approximately 13 acres and covered in woodlands.

6. Parcel 15-001-127 is located above Parcel 15-001-131 and has frontage on Highland Park Road.

#### **Proposed Development**

7. The Property was the subject of a Rezoning Petition, filed in August 2023, which rezoned the Property from the CR-2 District to the MHP – Mobile Home Park Zoning District.

8. In its current configuration, 64 of the existing 115 units in Quiet Acres only have one access point for ingress and egress.

9. The roads leading to those 64 units are narrow, hard to plow, and difficult, if not impossible, for emergency fire vehicles to access.

10. Applicant proposes to develop the Property as an extension of Quiet Acres as an age-qualified (55 years and older) community with 29 manufactured homes and 11.78 acres of open space.

11. The proposed development is permitted by-right as a B-6 Mobile Home Park use in the MHP Zoning District.

12. The Property will be added to Quiet Acres and will provide a secondary access to the existing development and will allow emergency vehicles to access the entire community.

13. The Property will be served by public water and sewer.
14. All roads in Quiet Acres would be private roads.
15. On December 8, 2023, Applicant executed, and subsequently recorded, a Voluntary Declaration of Restrictive Covenant, which ensures that the Property will be developed in accordance with the plan attached thereto, which includes the age-restricted community, limits the maximum lots on the Property to 29, and dedicates open space areas.

**Relief Requested**

16. The Hilltown Township Zoning Ordinance §160-11 defines “woodlands” as follows:

Areas, groves, or stands of mature or largely mature trees the majority of which are greater than six inches caliper measured four feet above grade covering an area greater than ¼ acre; or groves of mature trees without regard to minimum area consisting of more than 10 individual specimens which are greater than 12 inches caliper measured four feet above grade.

17. The Zoning Ordinance does not specifically speak about the health of the trees.
18. In connection with the proposed development, Applicant seeks to remove 4.647 of the existing 10.340 woodland acres.
19. This amounts to 385 total trees, or 44.9% of the woodland area, being removed.
20. §160-28.C of the Zoning Ordinance limits the removal or development of woodland areas to 20% in the MHP Zoning District.
21. Accordingly, Applicant requests a variance from §160-28.C of the Zoning Ordinance to permit removal of 44.9% of the woodland area.

**Condition of Trees and Additional Plantings**

22. Applicant engaged the services of Rockwell Associates to conduct an Urban Forest Review.

23. John Rockwell Hosbach, the owner of Rockwell Associates, testified on behalf of Applicant and was qualified as and accepted by the Board as an expert in the field of forestry.

24. Mr. Rockwell has hired to look at the area to be cleared to determine the condition of the trees that were being removed and to determine how to best manage the preserved and reforested areas. This includes determining what type of new trees to plant in order to have sufficient diversity and native plantings.

25. Mr. Rockwell performed plot sampling from three separate plots from the Property, each of which measured 100' by 100'.

26. Mr. Rockwell testified that this type of sampling is the standard methodology utilized in his field.

27. On average, Mr. Rockwell found 19 healthy trees per plot.

28. Many trees on the Property are Red Oak trees and are suffering from bacterial leaf scorch.

29. 68% of the trees analyzed were found to be dead or decaying beyond repair.

30. Based on his calculations, of the 385 trees being removed, only 124 are in fair condition.

31. Applicant will be replacing the 385 trees slated for removal with 351 new trees.

32. Applicant argues that when accounting for removal of tree plus the replantings, the net result is only an 18.77% removal.

33. Applicant will have a diverse planting schedule, which will include more tolerant and disease proof trees and a greater variety of trees to help break up the existing monoculture.

34. Applicant will be using trees that help will noise abatement and screening.

35. While some of the buffering trees will be landscape grade trees, the majority of new trees will be “whips,” which are forestry grade trees ranging anywhere from 4’-6’ in height.

36. The whips are grown in Pennsylvania and have less than a 14% mortality rate as opposed to a 40% mortality rate with landscape trees.

37. Maintenance of the new plantings will be done by the Applicant and will exceed the maintenance required by the Township’s SALDO.

38. Mr. Ferris and Mr. Koerwitz own parcels abutting the Property and both voiced concerns about the number of trees being removed and the location of the trees being removed.

39. Mr. Koerwitz noted that even if the trees are replaced it will take a significant amount of time for the new trees to reach the same size as the mature trees being removed.

## II. DISCUSSION AND CONCLUSIONS OF LAW

Applicant requests a variance from §160-28.C of the Zoning Ordinance to permit removal of 44.9% of the woodland area in connection with the development of two parcels that will become part of the Quiet Acres community.

In considering applications for a variance, this Board is required to apply the provisions of Section 10910.2 of the Municipalities Planning Code. The Board has the authority to grant a variance if it finds that an applicant has met its burden of proof for the following five elements: first, that the property has unique physical circumstances, peculiar to the property, and not generally created by the Zoning Ordinance; second, that an unnecessary hardship exists, due to the uniqueness of the property, resulting in an applicant’s inability to develop or have any reasonable use of the property; third, that the applicant did not create the hardship; fourth, that the grant of a variance will not alter the character of the neighborhood or be a detriment to the public welfare; and fifth, that the variance is the minimum necessary to afford relief. 53 P.S. § 10910.2(a). In the

case of *Hertzberg vs. Zoning Board of Adjustment of the City of Pittsburgh*, 721 A. 2d 43 (S. Ct. — 1998), the Supreme Court of Pennsylvania held that the grant of a dimensional variance is of lesser moment than the grant of a use variance, and the proof required to establish unnecessary hardship is lesser when a dimensional, as opposed to a use variance, is sought.

Based on the above, the Board finds that the Applicant has shown the existence of a hardship, not self-created, and unique and peculiar to the Property that requires the grant of the variance from §160-28.C of the Zoning Ordinance to permit removal of 44.9% of the woodland area. Additionally, the Board finds that the variance, with the conditions imposed in the Order, would not be injurious to the health, safety, and welfare of the surrounding community and constitutes the minimum relief necessary to afford Applicant the opportunity to reasonably use the Property.



## DECISION AND ORDER

AND NOW, this 4th day of August, 2025, the Hilltown Township Zoning Hearing Board hereby grants the zoning relief requested conditioned as follows:

1. The woodland removal shall not exceed 44.9% of the total woodland area of the Property and shall be done in a manner consistent with the testimony and exhibits presented to the Board; and

2. Applicant shall otherwise comply with all other Township, County, and/or State laws regarding construction and use.

The Hilltown Township Zoning Hearing Board deems the foregoing conditions necessary and warranted under the Hilltown Township Zoning Ordinance and the Pennsylvania Municipalities Planning Code.

### HILLTOWN TOWNSHIP ZONING HEARING BOARD

By: DocuSigned by:  
Brooke Rush  
D. Brooke Rush, Chairman

By: DocuSigned by:  
Stephen Yates  
Stephen C. Yates

By: Signed by:  
Matthew Knox  
Matthew Knox

### GRIM, BIEHN & THATCHER

By: DocuSigned by:  
Kelly L. Eberle  
Kelly L. Eberle, Solicitor  
104 South Sixth Street  
Perkasie, PA 18944

Date of Mailing: 8/5/2025