

HEARING BEFORE THE HILLTOWN TOWNSHIP
BOARD OF SUPERVISORS
PUBLIC HEARING
BUCKS COUNTY, PENNSYLVANIA

- - -

RE: McGrath Homes Re-Zoning Request

- - -

Monday, December 11, 2006

- - -

Hilltown Township Municipal Building
13 West Creamery Road
Hilltown, PA

- - -

- JACK McILHINNEY, Chairman
- RICHARD MANFREDI, Vice-Chairman
- BARBARA SALVADORE, Supervisor
- KENNETH BENNINGTON, Manager
- C. ROBERT WYNN, Engineer

- - -

COUNSEL PRESENT:

FRANCIS X. GRABOWSKI, ESQUIRE
Solicitor

THOMAS HECKER, ESQUIRE
For the Applicant

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3 WHEREUPON, the hearing commenced with the
4 Pledge of Allegiance.)

5 MR. McILHINNEY: Tonight is the second
6 meeting hearing -- for the McGraths' request to
7 rezone a portion of property for the age-qualified
8 community ordinance. In accordance with our first
9 meeting, I'll turn the meeting over to our solicitor,
10 Mr. Grabowski, and he will chair the meeting.

11 MR. GRABOWSKI: Thank you, Mr. McIlhinney.
12 Good evening, everyone. If at any time you can't
13 hear any of us or anyone at the podium, just raise
14 your hand for us to rectify that. The second thing
15 is we have a stenographer here tonight who will be
16 taking down all of the questions and answers so as to
17 provide a transcript as we did for the first hearing.

18 There are handouts at the back of the room.
19 I'm not sure exactly what all is there and whether or
20 not there was a sufficient number. I believe there
21 were copies of the transcript from the first hearing
22 there. For those of you who do not have one, if your
23 neighbor has one, please share. There are, I think,
24 copies of minutes in the lobby as well.

25 Tonight is going to be a simple procedure.

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1 Tonight's questions; questions from you. A slight
2 change on the agenda. We have questions by the board
3 of supervisors. The board has elected to defer their

4 questions until a later date. They want to hear what
5 you have to say. So as we start out, the applicant
6 has requested a few moments to reaffirm some
7 testimony that I believe they gave at the first
8 hearing. Also, I believe -- I might be wrong, but I
9 believe they are going to introduce the recent
10 submission and updated version of the proposed
11 ordinance, which I referred to as the sixth version.
12 Once that's accomplished, we'll then have questions
13 of the audience.

14 As simple as that may be, it can be very
15 complicated when we have a lot of people here. So
16 with that, what we're going to do is Mr. Bennington,
17 the township manager, is going to go to the back of
18 the room with a sheet of paper. He's going to take
19 names and addresses from those of you who would like
20 to ask questions tonight. We'll basically go on a
21 first come, first serve basis.

22 Ken, I'll leave it up to you if you want to
23 start front row and work your way back or --

24 MR. MANFREDI: Stand at the back.

25 MR. GRABOWSKI: Why don't we take a

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1 five-minute recess. For those of you that have
2 questions, go see Mr. Bennington so he could get your
3 names. When we have that accomplished, we'll call
4 upon the applicant to give his refresher
5 reaffirmation on the presentation.

6 Okay. So please see Mr. Bennington.

7 - - -

8 (Short recess.)

9 - - -

10 MR. GRABOWSKI: Okay, ladies and gentlemen,
11 if we can get back to order, please. Thank you. We
12 now have our list.

13 Some of the questions that came up and some
14 of the anticipated questions about the procedure is
15 about how we're going to do this. Once the
16 applicant's had a chance to finish up with a
17 presentation tonight, we're going to go to our list
18 of questions. We're handling it this way to make it
19 as simple as possible to give everybody an
20 opportunity to ask the questions. So tonight I
21 envision just hearing questions from you, not sworn
22 statements. That will come later. Obviously, with
23 the size of our group tonight, we'd like to make sure
24 that we don't have repetitious questions. They
25 should be questions, you know, no duplication if we

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1 can help it. Please direct your question to a
2 particular presenter from the last meeting. If you
3 can remember them by name or identify them as the
4 site representative or the attorney or whatever. For
5 the sake of the stenographer, she will not remember
6 the names of witnesses from the last hearing. So,
7 witnesses, when you're called upon for an answer, if
8 you can identify yourself once again for the

9 stenographer so when the transcript is done, we'll
10 know who asked the question, who answered the
11 question.

12 Once we get through the questions -- I'm not
13 going to try to time anybody because your question
14 obviously, depending on what you ask, the answer is
15 probably going to be much more lengthy than the
16 question. I don't want to penalize anybody on the
17 question. We may not get to sworn statements
18 tonight. We don't know. Let's see how far we get.
19 We're already 25 minutes behind through no fault of
20 you. So with that, let's begin with calling upon Mr.
21 Hecker, the attorney for the applicant.

22 Mr. Hecker, you're up.

23 MR. HECKER: Thank you, Mr. Grabowski.

24 Members of the board, good evening again.

25 I'm Tom Hecker, attorney for the applicant. I'll be

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1 very brief in my remarks. Unfortunately, my voice is
2 not -- it won't go too long without shutting off --
3 or maybe fortunately, as the case may be.

4 I just thought it would be helpful tonight if
5 we did a brief recap for the benefit of the people in
6 the audience who were not here last meeting who
7 probably have been following in the newspaper or with
8 whatever other means. To just kind of do a recap or
9 summary of how we got here and exactly why we think
10 it works.

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11 You'll recall we began this process by
12 submitting an amended request to the Township. That
13 amended request was for an age-qualified community.
14 At that time we were looking to incorporate that
15 request into the existing zoning ordinance in some of
16 the zoning districts versus all the zoning districts.
17 One of the first things we heard early on was that if
18 you do that -- and we're not just talking about this
19 particular 186 acres, whatever it is, we'd be opening
20 up possibly other zoning districts in the Township to
21 consideration of a request to approve an
22 age-qualified project. Particularly sensitive, as I
23 understand it, was the potential impact to the RR
24 district when these combined properties as you know
25 are zoned RR. We took a step backwards and went back

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1 to the drawing board, so to speak, and the ordinance
2 that is before you this evening for your
3 consideration is about five redrafts of a different
4 attempt, and that redraft is basically to ask you to
5 look at it a different way, that is to look at this
6 AQC as a stand-alone zoning district, meaning that it
7 would not, if this is adopted by this board, impact
8 any other zoning district within the Hill town
9 Township community. That's important because I think
10 that addresses the issue if this project is approved
11 and moves forward what impact it will have on other
12 properties in the Township. It will have none. If
13 someone else decides that they had a viable AQC

14 project, they would have to bring that to the board
15 with a new request to rezone that property or those
16 particular properties. So by treating this as a
17 stand-alone, you're being really asked to reevaluate
18 the concept of AOC for the Hilltown Township
19 community; and, secondly, whether this -- these
20 combined properties is really suitable for that
21 consideration.

22 I wanted to make that clear right up front,
23 that you are only being asked to consider an
24 ordinance that would only impact these two
25 properties.

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1 At our presentation at our last meeting, we
2 talked about how to accomplish an AOC, that is that
3 you do that by -- the ordinance is adopted by
4 subjecting the property to a declaration. Both
5 federal and state law allows you to deed restrict, so
6 to speak, properties that provide for occupants or
7 residents at least one of which has to be 55 years of
8 age or older and no children. That's important
9 because that restriction binds the land. It binds
10 the owners. It binds the land and everyone who moves
11 into the development. Everyone coming in knows up
12 front because the law requires that they have to be
13 provided with this declaration. Something called a
14 public offering summarizes the declaration, which
15 clearly points out that property in an AOC community

16 is subject to such a deed restriction.

17 As part of the presentation we ask the
18 question why. Why AQC? Why does it work? If you
19 would, the first thing that we pointed out in the
20 presentation were the fiscal studies as well as the
21 traffic generation. The summary of this analysis
22 shows you a positive impact to the revenue on the
23 school district and the Township in an AQC community.
24 In this case you can see that the annual Pennridge
25 School District revenue was \$1,686,133. The

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1 Pennridge School District, as we understand, has had
2 a difficult time trying to keep up with the
3 residential housing growth in the community; and we
4 ask the question what better way to offset this
5 problem by taking a possible 95 single family home
6 development because as you've seen and as that board
7 to my left illustrates the ability to develop these
8 combined properties for 95 single homes. The impact
9 of the children on the school district with a single
10 family home development versus the non impact that
11 you get on the school district and instead get a
12 positive cash flow. In addition, the numbers to
13 Hilltown Township of \$412,861 are significant.

14 People say, well, that doesn't tell the story
15 because there is an impact; but the reality is that
16 it's a good impact. The reason why is there's no
17 demand for snowplowing or maintenance. These are
18 private communities. Police services are few and far

19 between. If anything, you may have a few more
20 emergency service calls for ambulances; but that's
21 all factored into the equation. These calculations
22 are important. So what you have is a private
23 community that doesn't impose upon the taxpayer of
24 the community any financial burden. And in fact, it
25 takes that financial burden under normal

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1 circumstances where you see family development and
2 turns it into positive revenue generating factor for
3 the Township. And where you have problems in the
4 school district already trying to keep up with the
5 growth, it becomes a great alternative.

6 We talked extensively about why an
7 age-qualified community. These statistics are real
8 statistics. You can check any application dealing on
9 age-qualified communities, and you'll see what's
10 happening in our country. Bucks County and Hilltown
11 Township are part of the national trend. You see the
12 numbers. By 2010 there will be 75 million people 55
13 years old and older. By the same year, 31 percent of
14 the population of Southeastern PA will be 55 and
15 over. By 2030 one in five Americans will be 65 and
16 over. In 2004 there were 44,000 people in Bucks
17 County between the ages of 60 and 69. By 2012 that
18 number will have grown to 83,000 in that same age
19 group, 60 and 69. You see the demographics chart
20 below. Age 55 to 74, 95,000. Age 45 to 54, 89,000;

21 and age 35 to 44, 107,861.

22 What that demographics point out and we tried
23 to illustrate it at our last meeting, we're just on
24 the edge of the demand for age-qualified communities.
25 That is going to continue for years and years to

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1 come. That's been representative in our own personal
2 experience, the fact that every one of the projects
3 that the clients have built we've been able to sell.
4 In the last case we could sell without having sample
5 homes built. We let them view a different project in
6 another municipality.

7 So the need is there. We have the need. We
8 have the fiscal analysis. The chart under the fiscal
9 analysis also shows the traffic as being slightly
10 better for age-qualified community versus the 95
11 single family homes. The reason for that is that
12 there are different times when people come in and out
13 of the age-qualified communities as opposed to the
14 AM/PM peak hour or rush hour.

15 So we tried to present to you the
16 justification for it. We tried to explain to you
17 with the site plan what we're able to accomplish with
18 these properties, and the result of it is -- is that
19 here we have created an ordinance that allows
20 2.5 units per acre based upon the -- it's a net
21 calculation. What you then wind up with is
22 significant amounts of open space, significant
23 amounts of open area within the project itself at no

24 cost to the taxpayers to preserve. This is preserved
25 by the approval of this plan. Once that plan is

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1 filed, those areas become permanent open air areas
2 with no ability to develop in the future. We also
3 illustrated to you that in these communities people
4 are attracted to the lifestyle, and the lifestyle
5 includes significant recreational features. The
6 board that is behind the stenographer shows you the
7 clubhouse and recreational facilities at one of our
8 projects, Shady Brook, in Hilltown Township. A
9 clubhouse which is a center point of all the
10 activities in the community. Residents can be as
11 active as they want to be with recreational
12 facilities, workout facilities. There's a meeting
13 hall that's for use by the residents, offices for the
14 community, indoor/outdoor pools, greenhouse at Shady
15 Brook. In this particular project we believe we're
16 going to add another feature, and that is the ability
17 in that rectangular area across the stream and
18 preserve that as a farm field for residents who want
19 to have garden plots for the raising of vegetables,
20 flowers, whatever the case may be. So it really is a
21 lifestyle to which people are attracted.

22 We know because I told you before in every
23 community we've gone into we always had to go through
24 what I call an educational process because most
25 ordinances throughout this county did not envision an

1 age-qualified community, per se, such as we are
2 showing in Hilltown Township. We attempt to through
3 this process show you what we think is a need and the
4 positive impact and at the same time be sensitive to
5 the needs of the community around us. My clients
6 spent a lot of time getting to know their neighbors,
7 listening to issues when we first submitted this. As
8 a result of the comments that we received back from a
9 lot of residents and the Planning Commission of
10 Hilltown Township as well, we made significant
11 revisions to this plan. As all of you know, our
12 initial goal here because of the size of the property
13 we had over 500 units, and we didn't think much about
14 that because under your zoning for the housing that
15 you have you are permitted to do five units per acre.
16 We're at half of that. So this is a density issue
17 which has been present from the beginning and that
18 2.5 of the net buildable site area gets us to 268
19 acres we're proposing in connection with this
20 project.

21 We heard about open space in this plan as
22 we've eliminated the -- reduced the density and
23 eliminated units now shows 136 acres of open area,
24 which is pretty significant for any project. Again,
25 this is at no cost to Hilltown Township, the county

1 or the state.

2 We were told that not seeing this as a large
3 cluster development is important to people; so we
4 took a lot of caution in this layout in pulling back
5 the project more to the center of the site, creating
6 significant setbacks all along the property
7 boundaries. Minsi Trail -- 410 feet from Minsi Trail
8 before there's a building. Our setback probably
9 averaged about 365 feet when you go all around the
10 property. So significant setbacks. The concept here
11 is to create a tremendous amount of landscaping and
12 give this an appearance as you drive by with a lot of
13 effort on the entranceway itself. You might be
14 driving past a large horse farm, gentleman's farm,
15 however you want to describe it. We think that's
16 important because through significant landscaping,
17 not just enough to create separation, but to make
18 that separation, the buffer area, look good and
19 something that people would be proud of. This is a
20 large part of what we are able to offer with this
21 plan.

22 In summary, the need, the fiscal impact, the
23 traffic condition, the open space, the buffering, the
24 landscaping, the private community with no impact on
25 this Township, we believe are significant reasons why

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1 AOC is something valuable to be considered. We hope

2 as we go through this process that the board would
3 share our goal as well, seeing this as something the
4 Township could be proud of. I offer anyone the
5 opportunity, if there's any doubts or questions, talk
6 to the people in the communities where my clients
7 have built. Talk to the supervisors, talk to the
8 township manager, talk to the residents to find out
9 how good an idea this community living is and has
10 become for them and what a good asset it is for the
11 community.

12 Mr. Grabowski mentioned earlier -- what we
13 did also was take the ordinance that was initially
14 submitted and revised that ordinance to incorporate a
15 large number of the comments from both the Bucks
16 County Planning Commission and the Hilltown Township
17 Planning Commission. We submitted that after our
18 meeting on the 21st of November, and I guess that was
19 delivered directly to Mr. Bennington's office. To
20 the extent we need to recognize that as the current
21 version of the ordinance, I would ask that you do so.
22 And as we go through this process, at some
23 appropriate point you can tell us when it would be
24 appropriate to talk about the specific terms on the
25 ordinance itself. We think the changes that we made

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1 are changes that were made to address issues that
2 came up, and we think the change is for the better.

3 Thank you for your time.

4 MR. GRABOWSKI: Mr. Hecker, if you want to
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5 introduce that into the record at this time, we can
6 give it an exhibit number. I don't know that that is
7 a document that is on the back table, is it?

8 MR. HECKER: The significance of this
9 document is that the changes are highlighted in
10 yellow versus the initial ordinance submitted.

11 MR. GRABOWSKI: Why don't we give that an
12 exhibit number so the record will reflect what
13 document is the subject of discussion. Do we know
14 what the next exhibit number is?

15 MR. HECKER: Let's just do Applicant Number
16 1. I'm assuming that the plan and the ordinance
17 themselves are exhibits. Maybe they should be marked
18 as well. Why don't we make the initial ordinance
19 Exhibit A-1, the revised ordinance Exhibit A-2, the
20 plan that was attached to the application, A-3.
21 That's all we have. Actually, it might be a good
22 idea since we have been looking at a wall -- a large
23 version on the Power Point presentation with all the
24 sheets that we went through the last time. We
25 probably ought to mark that as well. Let's mark the

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1 Power Point A-4, if that's okay. That does it for
2 exhibits for now.

3 MR. GRABOWSKI: Okay. Let's go to the
4 question-and-answer period. Mr. Hecker, why don't we
5 do this, the gentleman who testified at the last
6 hearing, if my memory serves me and my records are

7 correct, were Mr. Van Rieker, Mr. Stone, Mr. Hammond,
8 Mr. McGrath as well. Why don't we use the podium for
9 the audience to ask their questions. There is a
10 microphone up here. Why don't we have the witness
11 come up to the microphone underneath our large screen
12 so that our tape can pick up the answer as well as
13 the audience hear the answer.

14 I want to remind all the witnesses that
15 you're under continuing oath from the last hearing.
16 So consider yourself sworn in from then.

17 Audience members, those who testified, again
18 the planner at the first hearing was Mr. Van Rieker.
19 Engineers, Evan Stone and Wayne Johnson. Mr. Matthew
20 Hammond was the traffic engineer. Mr. John McGrath
21 is the owner and applicant. Mr. Hecker is the
22 attorney.

23 Mr. Bennington has given me a list of names
24 with addresses of people who would like to ask
25 questions. Let's just start with the first list.

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1 It's quarter to 7:00. Let's see how far we go with
2 the questions. I would envision that we would take a
3 recess around 8 o'clock. If we're not done with the
4 questions, we'll recess at 8:00 for a 15-minute
5 break. Perhaps we'll be done before that. Let's see
6 how we do. The first name on the list I have is
7 Judith Greenhalgh of 874 Blooming Glen Road.

8 Madam Stenographer, I have a photocopy for
9 you of the names and addresses.

10 MS. GREENHALGH: I guess you want us to
11 repeat our name also?

12 MR. GRABOWSKI: Yes.

13 MS. GREENHALGH: Judith Greenhalgh, 874
14 Blooming Glen Road. I have a lot of questions, but
15 I'm only going to choose a few of them so I'm not
16 taking up --

17 MR. GRABOWSKI: Thank you. If you could
18 direct your question to a particular individual -- if
19 it's a general question, let us all know that.

20 MS. GREENHALGH: Okay. I think Mr. Hecker
21 I'll ask the first question of. You had used a lot
22 of tax charts and revenue gathering charts that you
23 would use for fiscally showing the advantage on the
24 McGrath development. My question is, did your
25 gathering of that information take into account that

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1 we may soon be switching over into perhaps an earned
2 income tax as the major generating source of income?
3 Did you consider that when you came up with these
4 figures?

5 MR. HECKER: If you want me to respond to
6 this question, I'll be happy to do it. Is that the
7 intent?

8 MR. GRABOWSKI: The question is of Mrs.
9 Greenhalgh if she's satisfied with you answering the
10 questions or if there's a better individual to do
11 that. I'll leave that up to your group to make that

12 deci si on.

13 MR. HECKER: There's a better individual, Van
14 Rieker.

15 MR. VAN RIEKER: I'm E. Van Rieker, the
16 planning consultant and I participated in some of the
17 impact studies, and the answer is, no, we've not
18 reflected Act 1. We know that requires an approval
19 by the school district, and it also requires it to be
20 placed on the ballot at the time to be approved by
21 the voting public. But I can tell you there's
22 misconceptions about that. The only -- and I don't
23 mean only to be a small amount of money, but the
24 monies that would be shifted -- let's say it's
25 one percent. The money that's shifted from property

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1 tax to earned income tax would not result in the
2 disappearance of the property tax.

3 Let's take an average median income of
4 \$150,000 per year -- a median family income. That's
5 very generous and probably pretty fair. One percent,
6 if you vote for one percent, that would be \$1,500
7 that would shift from your school tax, which could be
8 in the six to eight thousand dollar category. That
9 would shift over to earned income tax. Our residents
10 still would be paying earned income tax, perhaps not
11 at the same pace that they were when they were in
12 their thirties and forties; but as you heard us say,
13 the demographics and such, that most of the folks
14 that that would be and are in the age-qualified

15 communities are between the ages of roughly 55 and 68
16 to 70, many of them still are owners of companies or
17 consultants and report income. So their ratio would
18 increase as well. As I understand it and I'm not
19 sure anybody understands it really well, but there
20 were two choices. The PIT, personal income tax, that
21 would tax all sources of income. Most school
22 districts -- most of the committees are not
23 supporting that. They are supporting the earned
24 income tax, which is basically W-2 income. There are
25 limits to what you can approve, and it will certainly

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1 not result in the disappearance of the real estate
2 property tax. It might minimize it a little bit, but
3 it's not going to go away.

4 MRS. GREENHALGH: The gentleman that
5 discussed the impact of the 60 to 69 age group with
6 volunteering and services in the area, which
7 gentleman would that be?

8 MR. VAN RIEKER: That's me.

9 MRS. GREENHALGH: Okay. My question would
10 be, what percentage of the 60 to 69 age group, which
11 you seem to focus on a lot, will be -- what impact
12 will they have on the medical services in our area,
13 such as our hospitals and our doctors, who are in
14 many cases we're coming up short of doctors in the
15 area. My feeling would be they would have a large
16 impact.

17 MR. VAN RIEKER: I wish we had better figures
18 on that. Some would be retired doctors and
19 physicians who would be residing close by. So we
20 could argue that there would be a percentage from the
21 community that could volunteer services. Our take on
22 it is that this community should not be confused with
23 assisted living. We had gone through this before.
24 This is not convalescent care or assisted living.
25 It's still active adults, and certainly they will

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1 have needs as they age. There would be, I would
2 imagine, some additional care that would be required
3 locally. As we all get older we have ailments and
4 that sort of thing. The idea is that that would be
5 all set by volunteerism perhaps at the same hospital,
6 the local wealth effect, which is the idea that while
7 those residents are residing at least here in the
8 Township and nearby they'll support the local
9 businesses, the retail opportunities, that type of
10 thing.

11 We use the age group 60 to 69 even though
12 age-qualified is -- legally starts at age 55. We
13 found that the median ages are typically in the
14 middle sixties of the occupants.

15 MS. GREENHALGH: That leads me to my final
16 question. With the 60 to 69 group and volunteering,
17 what percentage of that group do you feel would be
18 volunteering as firemen and emergency ambulance
19 services?

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20 MR. VAN RIEDER: I couldn't answer that. I
21 would think less -- certainly as you age, you're not
22 going to be as active. I can tell you I was just in
23 Middletown Township last week, and the chairman of
24 the planning commission lives in a McGrath community.
25 So they may not be driving the ambulance, but they

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1 may be out raising money for the ambulance agency;
2 but they'll be active, certainly active.

3 MRS. GREENHALGH: Thank you.

4 MR. GRABOWSKI: Thank you, Mrs. Greenhalgh.

5 Next name that I have on the list is Mr.
6 Jerry Kelly.

7 MR. KELLY: My name is Jerry Kelly. I live
8 at 129 Equestrian Court. I guess my question is more
9 for the board than McGrath. I'm curious to know why
10 there is a great debate. It seems to me on paper at
11 least that this is kind of a no-brainer.

12 MR. GRABOWSKI: Well, unfortunately, this is
13 a hearing to ask questions of the applicant, not of
14 the board. The board has to give every zoning
15 request consideration through a public hearing
16 whether it's popular, unpopular, valid or not valid.
17 So if you have questions of the applicant, this would
18 be the appropriate time to ask.

19 MR. KELLY: Is there an effort on the part of
20 the board to seek other opportunities like this for
21 the benefit of the taxpayers of Hilltown Township?

22 MR. GRABOWSKI: That would be a question that
23 you should ask the board outside of the hearing.
24 That's not part of the formal hearing process that we
25 have here tonight.

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1 MR. KELLY: Thank you.

2 MR. GRABOWSKI: Do you have any questions of
3 the applicant?

4 MR. KELLY: No, I don't.

5 MR. GRABOWSKI: Next name is Kim D'Aulerio of
6 302 Fox Lane.

7 MS. D'AULERIO: Kim D'Aulerio. Once again, I
8 think my question was more toward the board looking
9 at the paperwork that I picked up coming in. When
10 will we be able to come back and ask the board
11 questions?

12 MR. GRABOWSKI: Let me answer that question.
13 The process is a mysterious one to people who don't
14 get involved in it or are active in it and go to --
15 you know, there aren't that many zoning change
16 hearings that come up in Hilltown Township. Whenever
17 an applicant -- anyone can apply for a zoning change
18 if they pay the appropriate filing fees, file the
19 right requests, the board holds hearings. That
20 doesn't mean the board is going to approve a request.
21 It may turn it down. It may take no action at all.
22 It may decide we don't particularly like this
23 ordinance, maybe we'll adopt another one. None of
24 that has been decided and won't be decided by this

25 board until all the hearings are done. How many more

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1 hearings will there be? I don't know.

2 MS. D'AULERIO: Will that be in the newspaper
3 for us to attend the meeting at that point?

4 MR. GRABOWSKI: Yes. The hearings have to be
5 advertised. They will also be on the Township web
6 site. The property will be posted and things of that
7 nature. I'm sure just by word of mouth you'll know
8 when the next hearing is.

9 MS. D'AULERIO: Thank you.

10 MR. GRABOWSKI: While you're up there, do you
11 have any questions for any of the witnesses?

12 MS. D'AULERIO: No, I don't. I have all the
13 information I need.

14 MR. GRABOWSKI: Thank you.

15 Bob Kelly of Holly Drive.

16 MR. KELLY: Same. I had questions for the
17 supervisors, but I don't really have questions of
18 McGrath.

19 MR. GRABOWSKI: Thank you.

20 My eyes are failing me. I believe it's Mark
21 Higgins of 724 Route 313.

22 MR. HIGGINS: Yes, that's correct.

23 Mark Higgins, 724 Route 313. My question was
24 actually -- I don't exactly know who to put this to,
25 but Paul Calihan came to my residence and gave me

1 information. One of the conversations I had with him
2 was that my house is right on 313. We're on the
3 upper right-hand corner there. I noticed that the
4 buffer around the whole side of all the properties is
5 really set back. My question to him was, is it a
6 possibility to give us a bigger buffer where it's
7 less of an eyesore to the residents, which is that
8 buffer 100 feet in past the homes there?

9 He had said that they had moved it from 50
10 feet to 100 feet, and my opinion of that was that I
11 looked out my front door and said, well, my
12 neighbor's house is 100 feet away. That's pretty
13 close. It is to us -- as far as residents there --
14 quite an eyesore.

15 So there's two questions. Can we move them
16 back a little bit there? Can you give us a little
17 bit more buffer or can we bring the berm up higher?
18 And can we have a guarantee that when they plant
19 whatever ground cover or cover they put there, pine
20 trees, whatever it may be, can they be somewhat
21 mature ones above 12 feet so if it does block that
22 view -- I guess the next question I have is, did they
23 take into consideration the traffic of 313 coming
24 down this way? When people try to stop there, people
25 are going to be killed. When I come down 313 and

1 pull into my driveway, at least once a month someone
2 has to slam on their brakes to stop running into the
3 back of me.

4 MR. GRABOWSKI: Mr. Hecker.

5 MR. HECKER: I'm going to have Mr. Stone
6 answer the first question.

7 MR. STONE: Good evening. For the record, my
8 name is Evan Stone. I'm the director of landscape
9 architecture for Pickering, Corts & Summerson. In
10 answer to your first question about the berming, we
11 can certainly do everything that we can to increase
12 the buffer for you. What we talked about at the last
13 meeting is in addition to the berming, we're looking
14 for a more pastoral and farm-like response to
15 buffering as opposed to, as I call it, dollops of
16 white pines, more of a hedgerow so it's more in
17 keeping within the context; but certainly we'll do
18 what we can to add additional buffer

19 MR. HIGGINS: But if you can't have the
20 additional buffer, can you at least make it higher?

21 MR. STONE: Absolutely, absolutely.

22 MR. GRABOWSKI: Okay, I believe you had a
23 traffic question.

24 MR. HIGGINS: Yes.

25 MR. HAMMOND: Good opening. My name is Matt

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1 Hammond, traffic planning design. To answer your
2 question, as far as the access point on 313 is

3 concerned, I believe the last hearing I testified to
4 the fact that what we would plan on doing at that
5 access point is provide for auxiliary lanes. In
6 other words, a dedicated left turn lane into the site
7 and a dedicated right-hand turn lane into the site.
8 So when someone is traveling on 313 and desires to
9 turn into the facility, it would be outside of the
10 through lanes on 313 to get out of that traffic.

11 MR. HIGGINS: So you would widen the road?

12 MR. HAMMOND: Correct.

13 MR. HIGGINS: Thank you.

14 MR. GRABOWSKI: Thank you, Mr. Higgins.

15 Next name I have is Mike Droogan of 108 Cedar
16 Hill, Chalfont, as the address.

17 MR. DROOGAN: My name is Mike Droogan. I
18 think it's a no-brainer. I've been over to Flower
19 Mills, the place they built. If you go by there, you
20 should take a quick tour. It's absolutely gorgeous.
21 It's three years now since I've been over there, and
22 these guys do a wonderful, wonderful job as far as
23 building these retirement homes; and inside is
24 perfect, absolutely.

25 MR. GRABOWSKI: Is there a question?

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1 MR. DROOGAN: No, I have no questions at all.
2 I'm in favor of what they're going to do here.

3 MR. GRABOWSKI: Thank you, sir. Next name I
4 have is Gus Rotelle of 608 Redwing Road, Perkasi e
5 mailing address.

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6 Good evening, sir.

7 MR. ROTELLE: Good evening. Gus Rotelle, 608
8 Redwing Road. I didn't really have a question, but I
9 can put it as a question. I'm a senior citizen and a
10 resident of the township. In reading the
11 Intelligencer last week, I noticed that they're
12 planning or suggesting that they put in another
13 elementary school. So I say to this builder, if, in
14 fact, it is true that these monies are going to be
15 coming in and 1.8 students that would be added with
16 the 96 homes, if that were to happen, will we
17 taxpayers be benefiting by these amounts of money?

18 MR. HECKER: Yes. If the age-qualified
19 community is approved as we proposed it, those
20 numbers are fairly accurate based upon the current
21 tax structure so that the benefits of the school
22 district becomes a surplus of 1.7 million rounded
23 out. The difference and the reason for that is the
24 fact that these communities are private. The
25 Township doesn't plow the roads. The people maintain

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1 the streets. The people maintain the community. We
2 don't look to the municipality for any services that
3 normally would be expected from the community. If
4 you have a community of 95 single family homes, those
5 homes can be occupied by people with children and
6 then you start to have the impact on the school
7 district. That positive surplus then begins to

8 diminish because for every child in the school
9 there's a cost associated with the cost of educating
10 that child. As a result of not having children in
11 this community, you don't have a negative impact; you
12 have a positive surplus.

13 MR. GRABOWSKI: Mr. Rotelle, did you have any
14 other questions?

15 MR. ROTELLE: No, thank you very much.

16 MR. GRABOWSKI: Next name is Mrs. Charlotte
17 Rosenberger, 1239 Route 113, Village of Blooming
18 Glen.

19 MRS. ROSENBERGER: Charlotte Rosenberger,
20 1239 Route 113.

21 I don't know who my question is directed to.
22 I will let these people decide, but I have a question
23 about in the first zoning hearing you called it
24 perpetuity, age-restricted in perpetuity. I
25 understand tonight you're calling it deed-restricted

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1 by the state. I'm wondering, what are the safeguards
2 to this? When we talked about agriculture land being
3 preserved in perpetuity, it didn't fly with this
4 board of supervisors. They looked at the state
5 description of it. So none of us has seen the state
6 description of this kind of perpetuity, and what kind
7 of safeguards would there be? The land preservation
8 would have the state, the county, and the Township
9 all monitoring that. Who monitors this?

10 MR. HECKER: As I referenced earlier in my
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11 remarks, the deed restriction, which is the age
12 restriction -- age restriction is a form of deed
13 restriction. They're synonymous. They're created by
14 the property owner, in this case it would be the
15 developer. They then place the restriction on the
16 property that runs with the land. In the declaration
17 there's a document, a fairly thick document, that is
18 actually recorded against the property that creates
19 this restriction and then also sets up all the
20 obligations and rights of the people in the
21 community.

22 In the declaration document itself we
23 incorporate into that document the right of the
24 municipality to enforce the provisions of that
25 document in the event the homeowners association --

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1 Let's say, for example, that this community were
2 developed, and maybe the street wasn't getting
3 plowed. The people would complain to the Township
4 about it. The Township would have the right, not the
5 obligation -- they would have the right, not the
6 obligation, to plow that street and send back to the
7 association for that charge. That's how it works.
8 So whatever the obligation in the document there are
9 third party rights of the Township. One of the
10 issues that I hear all the time, and it's a fairly
11 simple explanation, is the age restriction itself.
12 What happens if all these baby boomers all of a

13 sudden disappear on us and these buildings are
14 constructed? What happens then? Well, with regard
15 to removal of that age restriction, once you create
16 that age restriction, that deed restriction, it would
17 require an affirmative vote of at least 80 percent of
18 the occupants and approval by the Township, which is
19 the outside influence in this thing. If 80 percent
20 of the people got together and said, we don't want
21 age-restricted anymore, the Township is still saying
22 no. So there is where the safeguard is. You're
23 giving the Township independent rights on enforcing
24 that obligation. That's how the communities are set
25 up.

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1 MRS. ROSENBERGER: Just one more comment, but
2 we're not past the baby boomers yet, and we will get
3 past that because you, yourself, gave the beginning
4 date and the ending date of it, and the population is
5 lower after that. So my continuing question is what
6 about after that? I don't think you can answer that.

7 MR. GRABOWSKI: I'll give you the benefit of
8 the doubt that that was a question. Mr. Hecker, do
9 you have a response to that?

10 MR. HECKER: I'm not sure what that question
11 was.

12 I will concede that I don't have a crystal
13 ball, but all I have to do is look at the numbers,
14 the demographics, as to how they're broken down; and
15 this baby boomer situation -- we're in the beginning

16 of it. It's probably going to be at least the next
17 40 to 50 years. Don't forget. More people are
18 coming into it. They may not be coming into that age
19 category in the same numbers, but they're still
20 there. It's not all of a sudden that people are
21 going to stop being 55 and older. That's going to be
22 a constant group that comes out of it; and you add to
23 that fact that we're all living longer. From the
24 time I started practicing law until today, with the
25 exception of the stress of practicing law, life

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1 expectancy, I think, has probably increased for the
2 average male close to 80 years of age. So people are
3 living longer also, being in communities longer,
4 being active longer. Regardless of whether they're
5 baby boomers or whether it's a smaller group of
6 people, we're going to have significant numbers
7 qualifying every single year.

8 MR. GRABOWSKI: The next name on our list to
9 ask questions is Ms. Sandy Williamson of Mill Road.

10 MS. WILLIAMSON: I'm going to follow up a
11 little bit on Charlotte Rosenberger's question and
12 ask the attorney, would they be willing to strike
13 that provision of the 80 percent of the homeowners
14 association from the ordinance or to write in
15 language that says that the properties will be deed
16 restricted in perpetuity? It seems if they're
17 confident that they have the market, the demographic,

18 it seems they should be willing to put that into
19 perpetuity without their permission with the
20 homeowners to revert -- even with the permission of
21 the supervisors. I have a question after that.

22 MR. HECKER: Not having the benefits of that
23 crystal ball, my immediate response would be to say,
24 no, because who knows what 75 years brings from now.
25 We think we know 40 or 50 years from now, but the law

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1 sets the parameters for terminating an association,
2 for terminating a declaration. It sets it at 80
3 percent growth or higher.

4 MR. GRABOWSKI: Mr. Hecker, you're referring
5 to a law. For the sake, for the benefit of the
6 audience, would you be prepared to give a citation as
7 to whether you're discussing a federal law or
8 Pennsylvania law or whatever?

9 MR. HECKER: Sure. There's actually a couple
10 laws involved. First, with regard to the age
11 restriction itself and the ability to do that, this
12 is found in the Federal Fair Housing Act in the
13 Pennsylvania State Human Relations Law. We carved
14 out exceptions within those laws to say you can put
15 in a restriction as to age, such as what is being
16 done here, and it is lawful to do that provided you
17 are creating rules and regulations for an overall
18 community. It used to be that the law also said you
19 had to provide recreational facilities for those
20 people. They took that out of there. Nonetheless,

21 every one of these communities are inclined to
22 include a recreational facility. So it's the Federal
23 Fair Housing Act and state Human Relations Act that
24 allows the age restriction.

25 Secondly, with regard to amendments to the

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1 document, which is the declaration that we've spoken
2 about, we have in Pennsylvania a planned community
3 that goes very similar to condominium law. Those
4 laws govern the creation of homeowners associations,
5 be it for condominium, which this is not, or be it
6 for a planned community, which is what this is.
7 Those laws regulate the amount of votes that are
8 needed for various situations, such as terminating a
9 declaration. In that case it's the planned community
10 act.

11 MR. GRABOWSKI: Sandy, you had another
12 question?

13 MS. WILLIAMSON: Yes. So 80 percent is the
14 lowest percentage by law; it has to be 80 percent of
15 the starting percentage for -- so if they wanted to
16 they could set it at 99 percent; is that correct?

17 MR. HECKER: No. It's 80 percent.

18 MS. WILLIAMSON: Could you craft it to write
19 95 percent?

20 MR. HECKER: No, because that would not be
21 consistent with state law. We try to write these
22 declarations to be consistent with the laws. If it

23 says it's got to be 80 percent --

24 MS. WILLIAMSON: At least.

25 MR. HECKER: If I change that to at least 95

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1 percent, I've raised the bar, and I don't have a
2 legal basis to do that.

3 MS. WILLIAMSON: Secondly, I have a question
4 and I'm not sure who this would be for. I know of
5 two people who in the past two years since McGrath
6 initially made this proposal and have moved from
7 their houses to age-qualified communities of some
8 type. Both of those people had older ranch-style
9 houses, which I imagine a lot of people would be
10 leaving to go to a place like McGrath. These houses
11 not being in the current trend in building, these
12 houses are now starter houses for families with young
13 children. Each of these people sold to families with
14 young children.

15 At a planning commission meeting the
16 representatives from McGrath cited a Toll Brothers --
17 a study done by Toll Brothers that had breakdowns of
18 the number of people who move from within a certain
19 geographical distance to an age-qualified community,
20 and a percentage jumped from within five miles
21 (inaudible). So in theory you have not really
22 dropped that many children from the school system.
23 If that many people moved following Toll Brothers
24 study from a 12-mile radius, which is roughly the
25 size of Hilltown, 12 to 15 was the next jump up. If

1 that many people moved and they sell to families with
2 children -- I think a lot of the houses they would be
3 leaving would be older houses built in the style that
4 was in vogue in the '60s, which are now affordable
5 housing. When I toured the McGrath complex, that was
6 the number that I was told too, that a lot of people
7 move from within a 12-mile radius. I wanted to ask
8 you about that.

9 MR. GRABOWSKI: Who would like to answer
10 that?

11 MR. HECKER: I'll start and ask Van to join
12 me. We prepared this illustration to give the
13 Township and residents an idea. We took an actual
14 census at the development in Warminster called Five
15 Ponds, and we had been using 12 miles kind of as a
16 rule of thumb. As you can see in Warminster, which
17 we have no reason to believe that there are any
18 unique circumstances, 54 percent were sold to people
19 within a 10-mile radius; 27 percent to people within
20 a 10 to 20-mile radius; and then smaller percentages
21 as you go down. I think the point here is that
22 you're not going to have 268 units in Hilltown
23 Township that are all of a sudden going to be open up
24 for sale to people with kids. It's spread out over a
25 wider area, number one.

1 Number two, I think really it is number one,
2 and that's that people who want to scale back the
3 size of their living space, they're going anyway.
4 They may be going to another community. They may be
5 going to Florida, but they're going. That house is
6 going to be put on the market. Where you have a
7 piece of property that could be developed for single
8 family homes, you would add to the fact of the
9 availability of those units that are being sold for
10 people who want a starter house. Plus 94 or 95 more
11 single family homes which guarantee you will be
12 occupied by people with children. So you've got to
13 look at the fact that when somebody makes a decision
14 that they want to change their lifestyle or scale
15 back the size of their residence, they're going to do
16 it, and that house goes on the market. The
17 difference here is that this property is zoned
18 residential, allows for residential development, and
19 you have the added factor of 95 homes with children.

20 Van, anything you want to add?

21 MR. VAN RIEKER: I don't think so. I think
22 you said it very well.

23 MS. WILLIAMSON: Okay. My question would be
24 to the engineer about the by-right plan. The
25 by-right plan that we are seeing in our handouts this

2 side of the stream of the Morris Run tributary, and I
3 think that that plan doesn't reflect the fact that a
4 lot of that is floodplain. So I'd like to ask the
5 engineer about that.

6 MR. GRABOWSKI: Just so the record will read
7 somewhat descriptively if someone would pick it up
8 and were not at tonight's hearing, you're referencing
9 all the proposed lots of the by-right plan that would
10 be between Route 113 and north to the tributary of
11 Morris Run; is that right, Sandy, for the most part?

12 MS. WILLIAMSON: Yeah. Everything that's
13 below the -- on the by-right that's north, I guess it
14 is.

15 MR. VAN RIEKER: If I could just see it. I
16 think she's talking the road D, road C, I guess road
17 A?

18 MS. WILLIAMSON: The part from your entrance
19 up there down, I think is kind of all floodplain.

20 MR. JOHNSON: I think I can answer the
21 question. Wayne Johnson from Pickering, Corts &
22 Summerson.

23 The question with reference to the
24 floodplain, the Morris Run creek, I believe, does
25 have a FEMA mapped floodplain; however, the concern

1 is an unnamed tributary of the Morris Run site from
2 313 down to Minsi, Trail which would be here. The
3 floodplain itself continues along the Morris Run in

4 the northern direction. There is a line shown and a
5 texture or pattern in this particular area. We did
6 the calculation to show what the hundred year floods
7 would be for the particular site. We have all the
8 respective data for that, and you can see there's a
9 pattern in this particular stream area that goes the
10 entire distance. All of the housing and road
11 structures, the stream crossing would be outside of
12 that hundred year floodplain area and wouldn't have
13 any kind of fill or disturbance to that other than
14 perhaps the crossing of the stream itself with this
15 particular plan.

16 MR. GRABOWSKI: Thank you, Mr. Johnson.
17 Sandy, you're done?

18 MS. WILLIAMSON: Yeah.

19 MR. GRABOWSKI: Okay, thank you.

20 Next name, Joe Miketta of Hilltown Pike.

21 MR. MIKETTA: I guess my question is -- I
22 don't know who to ask, but with all of your
23 experience with age-restricted communities, do you
24 generally find them to be farmer-friendly?

25 MR. HECKER: I'm not quite sure I understand

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1 what you mean by farmer-friendly. Do you mean taking
2 land that was once farmed and now developed?

3 MR. MIKETTA: No. What I mean is, to me it
4 seems intuitive that if -- like my property is
5 surrounded by single family homes. I always have
6 issues with having to teach people not to ride their

7 dirt bikes through my fields and crops. I was just
8 wondering with a senior community, I wouldn't think
9 I'd have an issue. Is that correct?

10 MR. HECKER: I'm sure that's correct.

11 MR. MIKETTA: I guess that was the point I
12 was trying to make. I don't live near here, but I
13 live near the Barry Brown farm that's going up now.
14 One of the proposals originally was to make an
15 age-restricted community there. I keep thinking back
16 that I would rather have that than what I'm getting
17 now. I think, you know, there's pros and cons to
18 everything. That's why I was asking.

19 MR. HECKER: Did I answer it?

20 MR. MIKETTA: You did. Thank you.

21 MR. GRABOWSKI: Thank you, Mr. Miketta.

22 Next name is Mr. Keith Miller of 612 Fairhill
23 Road.

24 MR. MILLER: My name is Keith Miller. I do
25 not live around this property, but I'm a resident.

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1 There's two points. My questions have already been
2 asked, but just to give a little history of myself
3 real quick. I served as chairman on the
4 comprehensive plan task force and also on the
5 planning commission previously, just a few years ago.
6 Since my question has already been asked and
7 answered, I just want to make a comment that as part
8 of the comprehensive plan task force and as part of

9 the planning commission, I think there's two issues
10 here in my opinion. One is the taxes, and the second
11 is obviously the impact to the community. As a
12 planning tool, I think an age-qualified development
13 is a very viable and practical tool that this
14 Township and the residents need to consider. As a
15 tax consequence, obviously, anything that this
16 Township can do that's going to reduce or stop the
17 increase of property taxes going up I think it should
18 be strongly considered; but since I came out tonight,
19 I wanted to be able to come up here and say my point
20 of view for this. There is no direct question.
21 Thank you.

22 MR. GRABOWSKI: Thank you, Mr. Miller.
23 Please don't prove me to be a poor moderator.
24 When I say questions only, there is a reason. For
25 statements -- we didn't swear you in, Mr. Miller. So

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1 I think the perfect time when we have statements if
2 you want to reiterate what you said under oath, it
3 will have credibility under oath when reviewed by the
4 board. Please do so at that time. That's why we're
5 having questions first, to get all the information
6 out on the floor that might help you develop a better
7 argument in your mind with what you might want to say
8 in a sworn statement. Thank you anyway, sir.

9 The next name I have is Nancy Boice of 2033
10 Mill Road.

11 MS. BOICE: I have a question. During the
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12 presentation it was noted that you had an award
13 winning design for the age-qualified community
14 (inaudible). That was in the 1600 to 2100 square
15 foot design, if I'm not mistaken. Are these homes
16 that you're proposing going to be a similar
17 footprint?

18 MR. HECKER: Yes.

19 MR. GRABOWSKI: For the sake of the
20 stenographer, could we hear that answer again?

21 MR. HECKER: The answer is yes.

22 MS. BOICE: That basically 2000 square foot
23 unit then, is that what the dwelling unit is?

24 MR. HECKER: Yes.

25 MS. BOICE: So the 2.5 dwelling units per

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1 acre, the quadplex, you're getting half a quad on
2 an acre; how's that working out?

3 MR. HECKER: There are four units to a
4 building. That's a quad. So you're getting -- the
5 way the ordinance has been crafted, you're getting, I
6 think, a minimum of 2400 square feet in terms of unit
7 and the area around it. Does that answer your
8 question?

9 MS. BOICE: That's minimum lot size, 2400
10 square feet. But that's one little wing of the quad.

11 MR. HECKER: That's one-fourth, yes, of the
12 quad.

13 MS. BOICE: I understand that the dwelling

14 unit though, the 2.5 dwelling units per acre --

15 MR. HECKER: Correct.

16 MS. BOICE: -- is one of those little units
17 or is it one of the quads?

18 MR. HECKER: It's one of the units.

19 MS. BOICE: It's one of the little lots that
20 I buy?

21 MR. HECKER: That's correct.

22 MS. BOICE: Okay, thank you.

23 MR. HECKER: You're welcome.

24 MS. BOICE: Impervious surface. I have the
25 ordinance here reflecting now 35 percent in this

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1 district where it's currently zoned for 9 and
2 possibly going to be increased to maybe 15. That's
3 almost triple the hard pavement. Each though you
4 have 130 acres of open area, the actual concrete hard
5 structure to be put up is triple what's currently
6 being proposed there, and also the 268 units even
7 though it may -- I mean it certainly would impact
8 financially because you're getting more real estate
9 transactions, taxes, sales; so it's becoming positive
10 flow. If that was scaled down to a more realistic
11 number, the impact on the school district wouldn't be
12 as great, which is reflected in your numbers. It
13 doesn't -- I mean, you could make figures say
14 anything you want, but they seem to be somewhat
15 inflated. If that was built to the 15.9 percent
16 density, what figures would we be looking at?

17 MR. HECKER: Well, as you understand, what
18 we're doing is we're requesting re-zoning. We're
19 asking the Township to adopt a new ordinance and
20 requesting that these properties can be zoned --
21 clearly, the standards in RR district are different
22 than what we've proposed in the ordinance, and there
23 are a lot of things at work here, including the
24 ability to provide all the amenities that we provide
25 within these communities. There's very significant

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1 expense involved with the community center,
2 indoor/outdoor pools, and everything else. It's a
3 function of density. And the ordinance that we have
4 revised in response to a permit made by the Bucks
5 County Planning Commission, we have minimum square
6 footages for community centers and based upon the
7 number of dwelling units. So the county recognized
8 that it's also a function of density.

9 So we're asking the Township to say to us, we
10 like the idea of AQC, and we think it makes sense
11 here. If you are aware at the early discussions of
12 the planning commission meetings but this is a major
13 corridor, 313. I question when you look at it from
14 the standpoint of zoning, is this property really an
15 RR property? Sure, it's been farmed and has been
16 farmed, but it's no longer going to be farmed. It's
17 going to be sold and going to be developed.

18 So when you look at the location of this

19 property and you do the analogy -- analyze it, I
20 should say, should the RR zoning be applicable to
21 this property? When you're sitting really with
22 frontage on a major north/south corridor, roadway,
23 between Upper Bucks County and Doylestown.

24 So it depends on how you analyze it, as you
25 say; but we believe that 2.5 units per acre, net

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1 buildable, not the gross tract size, net buildable,
2 is about the smallest density that I've ever seen for
3 community living like this. The smallest I saw
4 before this is in a township where we built two
5 communities, Middletown Township. This results in,
6 as I mentioned earlier, a significant amount of
7 property not being developed. So you can say that
8 268 units represents an awful lot, and it does in
9 comparison to what's permitted in RR. What we're
10 trying to do is offer an opportunity to look at this
11 property to be used for something else that makes
12 sense.

13 MS. BOICE: Thank you. The revised ordinance
14 that was submitted, it includes a -- I mean, at a
15 previous meeting you said it was site specific. I'm
16 confused because the chart in the back has in the AOC
17 the only use is the quadraplex. And yet in the
18 descriptive part on page 2 it has single family
19 detached, lot line, village house, twin house, patio
20 or Z or townhouse, all as applicable or acceptable
21 units in the district. So at a density of 2.5 units

22 for impervious surface of 35, I'm concerned there are
23 going to be an awful lot of townhouses put up with
24 20-foot setbacks as opposed to this one unit that's
25 -- I don't know, if this is enacted, I don't know

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1 what else can come down the road.

2 MR. HECKER: Well, as it currently stands,
3 what else could come down the road with what's in
4 this paragraph. We don't know what it would look
5 like. We know what this project looks like. Our
6 revision to this particular provision in the
7 ordinance is really in response to comments that we
8 received that we ought to have other uses and that's
9 why we tried to specify what the other uses are.

10 MS. BOICE: But the performance table only
11 lists the quadrplex.

12 MR. HECKER: That may not be the most
13 current.

14 MS. BOICE: This was off the highlighted
15 yellow copy.

16 MR. HECKER: Oh, yes, I'm sorry. You know
17 what --

18 MS. BOICE: So are the other uses included or
19 --

20 MR. HECKER: Yes, they are. If you look at
21 the current ordinance, there are specific standards
22 for other types of dwelling units that are set forth
23 there. This ordinance says that whatever those

24 standards are, they remain the same. We're not
25 looking to upset the apple cart and change the

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1 standards. This was designed solely to put in a new
2 standard of AQC. So that if somebody wanted a
3 townhouse, that's what the board would ultimately
4 decide that it's good to have potential for other
5 types of dwellings. They would be bound by
6 dimensional requirements that are set forth in the
7 ordinance. That does reference that.

8 MS. BOICE: It was not clear from reading the
9 ordinance as it was presented.

10 MR. HECKER: You're correct. Maybe that
11 needs to be clarified. That was the intent.

12 MS. BOICE: Thank you. That's it for now.

13 MR. GRABOWSKI: Thank you, Mrs. Boice.

14 Before we get to the next name, I see people
15 standing in the back. We do have -- there are some
16 empty chairs up here in the front if you want to come
17 back. Don't be bashful. We're not going to take a
18 collection or anything like that. We have about five
19 chairs up in this row. Another three or four over
20 here. Make yourselves comfortable.

21 The next name that I have on the list for
22 questions is Eleanor Cobb of 2300 Rickert Road.

23 MS. COBB: I would like to know from the
24 solicitor when I would have the opportunity to
25 present my comments to the board of supervisors.

1 MR. GRABOWSKI: When we're done with all the
2 questions.

3 UNIDENTIFIED PERSON: We can't hear.

4 MR. GRABOWSKI: Mrs. Cobb asked when she
5 would be permitted to give a sworn statement to the
6 board on the matter. My answer is when we get
7 through all the questions, which we're on the second
8 page. With that the next name is Mr. Walter
9 Hungarter on behalf of C and L Owens.

10 MR. HUNGARTER: My name is Walter Hungarter
11 of (inaudible). Our firm is retained by Cindy and
12 Lawrence Owens to comment on the proposed zoning
13 change.

14 At this point we've actually submitted a
15 formal response document to the Township. Hopefully,
16 that's been received by the board.

17 MR. GRABOWSKI: With this being a formal
18 hearing, it has not been placed into the record. In
19 fact, I haven't seen it.

20 MR. HUNGARTER: That's what I was checking.
21 It was just sent out last week.

22 MR. GRABOWSKI: Do you have copies here
23 tonight?

24 MR. HUNGARTER: I do not have copies to hand
25 out to you.

1 MR. GRABOWSKI: If you can get us copies and
2 make sure that Mr. Hecker gets a copy for the
3 applicant and also the stenographer

4 MR. HUNGARTER: At this point what I would
5 like to do is ask two main questions that pertain to
6 those comments. This would be for the engineer and
7 the planning aspect on the site. From the wastewater
8 use and planning perspective of the proposed
9 development, has there been an evaluation of the
10 feasibility of on-site sewer treatment versus
11 off-site treatment, the second part of that question
12 as well?

13 MR. McGRATH: As I understand your question,
14 the answer is, no, there has not been an evaluation
15 of on-site.

16 MR. HUNGARTER: Do you find it premature to
17 be asking the Township to make a substantial change
18 in the zoning ordinance to allow for this size of a
19 development and not have taken a look at the impact
20 of on-site sewer versus off-site sewer?

21 MR. HECKER: What we tried to do with the
22 public sewer issue in the ordinance itself was
23 provide an alternative that the project could either
24 be served by public sewer, which would require an
25 extension, or by some type of community system. So

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1 the ordinance itself gives you that option. At this
2 stage of the game we don't think it's premature

3 because we have the options available.

4 MR. HUNGARTER: Then to follow up to that
5 then, with the knowledge of the site, which you will
6 be getting to and evaluating this, you'll be
7 determining if the on-site soils are suitable for
8 sewage and storm water treatment for the storm water
9 regulations? It's just important, and the question
10 is, will there be consideration given if these
11 options for on-site are not feasible? And will the
12 Township residents be required to connect to the
13 public sewer if it were to be brought to the site?
14 It's a significant distance. I think the closest
15 treated system is in Hilltown Township and about
16 three-quarters of a mile to a mile away from the
17 site, which then would be required by Bucks County
18 Planning Commission -- or the Health Department that
19 they must connect.

20 MR. HECKER: I think you're a little ahead of
21 us on that. We don't know whether public sewer will
22 be an option. We don't know which way it's going to
23 go; and obviously if public sewer becomes an option,
24 we have to be guided by the Township requirements.
25 So that would require other properties to tie in if

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1 that would be the case. It's speculative at this
2 point in time. We're in the preliminary stages when
3 it comes to zoning, and we don't know where that
4 issue is going to go.

5 MR. HUNGARTER: And the last question then.
6 We just request that the Township consider before
7 making any decisions on what the potential for
8 wastewater treatment is going to be for the site that
9 they fully explore this option and not make a hasty
10 decision to approve this type of development and then
11 all of a sudden requiring half the Township to
12 connect to the public sewer that don't need to
13 connect to. Thank you.

14 MR. GRABOWSKI: Thank you, Mr. Hungarter.
15 Next name for questions is Mr. Henry
16 Rosenberger of 1239 Route 113 in the Village of
17 Blooming Glen.

18 MR. ROSENBERGER: Henry Rosenberger, 1239
19 Route 113.

20 When the presentation was made a few weeks
21 ago, McGrath showed an outdated map of the
22 agricultural tracts. Perhaps you want to show that,
23 but they made a declaration that an age-restricted
24 community of 268 density designed homes would have no
25 agricultural impact. This is an empty declaration,

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1 unsupported with no evidence. There was no rational
2 argument. I don't think there was any research. I
3 don't know if any farmers had been contacted. I was
4 not. I have 140 acres preserved within a hundred
5 yards of that property that was not even designated
6 as preserved. The Haring farm is within a quarter
7 mile, and it's being preserved. I have a question as

8 to who did McGrath consult to arrive at no impact on
9 agricultural land?

10 I think the surrounding townships also, both
11 East Rockhill and Bedminster, are all very
12 agricultural in the areas surrounding. It's a very
13 big blanket statement to me with no substantiating
14 evidence.

15 MR. VAN RIEKER: Okay. Let me answer it this
16 way. We had contacted Bucks County Planning
17 Commission for some assistance on this information
18 because it's complicated. It's not the mass of the
19 restricted properties that are generally not
20 available, and we were told that they were too busy
21 to help us. We then set out to -- and the first map
22 you see here -- by the way, this is slightly updated
23 from last month. I have new handouts. I noticed a
24 few small errors, mostly color type of things such as
25 the Q-1 is actually a bit smaller than we showed it

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1 last time. I have those handouts.

2 We did two things. Rich Harvey was helpful
3 at Bucks County Planning Commission, and he gave us a
4 list. Perhaps you can go back to that one. This is
5 borne out of the 2002 Township comprehensive plan.
6 We wanted to document -- for example, I'm not sure
7 whether we have Bishop correctly. There might be an
8 extra property that we don't show that we could not
9 prove using county information. We know that Haring

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10 is on its way. The subject site is in yellow. We
11 tried to get more information about the Haring
12 property. It might actually be approved by the
13 county, apparently it will happen next year. But
14 the point that we wanted to show is that in this
15 fertile belt -- I guess I said it was along both
16 sides of Rickert Road and between Callowhill and
17 Blooming Glen, let's say, or maybe over this far. We
18 identified the properties that so far have been
19 preserved. If we missed one, I would be happy to
20 update the plan. We know that there's some easement
21 properties that are not actually per the state and
22 county agricultural preservation district but are
23 subdivided through an easement. We show them anyway.
24 They may not be promised to agriculture, but they are
25 on the south side of 113.

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1 We then included, because we thought it might
2 be helpful, other lands that are privately owned or
3 publically owned in the case of the county lands. We
4 also showed the Philadelphia Glider property and just
5 see what kind of pattern you might get. I think the
6 only point I was trying to make was, based on the
7 lands that we could determine -- and if we missed a
8 block or two -- for example, they give your acreage,
9 and it's a big area of 285, but we think it
10 calculates in over 300. So we were trying to get
11 some of that data firmed up; but it seems like this
12 was the fertile belt that we were talking about.

13 In that Egly-Hockman over here in yellow --
14 can you go back to this slide -- we asked the county
15 then, the information center, to give us every
16 property you have that has a farm designation of 10
17 acres or greater or has a residence with farmland
18 under 319; and all the blues are listed as
19 residential 319's. We plotted them. All the purple,
20 miscellaneous, we didn't know quite what that was.
21 The green were the categories of farmland designation
22 the county may have. There may be a few extras that
23 they didn't give us. We tried to get every one. We
24 felt there were a couple that really should have
25 qualified that weren't shown.

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1 In any event, the point I think we wanted to
2 make is that the preservation of agriculture, those
3 farms that wish to participate in that program is
4 strong here in the Township. It seems that the area
5 of that presence is not contiguous to Egly-Hockman.
6 There are certainly some other lands not yet
7 preserved on the other side of Schwenk Mill Road that
8 might be a candidate; but all we were trying to point
9 out is that if this would be developed for
10 residential -- and look, it's going to be either
11 houses or age-qualified. The Egllys and Hockmans have
12 pulled out. They're not interested in the
13 preservation program. Our argument was that this
14 should not at least geographically especially affect

15 those properties -- and if you would go back to the
16 other one -- that have been preserved. Haring at the
17 time had not been preserved but was promised.

18 That's what we were trying to show the board,
19 spatially speaking, was that somewhat isolated lands
20 around it are largely residential, few farm patches,
21 business along 313, the far right-hand corner edge on
22 the Township, 113, the Borough. So this is sort of
23 the business side. There's a lot of residential in
24 this area, and then it starts to get around the
25 Blooming Glen agri shed. I think it's clearly a

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1 very, very strong presence of farmland. I think
2 that's all we're trying to say.

3 MR. ROSENBERGER: All the property to the
4 left of Schwenk Mill Road, the four properties that
5 are right there --

6 MR. VAN RIEKER: Yes.

7 MR. ROSENBERGER: -- and the next two below
8 it are all pending for preservation. We have 140
9 acres.

10 MR. VAN RIEKER: We noted on the 2002/03
11 comprehensive plan that that was the case, at least
12 some of these properties were. We with trying to
13 find out why they weren't on the county list. If we
14 missed it, I apologize. We'll be happy to add them.
15 It seemed obvious behind the church, the Mennonite
16 church and cemetery area, this is clearly dedicated
17 and devoted. Even so, it follows this sort of area

18 of the Township. You know, I would say this area and
19 that area, and they were really outside of it on the
20 edge.

21 MR. ROSENBERGER: I would say the point of
22 making the statement that it has no impact does not
23 make it so. Driving the roads, serving my farms, and
24 delivering, moving products from farm to farm is
25 pretty evident in the last 14 years that things have

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1 changed and that's before another 1,500 residents
2 move in next door. I think it's important to note
3 that fact.

4 The other question I had was regarding the
5 cell tower. There's a cell tower on the property.
6 It has not been mentioned in any of the comments that
7 I heard, and I wanted to know if the plan adheres to
8 setback requirements for having a cell tower in a
9 residential community.

10 MR. McGRATH: The first part of your
11 question, we are aware that there's cell towers
12 located in Minsi Trail and the entrance road we have
13 coming in. We have kept all the housing units, I
14 believe, in excess of the height of the tower away
15 from the fall zone. That's what that circle
16 represents right there. There's no housing units in
17 that particular fall zone.

18 MR. VAN RIEKER: If I could just make one
19 additional comment. You mentioned 1,500. Just so

20 we're clear, the current numbers are -- the
21 population at 268 would be about 450.

22 MR. ROSENBERGER: I think my other questions
23 were answered. I appreciate your time.

24 MR. GRABOWSKI: Thank you, sir. Next name is
25 Victoria Halliday of 1259 Route 113, Blooming Glen

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1 MS. HALLIDAY: I'd like to know why there's
2 no topographic lines on that plan.

3 MR. MCGRATH: We didn't include the
4 topographic lines for this in graph form simply to
5 give you an indication of the site as it was laid out
6 with its road structure, the housing units, and the
7 future vegetation that would be planted.
8 (Inaudible).

9 MS. HALLIDAY: Do you have a plan that does
10 have the topography? How could you tell --

11 MR. McGRATH: Right there (indicating).

12 MS. HALLIDAY: It was mentioned before about
13 the floodplain. Those houses seem pretty close to
14 the floodplain area. With all the flooding going on
15 in different places, is that in the front of that
16 floodplain, any of those houses?

17 MR. McGRATH: No. Let me show you what we
18 have here. The area that I indicated earlier is
19 along this unnamed tributary. The flood area as you
20 can see is inside of the heavily wooded area. The
21 buildings themselves are considerably outside of that
22 elevation wise and horizontal position wise and

23 outside of the floodplain of this particular
24 tributary. We don't have anything proposed over
25 here.

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1 MS. HALLIDAY: Okay. It's hard for me to see
2 the retention basin. They're in the middle places,
3 in the low spot; is that right?

4 MR. McGRATH: They would normally be. They
5 haven't been completely designed at this particular
6 time. We do know that we need them for the project
7 and do intend to install them. This is a schematic
8 document for representation of the proposed site
9 layout on the particular property. Primarily the
10 largest one is this unnamed tributary. There is also
11 some buffer areas, some steep slope categories, and
12 then obviously the woodlands and streams that flow
13 through the site. They're all identified and will be
14 presented with our plans for the Township engineer to
15 review and for documentation of the areas that are to
16 be retained after development of the housing units.

17 MS. HALLIDAY: We talked about open space
18 being preserved on that document; is that right?

19 MR. McGRATH: For the project itself.

20 MS. HALLIDAY: You mentioned that as a
21 benefit. Do other people get to use that open space?

22 MR. McGRATH: For the benefit of the
23 residents.

24 MS. HALLIDAY: So people can't come in?

25 MR. McGRATH: Right, unless they're guests.

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1 MS. HALLIDAY: Right. The engineer spoke
2 earlier about the sewer lines. Are you proposing to
3 service this with public sewer; is that right?

4 MR. McGRATH: Correct.

5 MS. HALLIDAY: Where would that sewer be
6 discharging?

7 MR. McGRATH: That would be dependent upon
8 where this particular project is hooked into. I
9 don't have that information.

10 MS. HALLIDAY: But that information would be
11 available?

12 MR. McGRATH: Once we put the whole package
13 together and submit it, it would be available to
14 everybody.

15 MS. HALLIDAY: DEP requires that all septic
16 that run past any existing houses have to be hooked
17 up to the public sewer. So they would now have
18 public sewer hook-up and have to pay for that; is
19 that right?

20 MR. McGRATH: I am not familiar with that as
21 far as requirements for existing houses. I don't
22 know that it's our intention to cause other houses to
23 hook up to the system. Certainly, if it's there and
24 they would like to, but it's not our intention to
25 force that issue.

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1 MS. HALLIDAY: Okay. Well, I can check into
2 this. It's going to be a lot of people that have
3 private wells that are now hooking into sewer. So
4 there is, you know, an issue pumping water out of the
5 ground in these areas and then discharging it through
6 the septic. Even though you talk about not impacting
7 anyplace else, the fact that you're bringing sewer
8 infrastructure in is a complicated and serious impact
9 for other people that is not spelled out very well.
10 Is that going to be spelled out better?

11 MR. McGRATH: All of this will be spelled out
12 in much more detail with the actual design of the
13 project and the designated areas that we're looking
14 to possibly connect for the various utilities that we
15 would need to support the project. We recognize that
16 they're all there, and we know we have to answer
17 those questions. It's just not -- we're not in a
18 position at this point to answer all those questions
19 as you've asked them.

20 MS. HALLIDAY: We will have a chance --

21 MR. McGRATH: We will have a lot more
22 information with the subdivision plans, development
23 plans for the overall project at a future date.
24 We're not here at this particular point for other
25 than what you see on the board in front of you.

1 MS. HALLIDAY: I do have one other thing.
2 There's all this talk about not impacting a school
3 district, not impacting -- you don't -- having
4 age-restricted, I don't know how permanent it is, I
5 didn't really completely understand. It was a
6 permanent thing 50 years may change. But I read
7 Montgomery County is almost 20 percent age-restricted
8 housing. I don't know if you know if that's true.
9 What kind of effect does that have on children and
10 families? Is there going to be a focus taken away
11 from families with young children if you, you know,
12 have a substantial development that comes in, voting
13 people that won't vote for the things that may
14 benefit children or recreation that benefits the
15 people in general? Because they'll have all their
16 own recreational facilities, taking care of their
17 own. Is that something that was considered, the
18 existing children?

19 MR. VAN RIEKER: Let me back up a second. I
20 can assure you that 20 percent of the housing in
21 Montgomery County is not age-restricted. You may
22 have seen the study that said 20 percent of the newer
23 in the last five years housing, because it has been
24 very strong in sections of Montgomery County and has
25 been popular and the market's been great. I think we

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1 mentioned that last time.

2 The idea, it's sort of a socio demographic
3 issue and it goes like this: Here's a place where

4 parents and, more importantly, grandparents as we
5 mentioned last time can stay to be close to their
6 kids. So that's an asset as opposed to moving to
7 Montgomery County, moving to Maryland, moving to
8 South Carolina. Often these folks are going to have
9 a second house some other place anyway, but at least
10 they'll have a primary residence here in Southeastern
11 Pennsylvania. So that we think would certainly
12 counterweight any issues that would come up relative
13 to the lack of children.

14 It seems to me that the last hundred years,
15 housing has been really for kids, it's been single
16 family developments and there's been plenty of them.

17 Recreation will be provided here. Can you show
18 me the slide that shows the open space? Because I
19 thought -- that one. There's a lot of preserved open
20 spaces. Some formalized recreation in the center
21 that Mr. Johnson was referring to and some kind of
22 the private, it's a heavy wooded lot area that some
23 would be agricultural, some preserved wetlands, some
24 reserve streetscapes, one or two might continue to
25 be used for agricultural purposes for local farmers

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1 if they wanted to. But there's plenty of opportunity
2 for family housing.

3 We think this is one of these interesting
4 communities that sort of has all the infrastructure
5 spoken for; open space, recreational. We'll take

6 care of the sewer and water per plans submitted to
7 the Township for evaluation. We have access out to
8 313. We talked about that, that will be handled when
9 the land development drawings come in. So this is a
10 proposal that provides balance of housing
11 opportunities. This is not a proposal in lieu of
12 family housing, because family housing opportunities
13 are abundant in Bucks County and nearby counties.

14 This is the narrow focus that handles the over
15 55 population and children and grandchildren can
16 visit. They just can't -- under the age of 19 can't
17 become permanent residents. So I talked around a
18 little bit, I mean, I can talk about it anecdotally,
19 but there's no real hard data. This is all about a
20 balance, it's all about understanding growth of
21 certain sectors of the population. And I think as
22 the seniors stay close to where they want to be,
23 where they grew up, where they worship, where their
24 families are, that's an asset.

25 MS. HALLIDAY: Thank you.

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1 MR. GRABOWSKI: Next name on our list is Alice
2 Kachline of 529 Mill Road.

3 MS. KACHLINE: Alice Kachline, 529 Mill
4 Road. I'd like to know, do you have any figures on
5 how many people in the over 55 developments are still
6 working?

7 MR. VAN RIEKER: We do, we mentioned last
8 time we were permitted to study a community of over

9 120 units in Northampton Township. And we consulted
10 Berkheimer Associates. And they would without naming
11 the people, were releasing addresses, gave us input
12 on earned income files. So basically that's how we
13 determined that data. Talked about that last time,
14 but we think it's going to equate to the equivalent
15 of 40 percent of the dwelling units will have a
16 full-time wage earner. So if you take 268 and
17 multiply it times 40 percent.

18 Now, some families will have none, some
19 families will have two-timers, but it's going to
20 equal itself out to 40 percent of 268. We think
21 that's conservative. The data we have from
22 Berkheimer is a little higher than that because there
23 are folks that are still working that may not be
24 turning in earned income tax because of Social
25 Security reasons. But that's what we have. I think

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1 that's safe, I think we're actually a little under
2 the actual data on that.

3 MS. KACHLINE: So just to round it out, if
4 you're saying 50 percent -- well, like --

5 MR. VAN RIEKER: Used 40 for the study that
6 was attached --

7 MS. KACHLINE: So it would be like 200
8 people still working.

9 MR. VAN RIEKER: 40 percent of 2 --

10 MR. GRABOWSKI: 141.

11 MR. VAN RIEKER: 108 is what we used.
12 Equivalent full time, it could be more, it could be
13 200 workers, but some will be part-time, some will be
14 afternoons only, some will be working the laptop from
15 South Carolina and that kind of thing. But we think
16 for economic purposes, for fiscal purposes, we've
17 used the 40 percent rule.

18 MS. KACHLINE: 40 percent of the number of
19 people.

20 MR. VAN RIEKER: The number of units will
21 have the equivalent of a full-time employee,
22 full-time worker.

23 MS. KACHLINE: Okay. I've been to the
24 McGrath development down in the other part of the
25 County and they are four to six-lane highways. I

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1 mean, my feeling is that these people in the over 55
2 community, they're not sitting around and knitting;
3 they're playing golf, they're playing tennis,
4 they're --

5 MR. VAN RIEKER: Active, travel, visiting
6 kids.

7 MS. KACHLINE: How do you propose -- I
8 don't know how familiar you are, I would think you
9 would be, with the 313 going through Dublin. How do
10 you think -- you can't get through Dublin now as it
11 is. How are you going to put that many cars on the
12 road? Some are going to be peak time.

13 MR. VAN RIEKER: We have a traffic
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14 consultant that will talk in greater detail,
15 basically the peak hour generation will be, we think,
16 no greater, about that or about equal. I think our
17 studies show -- it shows the 95 single-family.

18 We had mentioned last time one of the tests
19 that John McGrath and Pat took upon themselves
20 because the Planning Commission wanted them to was to
21 prove that there was some sort of, you know,
22 equality, if you will, between impact. And one of
23 the tests was traffic. So whatever it will become,
24 we think it will be no greater than if there were
25 developed for the 95 single-family houses. And I

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1 think somewhere we have the peak, a.m. and p.m.
2 peaks, if you need that explained in greater detail,
3 that's where you do that.

4 MS. KACHLINE: You can do whatever you want
5 with numbers, we all know that. My last --

6 MR. VAN RIEKER: Whatever that means.

7 MS. KACHLINE: Isn't it a fact some of your
8 55 and older communities in the lower end of the
9 County are now -- and it has been addressed also
10 tonight, changing so you can sell to other 55?
11 According to a friend --

12 MR. VAN RIEKER: I'd like her to produce
13 the data. I'm not aware of -- I don't think -- we've
14 called around, we've checked. I'm not aware of a
15 single incident in Bucks or Montgomery County, and by

16 now I guess I've worked on perhaps 20 or so of these
17 kinds of communities which are well over say
18 2,000 units let's say in the Bucks and Montgomery
19 County area. I'm not aware of a single request.

20 Remember, the folks that are purchasing in
21 these communities like the fact that it's a secured
22 environment and that the children that are there,
23 there really aren't going to be many kids. They'll
24 be there to visit, but they're not permanent
25 residents. That's an attraction. And if somebody

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1 can -- you know, if it happened one time, I'm not
2 aware of it, but it certainly is far from a trend and
3 I'm not aware of it happening at all in Montgomery
4 and Bucks Counties, which are two strong suburban
5 counties where there has been now a pretty solid
6 track record of these kinds of communities, both from
7 McGrath and many other builders who have made a
8 specialty in building this type of house.

9 MS. KACHLINE: It was a couple years ago
10 when I heard this. I know I have some kind of
11 documentation. I'll try to find it, I guess.

12 MR. VAN RIEKER: I'd like to see it. I'm
13 not aware of any indication where that has happened.

14 MS. KACHLINE: Okay.

15 MR. GRABOWSKI: Thank you. The next on our
16 list for a question is John Kachline of 529 Mill
17 Road.

18 MR. KACHLINE: John Kachline, 529 Mill
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19 Road. I've got a question Sandy touched on briefly
20 and some hands waving done also on it. The fiscal
21 benefits, this is the single family versus the
22 age-qualified as it pertains to the school. In the
23 previous minutes from the previous meeting, I'll
24 quote, they say, "They typically reside" -- now these
25 are the new owners moving in, "typically reside

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1 within five miles of where they last or previously
2 resided and/or moved to an area where they can be
3 close to their grandchildren, unquote. Yet when I
4 look at this age-qualified, and it said "cost to
5 educate children, zero." Now, all these people will
6 live within this five miles of this development are
7 going to be selling their homes as Sandy alluded to
8 earlier. And again, those homes are going to go to
9 families with kids.

10 Now, if you take just 50 percent of your
11 new residents of new homes that are people from the
12 area, I'm not just talking about Hilltown, I'm
13 talking about the Pennridge School District, which
14 includes a lot more than just Hilltown. If you be
15 conservative and said of those homes new people move
16 in we have one child, that's like 134 children. When
17 you use the 12,968 to educate them, it comes up to
18 three-quarters of a million dollars, which is a heck
19 of a lot different than the zero that you've got here
20 for no children. I'm wondering how you can justify

21 saying zero dollars to cost to educate to the school.
22 Also in last week's paper, the school is
23 already talking about building a new middle school
24 which above and beyond 2007 and they're talking \$30
25 million. These people moving in to take these houses

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1 from the people going to the age-qualified are going
2 to add to that and make it almost mandatory to spend
3 \$30 million.

4 My question is, how can you justify seeing
5 age-qualified is zero dollars in cost to educate
6 children in the Pennridge School District?

7 MR. VAN RIEKER: I'll start and perhaps
8 Tom. We do have a new slide tonight and it was
9 created for the Villas at Five Ponds, which is a good
10 selection, 260 units which have sold very recently.
11 And this is a kind of a questionnaire that they have
12 asked folks when they come in. And we had this up
13 earlier, but just in case you didn't notice it, we
14 know that for sure and we think that that will be
15 similar, 11 percent -- this was not available last
16 time -- will come from the Township, 54 percent will
17 come from within a 10-mile radius, some of them will
18 be from within the school district. I don't think it
19 will be half of the dwellings. But even if it were,
20 let's go back to the concept that we spoke earlier.

21 We're talking about two communities that
22 could occupy this 185 acres of land; one of which
23 would be about 95 large lot, single-family homes,

24 four to five bedrooms with a certain demographic
25 characteristic. And the other will be the

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1 age-qualified of 268. And that's what we're
2 comparing.

3 The theory is this is a free market
4 economy. The theory is if somebody's ready to move,
5 they're going to move. And whether or not they can
6 find a retirement community to live in in Hilltown or
7 in Montgomery County or as was mentioned in Maryland
8 or South Carolina, our community simply provides an
9 option in destination. But if somebody's in their
10 sixties, seventies or eighties and they want to sell
11 their large four and five bedroom house, A) why
12 shouldn't they be able to? They've lived in the
13 community for a lot of years and probably paid a lot
14 of taxes; nothing wrong with that.

15 If this helps that a little bit -- let's
16 figure when they're ready to move, whether this
17 community exists or not, they're moving. And I don't
18 get the nexus between how all of this is going to
19 spawn -- I mean, that's the idea that the school
20 district is concerned about, the complexities of the
21 bedroom mix they have. This simply gives us an
22 operation which we know will provide a significant --
23 not only a positive impact, but it won't be a drain.
24 It's not going to create the need for another school.

25 MR. KACHLINE: You still didn't answer the

1 question. How can you justify zero dollars for
2 impact for children in the school district? You're
3 going to have more children in the school district
4 because the development is there. If it wasn't
5 there, yeah, some of them are going to move. But yet
6 again, when you say within 5 or 10 miles -- even if
7 you with the 11 percent, they're still going to give
8 you more than zero dollars.

9 MR. VAN RIEKER: We're talking about this
10 community. There's no one that I know who can
11 predict with any clarity the type of family that's
12 going to occupy the home in East Rockhill or Hilltown
13 that decides to move and stay in this region. Who's
14 going to fill that home is still a guess.

15 But you cannot draw the relationship,
16 there's no statistical connection between this
17 community -- really either community and what's going
18 to happen to the other homes. Because the real
19 estate market in our country is so huge to think that
20 one community of 260 units is going to influence the
21 selling and buying power of residents in the school
22 district, it's just silly. I mean, they'll go to
23 Five Ponds or they'll go to Upper Dublin before they
24 --

25 MR. KACHLINE: You're obviously not going

1 to answer the question.

2 MR. VAN RIEKER: I'm trying to answer it,
3 but I don't think that you're understanding the data.

4 MR. KACHLINE: I understand the data when I
5 see zero dollars.

6 MR. GRABOWSKI: Gentlemen, he may not like
7 your question, you may not like his answer, but it's
8 a question and it's an answer. I think he's
9 attempting to answer.

10 MR. HECKER: I'd like to follow up on that.
11 Even assuming that these statistics would be
12 applicable to Hilltown, what does it tell you?
13 You're talking about within the Township, you're
14 talking about 11 percent. If you reduce the 1.7
15 surplus the school district by 11 percent, you're
16 still over a million and a half surplus. And the
17 reason is, keep this in mind, if the subject
18 properties were zoned industrial and we couldn't
19 build single family homes, we wouldn't be able to
20 make this comparison. But we have the ability to
21 make this comparison because we're talking what is
22 the impact of 95 single-family homes on the school
23 district. Long and short of it is, it's a heck of a
24 lot more, significantly more, than the impact of an
25 AQC community if 11 percent of the population within

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1 the Township moved into the AQC community.

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2 You have to then take it to the next step
3 and assume that, okay, children are going to occupy
4 every one of those homes. But for the sake of
5 argument, I merely want to point out that if you want
6 to take that argument to the next level, reduce this
7 number by 11 percent and you still see, as somebody
8 described before, it's a no-brainer from a financial
9 standpoint.

10 MR. GRABOWSKI: The next name I have for
11 questions of the witnesses is Mr. Paul Sheneman, 736
12 Route 313, Perkasi e.

13 MR. SHENEMAN: I guess my question for Mr.
14 Calihan, he's the person that I've been talking to
15 over the last three years. My concerns are, I have a
16 large parcel that borders the Egley property. We do
17 have horses, they've assured us that they would do
18 everything possible to try and help us in that
19 regard. I'd like to know what actually you would do.
20 As far as the berms I think have been answered, but
21 as far as the types of vegetation that would be on
22 the berms and how it would affect our animals in the
23 event that there would something that would be
24 poisonous, perhaps you could answer that for me.

25 MR. CALIHAN: I would defer that question,

1 I have answered that to Mr. Sheneman basically based
2 on --

3 MR. GRABOWSKI: Sir, I don't know if you
4 were sworn in.

5 MR. CALIHAN: Paul Calihan from McGrath
6 Homes.

7 - - -

8 PAUL CALIHAN, having been
9 duly sworn, was examined and testified as
10 follows:

11 - - -

12 MR. CALIHAN: The concern that the
13 Shenemans had as well as other neighbors along
14 that one property line all of whom have horses
15 was, what type of protection to keep
16 grandchildren from going onto their property and
17 being involved in some problems. Conversely
18 with the horses and the different trees and the
19 type of landscaping we would do that could be
20 poisonous to the horses, what would we do?

21 Basically, I said we will have our
22 landscape architect, which I'd like to present
23 to you, sit down and work with them when we get
24 to that point of actually preparing plans for
25 the landscaping and have them work together to

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1 formulate what it is that gets built on those
2 berms.

3 MR. STONE: I think Paul has
4 answered the question for the most part.
5 Certainly we will work with you for specific
6 plant species that are known -- but in general,

7 the landscape power and treatment of the
8 property naturalizing -- plant material native
9 to the area, typical hedgerow that you find --

10 MR. SHENEMAN: That was my concern. Thank
11 you very much.

12 MR. GRABOWSKI: We're going to take a 10,
13 15-minute break at this point. Our stenographer's
14 been going non-stop for two hours, we owe her a rest.
15 We owe all of you a rest. I have four -- I'm sorry,
16 three other names on the list for questions of people
17 who signed in before. If anyone came after the list
18 was generated and would like to ask questions, I'll
19 put another sheet of paper down at the desk down here
20 for questions.

21 I'll also put a separate sheet of paper for
22 sworn statements or comments. If you want to do
23 questions and comments, you have to sign-in twice.
24 We'll finish up with the questions when we come back
25 and we'll go right into sworn statements at that

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1 point.

2 And I think the Board would like to go to
3 -- has there been a decision as to how long you want
4 to go tonight? We'll see how it goes. Let's come
5 back if we can at 8:30.

6 - - -

7 (Whereupon, a brief

8 recess was taken.)

9 - - -

10 MR. GRABOWSKI: Thank you.
11 Getting back to the question and
12 answer period, the next name on my list
13 unfortunately is one that I can't read, Gregg or
14 Stan Gewertz, 713 Schwenk Mill Road. Thank you,
15 sir. Come up to the podium.

16 MR. GEWERTZ: Greg Gewertz, 713
17 Schwenk Mill Road.

18 Paul Calihan had come to our house,
19 I live around the corner from where the proposed
20 area is going to be. And the one thing he had
21 mentioned was public sewer; and he said most
22 likely if it had gone through, it might come
23 down from where WB homes ends from the White
24 Chimney Farm. The one thing that made it a very
25 interesting point to us is like most people

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1 here, who has money to go out and put a new sand
2 mound or whatever, and he said that McGrath
3 Homes would pick up the bill for the hookup to
4 the sewer line.

5 And I just want to get it, you know,
6 on the statement that that is in fact true, that
7 they would pick up the bill for the hookup from
8 our house to the road and that there was going
9 to be any charge from the frontage.

10 MR. GRABOWSKI: Who would like to
11 answer that question? Mr. Heckler.

12 MR. HECKLER: I'll be happy to
13 answer that question. The gentleman is
14 absolutely correct, it's been the policy of
15 McGrath Homes where public sewer is extended
16 across frontage of homes that currently aren't
17 connected to that sewer, that McGrath will offer
18 the opportunity for residents to connect into
19 that sewer and they do that at their own
20 expense. If sewer is feasible from extending it
21 from the WB development, I think we counted six
22 homes that potentially could be affected by the
23 sewer line running across the frontage of
24 properties. And those people will be given the
25 opportunity as Paul's indicated to connect and

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1 it would be at the expense of McGrath Homes.

2 MR. GEWERTZ: Also, being an
3 age-qualified community, that would mean more
4 jobs and everything, because you'd have to have
5 your maintenance crews and all that because the
6 Township would not be required. So am I correct
7 by saying that there would be more opportunity
8 for employment opportunities also? And if it
9 was 95 single homes, is that still a community
10 or is that just like a regular development and
11 the Township would be required to take care of
12 it.

13 MR. HECKLER: The 95 single-family
14 home community would be what you call a regular

15 development, would have been another mile of
16 streets inside of it. We would offer those
17 streets for dedication by the Township. And
18 whatever services are typically provided to a
19 community would then be expected to be provided
20 to a single-family development. I tried to
21 emphasize unlike the age-qualified which is a
22 private community and the services for an
23 age-qualified community are normally contracted
24 out. Typically, what happens is that the
25 association hires a management company and that

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1 management company then contracts out on behalf
2 of the association for snowplowing and whatever
3 maintenance, repair services are required.
4 I don't know -- I don't know if
5 we've ever examined whether that offers the
6 opportunity for more jobs, but typically we're
7 using within those communities local contractors
8 to provide the services. So if it means that
9 there's more work and they have to hire
10 additional people, I suppose it would be -- but
11 I have nothing to tell you that's as a matter of
12 fact. But typically we're using the contractors
13 within the community itself in keeping with all
14 these services contracted out.

15 MR. GEWERTZ: One last question, if
16 it were to be public sewer that comes in and

17 obviously there's disturbances and, you know,
18 the roads get torn up and all that stuff, who is
19 responsible for the repairs? And then, you
20 know, a lot of times after roadwork is done,
21 six months later the patches are caving in
22 because the ground has settled. If that would
23 be the case, who takes care of that? Would it
24 be McGrath because of upkeep of disturbance or
25 does it fall on the Township to keep the upkeep

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1 in that area.

2 MR. HECKLER: Typically speaking,
3 any work that is done by the developer, in this
4 case McGrath Homes, is bonded work. What I mean
5 by that is that a guarantee is put up, it's a
6 financial guarantee for what we'll call the
7 public improvements related to the site. And
8 any public improvement we'll install off-site of
9 sewer line would be bonded improvement. So that
10 my client would be obligated to do the repair
11 and restitution of the work after a sewer line
12 or whatever roadwork would be put in there.

13 And I believe as most
14 municipalities, there's normally a maintenance
15 period after that work is done. And the law
16 allows that maintenance to run up to 18 to
17 24 months. So during that period of time it
18 remains bonded and protected and remains
19 McGrath's obligation; so that if something were

20 to happen and settlement occurs, like you said,
21 potholes or whatever else under that maintenance
22 obligation, McGrath would be obligated to repair
23 that.

24 MR. GEWERTZ: I have no other
25 questions as far as that. I think the

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1 age-qualified would be the better way to go just
2 because it makes more sense to help out the
3 elder people out there.

4 MR. GRABOWSKI: Thank you, sir.

5 The next name that I have is
6 741 Minsi Trail, Diane or Gene Kurman.

7 DIANE KURMAN: Diane Kurman, 741
8 Minsi Trail, we own adjoining horse property
9 along the project.

10 I'm curious to know if you
11 anticipate any blasting to be done in order to
12 finish the project? And if so, if they
13 considered what impact that would have on the
14 surrounding residents and livestock.

15 MR. McGRATH: At this time we have
16 not considered any blasting. We're not -- we
17 don't know enough about the design and how the
18 design would have to be implemented in the field
19 to tell you whether or not we need to blast at
20 all. Usually, we try not to do any blasting,
21 but I couldn't tell you for certain. We're just

22 not that far along yet.

23 MR. CALIHAN: Paul Calihan from
24 McGrath.

25 When they brought this to our

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1 attention, it came with a great story, they used
2 to live in Buckingham and a developer came in
3 and did some blasting. And one of their horses
4 was frightened to the point that it leaped over
5 an iron fence and became impaled on it and it
6 had to be put to rest. So basically what we
7 told them what we would do is if in fact it ever
8 became necessary that we would need to blast, we
9 would go ahead and make arrangements to have the
10 horses housed at another stable someplace close
11 by during that period.

12 MS. KURMAN: Thank you.

13 MR. GRABOWSKI: Thank you, ma'am.

14 Next name for questions, Mr. John
15 Alff of 779 Minsi Trail.

16 MR. ALFF: My name is John Alff,
17 779 Minsi Trail, property immediately adjacent
18 to the Hockman tract.

19 And having been neighbors for some
20 years, Mr. Hockman, wonderful gentleman and is
21 nice. I don't think anyone in the room would
22 deny them the opportunity to get the rewards of
23 all their hard work. Having said that, I do
24 have a few comments. And first would be

25 directed, I guess, to Mr. Van Rieker. Maybe I'm

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1 missing something, are you submitting that this
2 might reduce taxes or increase taxes to the
3 residents of Hilltown?

4 MR. VAN RIEKER: I don't know we
5 have studied it from that point of view. It
6 would be very unlikely that the proposal would
7 result in an increase of taxes because the
8 community is going to pay its own way both to
9 the Township and to -- and you've heard all
10 about the schools. So what one could argue that
11 every time you get a revenue source of
12 significance, it could ultimately offset costs
13 elsewhere. I mean, it has to happen or the
14 residential or the people who pay the taxes need
15 to pay more. So we look at it as a way of
16 simply paying more than our share to the school
17 district, a significant plus plus to the school
18 district. And we expect the same to be
19 generally true for the Township in terms of
20 revenue. There are always some costs, but in
21 our case it's going to be controlled or limited
22 because of so much of the interior
23 infrastructure is going to be privately owned
24 and maintained.

25 MR. ALFF: So what you're saying

1 probably no net tax savings.

2 MR. VAN RIEKER: Well, it's -- I
3 can't speak for any tax --

4 MR. ALFF: It's okay, that would be
5 consistent --

6 MR. VAN RIEKER: I mean, I can't
7 speak for any taxing body, they may find
8 something else to do with your hard-earned tax
9 money. I can simply tell you that we can simply
10 make a judgment. And the purpose of the fiscal
11 impact study, as you know, reached thus far is
12 to evaluate a proposal and quantify the
13 demographic characteristics for each. I can
14 simply say that this community will pay its own
15 way in significant fashion.

16 MR. ALFF: Thank you. Now, I've
17 listed to the developers and from a technical
18 perspective once again, not to beat a dead
19 horse, I encourage the supervisors to ask new
20 details concerning programs, sewer and water
21 impact on the neighboring properties; i.e.
22 costs, loss of property, et cetera. And I'm
23 going to ask at this time, maybe I missed the
24 last few minutes, are there any overheads that
25 might show any kind of improvements and what it

1 might do to someone living on that road? Can
2 one expect to lose any property? Whoever that
3 would be best directed to. I know there's
4 ultimate right of ways, things like that. Road
5 widening or -- there are some family interest
6 there and number of feet of road property there
7 and it's going to cost --

8 MR. McGRATH: I don't know if this
9 covers the area that you're talking about.

10 MR. ALFF: Yeah, very close to the
11 left.

12 - - -

13 (Discussion held off the
14 record.)

15 - - -

16 MR. ALFF: I guess while you're
17 pointing to that section, I see over in the
18 as-built over there, you have an entrance
19 proposal right next to what is my property. I
20 guess this might be directed to the traffic
21 engineer, has anyone done any site line there
22 for distance for bringing out driveways or
23 things like that.

24 MR. HAMMOND: Matt Hammond from
25 Traffic Planning Design. We have not looked at

1 the site lines for the by-right plan. What I
2 can tell you is there are standards with respect

3 to not only Township but also with PennDOT and
4 we'd have to meet with those standards to
5 provide an access point there. So whether it's
6 that exact location or whether it's shifted
7 north, south, east, west, whatever it may be, it
8 would be -- it would have to meet those criteria
9 as far as site distance is concerned. I can
10 tell you we looked at the access point for the
11 proposed development, the AOC in terms of its
12 location and it does meet the site distance
13 criteria.

14 MR. ALFF: Where is that entrance.

15 MR. HAMMOND: It's much further away
16 from your property.

17 MR. ALFF: Last comment for McGrath
18 representative, they created an overlay, I
19 guess, at the last meeting, they created an
20 overlay and outlined three or four parcels
21 dedicated it to the long-term preservation as
22 well as the Pearl Buck estate. My question to
23 whoever would like to answer it, if this
24 property was contiguous and within that
25 imaginary envelope of agriculture, would we be

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1 here tonight discussing this.

2 MR. VAN RIEKER: Well, let me say, I
3 prepared the exhibit. I doubt that my client
4 would have selected a property that was sort of
5 an interior property, that is, knowing Hilltown

6 and knowing the kind of the zoning and the use
7 background. Their idea was always to be close
8 to and on 313 from the very beginning when it
9 started a couple years ago, it was always on the
10 developed edge.

11 I can't speak for somebody else who
12 might make a decision to invest, I can only tell
13 you that the farmland preservation, those who do
14 it are to be admired, but it's voluntary. And
15 Egly-Hockman and many others like that have
16 elected not to volunteer. And I don't know
17 whether the tracts even qualify. They may, but
18 they're not particularly fertile, Egly-Hockman
19 is not particularly fertile from an agricultural
20 soil 2, 3 and 4 category, whereas many of the
21 others such as Haring and Rosenberger are very
22 strong in categories 2 and 3, which is
23 agriculturally fertile source.

24 But it requires approval by the
25 State and County and then they pay some funds

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1 and after you wait for awhile you get on the
2 list and you can dedicate. But that's voluntary
3 and I can't speak for those, they may have
4 elected regardless of where they're located to
5 give it up.

6 MR. ALFF: That's what the
7 impression -- I'm not a legal scholar, the

8 impression I got on page 30 that contiguous
9 prerequisite for putting in or out.

10 MR. VAN RIEKER: No, no. The
11 Township does not control that, that's wholly by
12 the County and the State. So each property is
13 evaluated on an ad hoc basis. The point I
14 wanted to make is that we're not in the middle
15 of that agricultural field, if you will. We're
16 well on the edge of it, outside of it maybe.

17 MR. ALFF: One last question, for
18 someone who doesn't know, what's the difference
19 between the AQC and a retirement village? And
20 then I'll turn the podium over. Thank you.

21 MR. HECKER: The AQC community as we
22 envision it has been constructed by McGrath on
23 usually larger tracts of lands, in this case
24 extremely large tracts of land, and providing
25 substantial amenities in the nature of

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1 recreational facilities, activities. We've gone
2 through the description earlier with regard to
3 the use of a clubhouse, so that the difference
4 is really it's more of a community-oriented
5 lifestyle.

6 As I think I mentioned at the last
7 hearing, I've always been impressed every time I
8 walk into one of the community centers,
9 clubhouses and see everything that's going on.
10 The buildings are always occupied by residents

11 in some form of activity, even if it's just
12 someone waiting for a bus to come pick them up
13 to take to them to a theatre or take them to a
14 casino, whatever the case may be. So it's more
15 of a lifestyle as opposed to a typical
16 retirement community. It may not have the
17 substantial amount of activities going on,
18 substantial amount of area that's dedicated for
19 recreation and community use.

20 MR. GRABOWSKI: The next name on our
21 list for questions of the witnesses is Gene
22 Cliver of 427 Telegraph Road.

23 MR. CLIVER: You people aren't going
24 to like what I'm going to say because I'm
25 challenging them to their authority as far as

1 being able to take care of all contractors and
2 everything else in this Township, they're for
3 the public, not for the private industry.

4 I've been a builder all my life, I
5 built everything there is. And you people in
6 here -- your houses -- most of your houses were
7 built without that kind of gobbledegook. And I
8 challenge them what kind of authority they have
9 in this free country, the way they are. Seems
10 more like a socialist government rather than a
11 free government when they have all the say in
12 this country about construction. And other

13 thing --

14 MR. GRABOWSKI: Do you have any
15 questions of the witnesses, Mr. Cliver.

16 MR. CLIVER: Pardon.

17 MR. GRABOWSKI: Do you have any
18 questions of the witnesses.

19 MR. CLIVER: Who's the witnesses.

20 MR GRABOWSKI: The Applicant, any of
21 the gentlemen who had been presenting --

22 MR. CLIVER: No, this is for public
23 affairs.

24 MR. GRABOWSKI: Can I put you on the
25 sworn statement list, sir, so we can have you

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1 sworn in.

2 MR. CLIVER: What's a sworn
3 statement list.

4 MR. GRABOWSKI: What you're doing
5 right now is giving comment. I'd like to get
6 through all the questions first before we get to
7 that. If you give me perhaps 10 minutes, I can
8 get you back in.

9 MR. CLIVER: All right.

10 MR. GRABOWSKI: Thank you.

11 I have two remaining names under the
12 question and answer of the hearing tonight, Mark
13 Antunes of 932 Callowhill Road.

14 MR. ANTUNES: Thank you. Mark
15 Antunes, 932 Callowhill Road. I would like to

16 just clarify this entire process. It is my
17 understanding that we are here to discuss the
18 possibility of an ordinance that has been
19 proposed by developers for this type of
20 age-restricted community being made available
21 throughout the community; am I correct in that.

22 MR. GRABOWSKI: Answers should come
23 from the Applicant.

24 MR. ANTUNES: That's fine.

25 MR. HECKLER: It's actually two

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1 parts, two answers to that question. First,
2 it's the proposed ordinance that would amend the
3 Hilltown Township zoning ordinance that would
4 allow an AOC community, that's the first part.

5 The second part is we would then
6 request and have in our petition that
7 supervisors conduct public hearing for the
8 purpose of determining if they think AOC is a
9 good idea, make it applicable to the subject
10 property. So it's a two-part procedure.

11 MR. ANTUNES: So if I get the gist
12 of what you're saying, the ordinance that you
13 are proposing for the AOC communities, this is
14 going to be made possible and available on any
15 tract that's 50 acres or larger; is that
16 correct, sir.

17 MR. HECKLER: Any tract that would

18 meet the requirements under the ordinance, yes.

19 MR. ANTUNES: The requirements would
20 be minimum 50 acres, but that's the threshold.

21 MR. HECKLER: Yes.

22 MR. ANTUNES: After you've done a
23 study of how many parcels of ground in this
24 Township would then qualify to have this kind of
25 intense development on, how many exactly would

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1 there be.

2 MR. HECKLER: We haven't done that
3 particular study. The thing that -- the
4 approach I should say, the best way to explain
5 this, is that we've taken a different approach
6 with this revised ordinance by identifying the
7 AQC ordinance itself and then saying that at the
8 time that someone thinks it's appropriate to
9 have their property rezoned an AQC, they would
10 submit an application requesting the supervisors
11 to consider this request. And they would then
12 go through the formal process that McGrath is
13 going through. So it wouldn't automatically
14 make any properties eligible, because what
15 happens is that they're still obligated to have
16 the public hearing process and participation of
17 witnesses testifying, that kind of thing. But
18 it's not an automatic impact on the rest of the
19 community.

20 MR. ANTUNES: So if that's the case,
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21 then going through all this does not qualify
22 your property then.

23 MR. HECKLER: No.

24 MR. ANTUNES: So it doesn't open the
25 door to any property.

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1 MR. HECKER: It's the second part.

2 MR. ANTUNES: Second part. So does
3 anybody have a number -- does anybody know how
4 many 50-acre parcels of property there are in
5 this community that could then apply for this
6 type of intensified development? McGrath
7 doesn't have it, does anyone else? Going once?
8 Going twice.

9 MR. GRABOWSKI: Sir, the questions
10 are of the witnesses that are sworn in at this
11 point.

12 MR. ANTUNES: I think this is a very
13 important question. And this is data that they
14 should be responsible to provide. If they're
15 proposing this type of ordinance change, they
16 should be able to extrapolate and project the
17 impact on the overall community that this is
18 going to have. This is not something that's
19 going to be a point specific, isolated case. We
20 are opening Pandora's box, I believe. So I'd
21 like that information, so if you could get that,
22 that would be very much appreciated. So

23 it's any 50-acre parcel of ground as it stands
24 and then proceedings goes on from there.
25 Can we go to the overhead which

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1 presents the topographic lines? All right. Can
2 someone from McGrath tell me the distance or the
3 elevation distance between those?

4 MR. McGRATH: I believe they are
5 2-foot contours.

6 MR. ANTUNES: And am I mistaken in
7 assuming that the drainage basins are in the
8 upper portion of that elevation; is that
9 correct.

10 MR. McGRATH: I'm not certain which
11 area you're referring to on the map.

12 MR. ANTUNES: On the map where it
13 says, pond.

14 MR. McGRATH: Here.

15 MR. ANTUNES: Yeah. Is that a body
16 of water.

17 MR. McGRATH: That could -- yes.

18 MR. ANTUNES: It says, pond, is that
19 a body of water, sir.

20 MR. McGRATH: It is not a body of
21 water right now. It's implied to be designed
22 into the project, it would be a body of water in
23 the future.

24 MR. ANTUNES: In your design, that's
25 to be a body of water; is that correct.

1 MR. McGRATH: Yes.

2 MR. ANTUNES: Now, help me
3 understand this, because I'm not really familiar
4 with the hydraulics of this particular design
5 that you have here. But that appears to be
6 somewhere in the upper elevations of this
7 property. So where is the water that's going to
8 be gathered in this pond and the other adjoining
9 blue areas which are, I assume, drainage basins
10 or something of that nature.

11 MR. McGRATH: Correct.

12 MR. ANTUNES: Where is that water
13 coming from and how is it getting there.

14 MR. McGRATH: It comes from the
15 surrounding areas. If you completed a study of
16 this particular site, we're doing a preliminary
17 workup at this point. There are watersheds that
18 have the ridge of this particular location,
19 water flows in this particular direction all
20 heading down to this unnamed tributary and along
21 the side of Minsi Trail. The actual subregions
22 or subwatersheds that feed each individual
23 collective pond are not identified on this plan,
24 is not intended for this particular purpose.

25 Recognizing what you're referring

1 to, we have a couple different locations
2 throughout the site, might occur in lower areas
3 or the downslope side of certain existing hills
4 or slopes on the site. Will we have a pond in
5 every one of those locations as storm water
6 management facility? I can't answer you right
7 now. I just know that if we need these, might
8 be the optimum place for storm water management
9 facility and they occur throughout the site
10 depending on which direction the topography is
11 sloping and whether or not which side of the
12 stream it's located.

13 MR. ANTUNES: Do me a favor, could
14 you outline the highest topographic line there.

15 MR. McGRATH: In this area right
16 here.

17 MR. ANTUNES: And then what's the
18 next one that goes beyond that.

19 MR. McGRATH: I don't have the
20 ability to read through all that.

21 MR. ANTUNES: Well, it appears to be
22 the community center, would it not be.

23 MR. McGRATH: Not necessarily,
24 there's another contour line through here in
25 this area.

1 MR. ANTUNES: So, if that's a high
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2 point, how do you get the water from the east
3 side to come around to the west side?

4 MR. McGRATH: There's actually a
5 ridge line that cuts through this area, I don't
6 know the exact position, it's not mapped on this
7 plan. But recognizing there's -- this is the
8 crest on what would be the highest point of the
9 site -- is that what you referred to.

10 MR. ANTUNES: Yes.

11 MR. McGRATH: So that water is going
12 to flow in this direction and flow down and
13 capture in the storm water piping system of the
14 streams and it would drain itself into the
15 detention basins, or ponds as you would call
16 them.

17 MR. ANTUNES: Okay. Questions for
18 the folks of McGrath here, this is an
19 age-restricted community and I know they're
20 growing in popularity due to the need to satisfy
21 the baby boom generation. And we're hearing
22 over and over again that this will not be a
23 location where families will be residents with
24 children and will have minimal impact on the
25 school system; am I correct, sir.

1 MR. HECKLER: You're correct.

2 MR. ANTUNES: What is the maximum
3 allowable percentage of these units that could

4 be occupied with families that have children
5 and/or grandchildren, what's the percentage.

6 MR. HECKLER: Under the Federal
7 Affair Housing Act and State Human Relations
8 Act, you are allowed to create these communities
9 and provide for age-restriction at a minimum of
10 80 percent. So that if it's crafted that way,
11 you could have 80 percent age-restricted and
12 20 percent that would be non-age-restricted.
13 What we have found in the experience as well as
14 in investigating other developers --

15 MR. ANTUNES: That's all, I just
16 wanted that number. Thank you.

17 MR. HECKER: Let me finish the
18 answer.

19 MR. ANTUNES: No, you answered my
20 question.

21 MR. HECKER: You don't have to
22 cross-examine me.

23 MR. GRABOWSKI: He has a right to
24 answer the question.

25 MR. HECKLER: That's the percentage.

1 But the reality of it is, even if the other 20
2 percent is open, you don't get kids. You may
3 get situations where people might be in their
4 late 40's, early 50's, not yet qualified in the
5 age restriction. Because people who have young
6 children don't want to move those young children

7 in an age-qualified community. They want to be
8 in other developments so they can go to school
9 with their friends and play with their friends.

10 So the reality of it is, if it
11 were done that way, with 20 percent open, you
12 probably wouldn't have kids anyway because
13 people don't move into these facilities with
14 children, you know, families of children. The
15 restriction against children is applicable
16 regardless. The 20 percent allows you to have
17 people under that. So the restriction against
18 having children in the community can remain.

19 You see, what it is is that the
20 way it's set up, it's effectively a law that's
21 been established to allow you to set aside
22 housing for people of an age group; 55, 60,
23 whatever it is. The bottom line is that that
24 restriction against children remains whether
25 it's 80 percent or whether it's 20 percent --

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1 I'm sorry, 80 percent or 100 percent. So even
2 in an 80 percent community, restriction against
3 children remains in effect. There's no children
4 under those circumstances.

5 MR. ANTUNES: I'm a little confused
6 now because I thought you said you could have 20
7 percent of these units occupied, they're
8 unrestricted.

9 MR. HECKLER: Unrestricted.

10 MR. ANTUNES: So therefore, they

11 technically could be occupied by families with

12 children.

13 MR. HECKLER: Occupied by people who

14 haven't met the age restriction. But the

15 children are restricted.

16 MR. ANTUNES: That's held up in MR.

17 McILHINNEY of law? Has that been challenged.

18 MR. HECKLER: Yes, it was challenged

19 in the state of Florida on two occasions.

20 MR. ANTUNES: In Florida.

21 MR. HECKLER: That's correct.

22 MR. ANTUNES: Did it go to the U.S.

23 Supreme Court.

24 MR. HECKLER: I don't know the

25 answer to that. But in that instance, they

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1 amended their restriction to comply with the

2 federal law, the restriction remained in place.

3 MR. ANTUNES: As the population

4 ages, which is what we're facing now, we have

5 this glut of population, baby boom generation

6 and these developments are built in ever

7 increasing numbers, we are going to at some

8 point run out of a large amount of senior

9 citizen population or age-restriction population

10 to sustain in that fashion. At that point, are

11 you saying that these communities will be able

12 to withstand any legal challenge by a property
13 owner who wants to sell their property if they
14 cannot find the right person who meets the right
15 criteria and then open the threshold for these
16 properties to be occupied by families with
17 children? Has that been challenged and
18 sustained in court in Pennsylvania.

19 MR. HECKLER: I'm not aware of any
20 challenges in Pennsylvania. But I am aware of
21 the law which is federal law and that federal
22 law has been upheld, at least two occasions I'm
23 aware of.

24 MR. ANTUNES: Okay. We spoke before
25 about the number of occupants who could be

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1 working and you referred to a study, when was
2 that study done, what year? And where was that
3 done?

4 MR. VAN RIEKER: Bucks County,
5 Northampton Township, '04.

6 MR. ANTUNES: 2004.

7 MR. VAN RIEKER: 2004, 2005, they
8 were the receipts that were paid the prior year.

9 MR. ANTUNES: Because the trend is
10 for people to work longer due to the changes in
11 Social Security so --

12 MR. VAN RIEKER: I mean, I kind of
13 agree with that, I'm just reporting the data we

14 found. I think it's conservative that we may
15 find that the level of employees may well be
16 slightly higher than 40 percent.

17 MR. ANTUNES: I'm trying to take
18 your data which is captioned 2004 and
19 extrapolate that and going forward; and if the
20 Social Security process rolls back, if funds
21 being made available later and later ages,
22 that's fine. 2004 is good. That's good.

23 Relative to the gentleman who has
24 the horses and apparently were several people in
25 the community nearby who do have horses, you've

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1 talked about buffering and that sort of thing.
2 Is it your intent if you are successful in your
3 application and granted all the approvals you
4 need, to have some sort of language in the sale
5 and deed documents of these properties
6 indicating that these people do have horses?
7 Because people want to move to the country until
8 they get to the country and they realize there's
9 livestock and livestock produces manure, manure
10 creates odors and manure also draws flies. And
11 we've seen this happen before where, gosh, you
12 want to live here, but, boy, we have flies, we
13 got manure.

14 Are you intending to put any sort
15 of legal verbiage in your sales documents to
16 basically hold these people safe and harmless

17 from petitions or motives from these people to
18 get them to suspend their operation and impinge
19 upon what is their recreational activity?

20 MR. HECKLER: We have not been
21 requested to do that to date. But if that were
22 the Township's desire, we can do it. We have
23 amended our sales agreements on several
24 occasions to bring people's attention to certain
25 things that may be pertinent to that problem and

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1 I would see no problem with some type of a
2 disclosure.

3 MR. ANTUNES: Looking at your plans
4 as we see it is up here, you have the creeks or
5 the wetlands indicated, you have the houses well
6 away from that, you indicated out of the
7 floodplain. What is the linear distance between
8 the back door of those houses and the floodplain
9 as it exists for a hundred-year flood.

10 MR. McGRATH: Without a scale in
11 hand, I can tell you that the buildings that you
12 see in this particular location are
13 approximately 130 feet in overall length. The
14 distance from the outside wall to the floodplain
15 line, which is right here, is maybe 75, 80 feet.

16 MR. ANTUNES: Is that the
17 hundred-year floodplain.

18 MR. McGRATH: Yes.

19 MR. ANTUNES: Okay. And the green
20 area is indicated as vegetation.

21 MR. McGRATH: The dark green area
22 property line right here, the dark green area is
23 a woodland setting. The other various tones of
24 green are either some sloping, slope areas or
25 they might be a different type of vegetation.

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1 But this is -- this color generally represents
2 the woodland setting.

3 MR. ANTUNES: Very good. Thank you
4 very much, I appreciate that.

5 MR. GRABOWSKI: The last I have
6 under the questions for the witnesses list is
7 Denise Hermony of Rickert Road.

8 MS. HERMONY: I promise I'll be
9 brief. You have on your by-right plan 95 homes.
10 As a member of the Planning Commission, we had
11 discussion about those 95 homes and whether that
12 was a realistic number for your by-right. I
13 know technically based on your acreage. If this
14 plan were not approved the way it is as an
15 age-restricted community, what would be the odds
16 of you building houses across the street on that
17 additional 12 acres where a lot of wetland is?
18 I mean, I just -- I'm just trying to come up
19 with a realistic number, I don't know, maybe Bob
20 Wynn has an idea. What are the odds of any --

21 MR. McGRATH: I don't deal in odds.

22 We would have to design the plan so you would
23 have an entrance into the site either on the
24 Minsi Trail or from another direction from
25 another property. You have this proposed

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1 cul-de-sac and three lots that are looked at at
2 this particular moment. This particular design
3 is subject to change, but it's the one still
4 considered; three lots to be built there in this
5 location. There is substantial land on this
6 particular tract which is outside of the
7 floodplain and outside of wetland areas. So it
8 is available, it's just a matter of getting
9 them.

10 MS. HERMONY: Also on the plans you
11 have here, I forget the numbers, what are the
12 setbacks off the major roads? If you could go
13 back to that plan; 400, 500 feet.

14 MR. McGRATH: We have off 313 the
15 distance of 365 feet for this one location. And
16 actually a distance of 471 feet for this
17 particular distance to the building. Off of --
18 I'm having -- 410 is the distance right in here
19 and there's obviously nothing any closer than
20 410 along Minsi Trail.

21 MS. HERMONY: The ordinance says
22 100-foot setback. So let's just hypothetically
23 say if the ordinance were approved, would this

24 be the plan that you would want to go ahead with
25 respect to buffers.

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1 MR. McGRATH: Yes. This would be
2 the configuration of road patterns, the building
3 locations and the separation from the street to
4 the first building.

5 MS. HERMONY: Because technically,
6 if the ordinance passed, you could really move
7 the houses closer to the road if you wanted to
8 based on the ordinance.

9 MR. McGRATH: It's not the
10 intention, it's why I showed you the particular
11 lines and you see the designated buffer areas
12 that are also around the outside, they may
13 co-exist on the same location and the buffer
14 planting to be placed around the perimeter of
15 the site.

16 MS. HERMONY: The other question I
17 have is at a couple of the Planning Commission
18 meetings we discussed the density and the
19 majority of the Planning Commission members felt
20 that the 268 units was great, too great. And I
21 guess the question I had asked a long time ago
22 and didn't get an answer -- I'm not sure that I
23 will tonight, but what is your break-even point?
24 What's the go or no go for this? If we said --
25 if it was approved that 268 is too many homes,

1 I'm curious to know, what is the magic number
2 that would make this a go or a no go?

3 MR. HECKLER: 268.

4 MS. HERMONY: 268.

5 MR. HECKLER: If we can't do the
6 268, then we'll do single --

7 MS. HERMONY: Okay. What is the
8 price of these units.

9 MR. VAN RIEKER: The fiscal
10 comparisons, we were at 425 for the
11 age-qualified and 550 for the single family.

12 MS. HERMONY: 550 for the single
13 family.

14 MR. VAN RIEKER: Correct.

15 MS. HERMONY: And what was the size
16 of the blueprint -- the blueprint size of the
17 single family.

18 MR. VAN RIEKER: Footprint.

19 MS. HERMONY: Yeah, footprint.

20 MR. VAN RIEKER: You know, I don't
21 know that I have the answer to that. Typically
22 it would be 40 by 70.

23 MS. HERMONY: Okay. So you're only
24 talking a difference of \$125,000.

25 MR. VAN RIEKER: Correct.

1 MS. HERMONY: So this would be 286
2 homes at \$425,000 versus 95 or less at \$550,000?

3 MR. VAN RIEKER: Yes.

4 MR. HECKLER: And to make it clear,
5 the 525 was a conservative number to try to
6 compare apples to apples. Realistically, it's
7 what the market value is. If they could be sold
8 at 650, they'll be sold at 650. And the density
9 issue -- and I think I may have said this, part
10 of the density issue is also being able to
11 provide all the recreational community center,
12 that yields the revenue that makes a nice
13 community and provides all the amenities.

14 MS. HERMONY: I understand and I
15 think age-qualified is not a bad concept, and
16 I'm speaking from a personal standpoint. I just
17 hope that you reconsider the density number.
18 Thank you.

19 MR. GRABOWSKI: Thank you.

20 We now ended the part of the hearing
21 for questions. We're now ready for sworn
22 statements. This gives you the opportunity to
23 view your opinions. As I read off your names,
24 you'll come up and state your name and address
25 and our stenographer will swear you in.

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1 With that, the first name on our
2 list -- Board members, do you want to put a time
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3 limit on sworn statements?

4 - - -

5 (Brief discussion was
6 held off the record.)

7 - - -

8 MR. GRABOWSKI: The Board would like
9 to place a limit of three minutes on each sworn
10 statement. And I understand Mr. Bennington will
11 be the official timer.

12 The first name we have on the list
13 is Nancy J. Rourke, 3 Midway Road, with the
14 mailing address of Perkasi e. If you could come
15 up to be sworn in.

16 MS. ROURKE: I'm not quite sure why
17 I have to be sworn to give my opinion, but I'll
18 do it.

19 MR. GRABOWSKI: I'll tell you why,
20 because this being a public hearing, we want to
21 make sure that everybody says exactly what they
22 want to say and because of the requirements of
23 the Pennsylvania law.

24 - - -

25 NANCY J. ROURKE, having

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1 been duly sworn, was examined and testified as
2 follows:

3 - - -

4 MS. ROURKE: I'm Nancy J. Rourke, I

5 I live at 3 Midway Road, which is in the Township
6 not far from here, the development.

7 I was originally going to ask some
8 questions for which I didn't need to be sworn
9 in, but two other people asked them so now I've
10 turned into comments.

11 My first one is, it seems to me that
12 when they're quoting the statistics or the
13 percentages of people working and for the
14 percentages of people who move within five miles
15 or within the Township, they're valid statistics
16 when it supports their viewpoint. But when
17 someone asks a question and they quote the same
18 statistics, they're not valid because they don't
19 support their viewpoint any longer and I'm
20 speaking specifically in reference to the zero
21 dollars for children in schools. Because 10 to
22 50 percent supposedly move from within 10 miles,
23 but it no longer applies when the people ask the
24 questions.

25 My second comment is that I'm not

1 necessarily opposed to an aged-restricted
2 community, but what bothers me is that a
3 development -- people move into the Township,
4 into the area because the zoning is rural
5 residential, that's where they want to live.
6 And then along comes a developer who wants to
7 develop something that doesn't fit in that

8 zoning, so he can propose an ordinance to change
9 the zoning. And if it could be done for this
10 and this location, what's to stop it, you know,
11 the precedent will be set. And what's to stop
12 it from happening for something else in any
13 location in the Township? Thank you.

14 MR. GRABOWSKI: Thank you.

15 Our next name is Mr. Jim Sensinger,
16 1411 Route 113.

17 - - -

18 JAMES SENSINGER, having
19 been duly sworn, was examined and testified as
20 follows:

21 - - -

22 MR. SENSINGER: Jim Sensinger, 1411
23 Route 113.

24 I'm a neighbor to this development,
25 I lived here all my life and the senior

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1 development is by far the most beautiful because
2 of the open space. My property touches the
3 development. And the way I see the development,
4 I wouldn't even hardly notice there were houses
5 there.

6 The single-family homes, if that
7 were to be forced to be put in, I would request
8 that you people require them to put at least a
9 6-foot fence along the property line to keep the

10 children with their dirt bikes and everything
11 else off of my property. Because these families
12 that buy into this single-family development --
13 I haven't heard a price figure on what they
14 would cost, but I can only estimate six, seven
15 hundred thousand dollars a unit. People moving
16 in there will probably both be working, have
17 kids that would be unsupervised, they'd be all
18 over. So I think that's a detriment to the
19 community, it would cause all kinds of problems,
20 especially for the neighbors.

21 And my last and final comment would
22 be it's kind of interesting that a member of the
23 Planning Commission who has reviewed this
24 development time and again and rejected it would
25 have to stand up at this public meeting and now

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1 ask further questions about the issues that
2 they've discussed many hours and couldn't come
3 to an agreement on. Thank you.

4 MR. GRABOWSKI: Thank you, Mr.
5 Sensinger.

6 The next name I have is Joseph
7 Marino of 519 Red Wing Road.

8 - - -
9 JOSEPH MARINO, having
10 been duly sworn, was examined and testified as
11 follows:

12 - - -
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13 MR. MARINO: I wrote it down so I
14 wouldn't take too long. Initially, I was
15 opposed to the density of 456 and 398 and 348
16 when this plan first originated. It is now 268.
17 And the number one factor is no matter what, the
18 property will be developed. We only have two
19 choices, 95 by-right family residential homes or
20 268 55-plus. The question is, what will benefit
21 Hilltown Township taxpayers? And more
22 importantly to me, the Pennridge School District
23 students the most?

24 We have all paid our school taxes
25 just recently and then we have watched our taxes

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1 go up 39.6 percent over 5 years, it's 8 percent
2 a year. I'm here speaking for the low-income
3 people in this Township and those on fixed
4 incomes like myself. And it is a major hardship
5 for us. When almost half of what I get in
6 Social Security has to go to school taxes, it's
7 getting kind of steep.

8 And for me, some of the numbers
9 that I may quote as far as what they have
10 published may not be exactly the same, but I did
11 a little research too. The 95 by-right homes
12 will generate at least 93 kids and the cost will
13 be -- school board costs, \$12,968 in a total of
14 \$1,206,204 according to the school board

15 district with a rate of 10,449 mills. The
16 age-qualified community has zero and I've heard
17 all the conversation back and forth about going
18 to move out, going to move in. We can only
19 compare what we're going to get if we build the
20 95 and what we're going to get if we have zero.
21 There's no other comparison that really makes
22 any sense that --

23 MR. GRABOWSKI: One minute
24 remaini ng.

25 MR. MARINO: Okay. Better move on

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1 then, huh -- those of us on fixed income to
2 continue with this. The school board can no
3 longer just increase. Under the law now they
4 can't go more than 3.5 or go to the residents
5 for a referendum. The question to every
6 parent's mind should be, what will happen if the
7 voters refuse an increase of above the cost of
8 living?

9 I'm pleased that we're looking at
10 the school board, but we can replace 10 of them
11 and we'll still throw a hundred at them, they're
12 still going to still come up to \$1,206,000 to
13 stay under the cap of 3.4. I'm surprised that
14 parents don't realize that the activity that
15 will suffer the most are the non-educational and
16 the extracurricular programs. Don't make the
17 kids pay for budget cuts as they always have.

18 MR. GRABOWSKI: That will be time.

19 MR. MARINO: I have a few more
20 statements if you want -- I will end it right
21 now.

22 MR. GRABOWSKI: I'm asking the Board
23 whether they want to go beyond the 3 minutes or
24 submit it in writing.

25 MR. MARINO: I got it in writing.

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1 MR. GRABOWSKI: Why don't you submit
2 it in writing.

3 MR. MARINO: You bet.

4 MR. GRABOWSKI: Thank you, sir.
5 The next name is Bob Winder of 700
6 Route 313.

7 - - -
8 ROBERT WINDER, having
9 been duly sworn, was examined and testified as
10 follows:

11 - - -
12 MR. WINDER: My name is Bob Winder.
13 I live at 700 H 313.

14 First of all, I'd like to compliment
15 that we do have plenty of open space in Hilltown
16 Township and it's something to be proud about
17 that we do have that and we do pay the taxes to
18 buy it. This proposed age-qualified community
19 district has a wonderful open space benefit of

20 over 100 acres, it doesn't cost anything. It's
21 preserving the streams, it's also preserving the
22 wetlands on the site -- I mean, woodlands on the
23 site.

24 It would also be a tax benefit
25 because the new homes paying maximum property

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1 tax as well as school tax, although there will
2 be no children of school age living in the
3 district. The age-qualified plan calls for 268
4 units, which would be a total of 67 quad
5 buildings surrounded by a generous land buffer
6 creating a landscape keeping with the present
7 rural character, giving a beautiful view from
8 the roads.

9 They mentioned earlier about being
10 able to have sewers or not having sewers.
11 People who do have a sewer -- or a septic system
12 rather, know the problem it would be if they
13 have to have that replaced to rebuild. McGrath
14 was even willing to tie in the sewer lines and
15 tie into the people's property; try to get that
16 from another developer.

17 The traffic study shows there will
18 be no major difference in the effect of
19 age-qualified 268 units and the single-family 95
20 units. But I don't think school buses were a
21 factor in the study and that certainly would be
22 an impact with 95 new family homes being built.

23 Age-qualified community district
24 would be an asset because it would generate
25 income for this Township, be an open space

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1 benefit saving of our streams and our woodland.
2 McGrath Homes have proven their expertise in
3 age-qualified communities, they have proven
4 themselves time and time again. And their plan
5 to preserve the beauty of this landscape would
6 make this community --

7 MR. GRABOWSKI: One minute.

8 MR. WINDER: -- for current
9 surroundings. I ask that you change the zoning
10 to age-qualified district for the benefit of our
11 community. Thank you very much.

12 MR. GRABOWSKI: Thank you, sir.

13 Next name we have is Ms. Mary
14 Schiavone of 822 Township Line Road.

15 - - -

16 MARY SCHI AVONE, having
17 been duly sworn, was examined and testified as
18 follows:

19 - - -

20 MS. SCHI AVONE: Mary Schiavone,
21 Township Line Road.

22 I've been watching the videos up
23 here and I'm a little confused. There's
24 supposed to be 268 homes with approximately 450

25 people. Let's say we have one car per home,

1 that's 450. Now McGrath is telling us that 40
2 percent of the residents will be working. 40
3 percent is 180 people out of the 450. How do we
4 get 65 cars that are going to be going out in
5 the a.m.? It's funny math, funny arithmetic. I
6 ask the Board of Supervisors to look this whole
7 thing over and study it before you make a
8 decision. Thank you.

9 MR. GRABOWSKI: Thank you.

10 Next is Alice Kachline of 529 Mill
11 Road.

12 - - -

13 ALICE KACHLINE, having
14 been duly sworn, was examined and testified as
15 follows:

16 - - -

17 MS. KACHLINE: Alice Kachline, 529
18 Mill Road.

19 First, just let me say that I live
20 in the southwestern part of the Township,
21 whereas Joyce Egly and the Hockman property are
22 in the northeastern part. I couldn't live much
23 further away and still be in the same Township.
24 This developer would not affect me and my
25 quality of life; however, having lived here for

1 over 50 years, I care about the Township and
2 know that these types of developments are going
3 to destroy it. And we're looking at more and
4 more townhouses and apartment complexes in the
5 short time.

6 I have nothing against the
7 age-qualified development, I think they do have
8 a need. I just feel that this development
9 doesn't belong there. If I had been a
10 supervisor when McGrath had come in several
11 years ago, I would have told them, don't waste
12 your time and money. This development simply
13 doesn't belong in this location for many
14 reasons.

15 Most important reason that I have
16 which I've already stated is the traffic. You
17 can push numbers around all you want. I still
18 see a lot more cars going down 313 trying to go
19 through Dublin. Again, like I said, you can't
20 get through Dublin now as it is.

21 Several years ago the results of a
22 survey on the comprehensive set out
23 overwhelmingly support limit public sewer and
24 public water. The survey also noted again
25 age-restricted housing. Another misconception

1 that has been put out there is that the Township
2 had so many failing systems and yet another
3 dated September 27, 2004 from the Bucks County
4 Department of Health shows this not to be true.
5 In response to this report, our septic system
6 review of Hilltown Township on October 11, 2004,
7 Gary R. Brown, professional engineer, after
8 reviewing the Bucks County Department of Health
9 stated, quote, Based on my review --

10 MR. GRABOWSKI: One minute
11 remaining.

12 MS. KACHLINE: -- based on my review
13 of the data, neither the individual repair
14 category nor the total recorded repair show the
15 significant increase in trends. I would like to
16 ask the Board to put a question on the ballot in
17 the spring asking the voters, do you want public
18 sewer in residential at this moment? If they
19 vote for public sewers, I'll never bring the
20 subject up again. I think you know as well as I
21 do, that won't happen.

22 You've had a few people here this
23 evening which have their own special interest.
24 But you got to look at the whole Township, not
25 just a few people with their own special

1 interests. Thank you.

2 MR. GRABOWSKI: Next name I have is
3 Mark Antunes of 932 Callowhill Road.

4 - - -
5 MARK ANTUNES, having been
6 duly sworn, was examined and testified as
7 follows:

8 - - -
9 MR. ANTUNES: Mark Antunes, 932
10 Callowhill Road.

11 Thank you very much for allowing me
12 to speak. Before I make my comments about the
13 ordinance and what McGrath is proposing, I want
14 to make a statement from the bottom of my heart.
15 I spoke to George Egly earlier and I just want
16 to say that any negative comment about this
17 ordinance or this particular plan is not a
18 reflection on George, he has been an
19 outstanding, exemplary citizen and public
20 servant of this community for a long, long time.
21 And if the rest of us all rose to his level, we
22 would all be the better for it. He is a
23 tremendous individual and I thank him for his
24 years of service and dedication. Thank you,
25 George.

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1 I am not opposed to age-restricted
2 housing, it's a good concept and it may have
3 financial beneficial aspects to it for the
4 community at large regarding school tax base
5 issues. My concern is with the ordinance, let's

6 not lose track of that. Because this proposal
7 and this ordinance will open the floodgates.
8 And just as tenaciously and aggressively and
9 doggedly as these people have pursued this,
10 every other developer will view this as red
11 meat. This is a big welcome mat. And every
12 parcel is 50 acres or larger will be subject to
13 the same density. And by the very construction
14 of this ordinance, the buffers and the setbacks
15 that was established earlier will not have to be
16 as great or as generous.

17 So what we are doing here is not
18 specific to this individual location. What we
19 are doing is considering opening up the rest of
20 the community for this exact type of thing, but
21 without the same buffering and without the same
22 amount of open space. You have to think beyond
23 this and that is --

24 MR. GRABOWSKI: One minute
25 remaining.

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1 MR. ANTUNES: Thank you. That is not
2 a good idea necessarily. I would like to see
3 this in the areas where we have already
4 designated and spent countless hours and funds
5 coming up with the zoning plan to designate that
6 sort of dense population and infrastructure.

7 And the other idea that there are
8 going to be 95 by-right homes in a plan has not

9 been proven, it has not gone through the same
10 process. Mr. Wynn would not comment, but I've
11 seen it go before the planning board and that
12 plan is not detailed to that level. So that is
13 a supposition that will not necessarily hold
14 true. Great idea, wrong location.

15 George, you're a heck of a guy.

16 Thank you.

17 MR. GRABOWSKI: Sandy Williamson of
18 Mill Road.

19 - - -

20 SANDY WILLIAMSON, having
21 been duly sworn, was examined and testified as
22 follows:

23 - - -

24 MS. WILLIAMSON: Okay. Although I
25 am now under oath, I can say in response to

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1 McGrath's solicitor, I do have a crystal ball.
2 My crystal ball tells me two things: That if
3 anyone in this audience thinks that their taxes
4 will go down because of this proposed
5 development, they're mistaken. The taxes will
6 not go down, that's my crystal ball prediction.
7 Taxes will maybe not rise as quickly, but they
8 won't go down.

9 My second prediction is that we
10 did a rough count of approximately 20 properties

11 currently of 50 acres or greater. This
12 development, the compelling reason for this
13 development is basically because they want it.
14 You do the math of 95 houses at \$600,000 even
15 compared to 263 at \$400,000; it's staggering.
16 It's shared-wall construction, it's one roof.
17 It's one infrastructure. Is it a pleasant place
18 to live? Probably. Is it a much better design
19 than initially presented? Yes. It's a far
20 better design. But we also remember too that
21 they came in saying that they couldn't possibly
22 have less than the 456 because they would charge
23 prohibitively high fees to their members. That
24 number was apparently set in stone at the time.
25 And apparently the members will continue at a

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1 greatly reduced number and the fee will cover
2 the cost of the clubhouse.

3 I think what Mark Antunes said is
4 true in this regard. Keep in mind the 20
5 properties of 50 acres or greater, keep in mind
6 that if these things are only done in response
7 to Planning Commission suggestions by McGrath
8 and not written into the ordinance, that is a
9 flash point. And if there is a way to
10 strengthen the language that strengthens the
11 deed restriction of age-qualified, that's
12 something that really should be looked into.

13 MR. GRABOWSKI: One minute
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14 remain ing.

15 MS. WILLIAMSON: Even McGrath
16 considered rebuilding. There was a discussion
17 at the time up in Saucon Valley, I don't know
18 what happened with that, I think it's still
19 under review, a single-family, age-qualified
20 home, something else they might consider. I
21 think you have to really consider with this
22 ordinance that this plan was -- apparently, you
23 couldn't fly at less than 456 and now it's here
24 at 268.

25 I think the cell tower house could

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1 go away, the quad by the cell tower as a start.
2 But the bottom line is the tremendous amount of
3 profit that these houses generate and that will
4 mean that you get more of these applications in
5 the future.

6 MR. GRABOWSKI: Thank you.

7 Next individual I have on the list
8 is Eleanor Cobb of 2300 Rickert Road.

9 - - -

10 ELEANOR COBB, having been
11 duly sworn, was examined and testified as
12 follows:

13 - - -

14 MS. COBB: I would like a letter to
15 the supervisors read into the hearing minutes.

16 Eleanor Cobb -- and my husband and I both signed
17 this letter. We have two requests of the
18 supervisors. The first concerns adequate water
19 supply. The Bucks County Planning Commission
20 has been a driving force behind a water study
21 called the Pennridge Water Resources Plan. We
22 have lived here almost 30 years and just this
23 year received a notice that our water could be
24 jeopardized by the Blooming Glen Quarry.
25 (Inaudible) -- the water comes from mixed wells,

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1 there are Hilltown wells within a mile and
2 one-eighth from the Blooming Glen Quarry. We
3 would like the above water study completed
4 before there are major changes to our zoning
5 code that potentially allow for 500 new
6 residents in our area of Hilltown.

7 Presently and just this quadrant
8 from 152, 313 and Broad Street, there are over
9 150 lots already approved. When these lots are
10 approved and the families move in, there will be
11 more of a strain on our water supply.

12 The second issue I would like you
13 to address is traffic safety. Bucks County has
14 the third highest traffic fatality rate in
15 Pennsylvania just behind Philadelphia and
16 Pittsburgh. We would like the Township of
17 Hilltown to do a traffic study particularly of
18 the areas of potential use by the 55-plus

19 development that will include the following
20 intersections: Minsi Trail and Route 113, Minsi
21 Trail and Route 313, Minsi Trail and Blue School
22 Road, Blue School Road and 313. I spoke to
23 several residents on Minsi Trail and they said
24 how difficult it is to access 113 with their
25 travel trailer. All of these intersections are

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1 dangerous. My neighbor across the street --

2 MR. GRABOWSKI: One minute
3 remaining.

4 MS. COBB: -- was killed at Minsi
5 Trail and Blue School Road. If this zoning
6 change becomes a part of the Hilltown code,
7 there will need to be a traffic signal at the
8 entrance proposed at this development on 313 as
9 both northwest and southeast traffic approaching
10 this development have steep slopes.

11 The Hatboro council just ordered the
12 Borough to conduct a traffic study to see how an
13 age-restricted community there would impact
14 traffic. They are considering 168 condos, not
15 nearly the 268 units being considered here. You
16 are responsible to protect the health, the
17 safety and welfare of all Hilltown residents.

18 MR. GRABOWSKI: Thank you.

19 The last name that I have this
20 evening is Mr. Gene Cliver of 427 Telegraph

21 Road.

22 - - -

23 GENE CLIVER, having been

24 duly sworn, was examined and testified as

25 follows:

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1 - - -

2 MR. CLIVER: I'm here to
3 try to fight for freedom in this country. These
4 here laws as all these zoning charges that I
5 can't figure out how that's legal in this
6 country. Two of my cousins died in the Second
7 World War fighting for freedom, not for
8 bureaucracy. Bureaucracy is tying up this
9 country in all cases.

10 And all you people that have
11 children and grandchildren, they're going to
12 have to have homes too. And I can't see with
13 people complaining all the time, they're never
14 going to be able to have a home in this country.
15 The water retention on there, God made the water
16 retention in this world, he made the oceans, the
17 seas, the ponds, the lakes, the rivers, the
18 streams, the creeks and the runoff ditches. And
19 they'll do the sufficient job for the runoff,
20 you don't have to have bureaucrats making
21 holding ponds in these things and wasting
22 valuable land which could be used for housing
23 for your children.

24 One of these days nobody's going
25 to be able to own a house in this country. And

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1 the only reason I'm here is because they tried
2 to steal my land for open space and they didn't
3 want to pay for it, they were going to make an
4 ordinance. And that's wrong, that's not right
5 in this country. That's all I have to say.

6 MR. GRABOWSKI: Thank you, sir.

7 With that, we've come to the end of
8 the sworn statement list. At this point what
9 happens next? The Board will take under
10 advisement all the testimony, review the
11 transcript when it becomes available of all the
12 questions and answers not only of tonight's
13 hearing but of the first hearing as well.

14 The Board hasn't told me what
15 they're going to do; so I am guessing they will
16 either decide probably over the holidays as to
17 whether or not they need any additional
18 hearings, whether they need to have the
19 Applicant come back to explain anything, whether
20 they want any of you to come back to explain
21 what you've said. That's one option.

22 Another option is to do nothing,
23 just let the matter die. The third option may
24 be to hold a public hearing to make a decision.
25 Whatever they decide to do, it will be by way of

1 a public hearing. It will be advertised in the
2 Legal Intelligencer, it will be announced at a
3 forthcoming public hearing in order to authorize
4 that advertisement. I'm sure it will be on the
5 Township website, the property will be posted.

6 And if anyone has any questions,
7 I'm sure that the Township staff will be willing
8 to accept your phone calls to give you whatever
9 the status might be of the matter. I will
10 suspect that with the holidays that the
11 transcript of tonight's hearing probably will
12 not be ready until after the holidays are over.

13 There are no other meetings or
14 hearings by the Board for the rest of this year.
15 There is a reorganization meeting, I believe, on
16 January 2nd and the next full regular meeting
17 isn't until the fourth Monday of January.

18 I don't want to speak for the
19 Board, but I doubt there will be any decision as
20 to whether or not there will be any other future
21 hearings made until that fourth Monday. Would
22 that be correct, Board Members?

23 MR. McILHINNEY: I don't believe
24 that would be correct. I think we may have an
25 interim meeting before that.

1 MR. MANFREDI: For what purpose.

2 MR. McILHINNEY: Potential meeting
3 for interviewing candidates for --

4 MR. MANFREDI: I think the question
5 is relative to --

6 MR. McILHINNEY: We can have another
7 meeting and maybe decide whenever a third
8 meeting if needed.

9 MR. MANFREDI: If needed.

10 MR. McILHINNEY: If needed. Wait
11 until the end of January. I'm not --

12 MR. GRABOWSKI: So that might be a
13 possibility and that would be so advertised.
14 With that, this public hearing is concluded and
15 I will turn the meeting back over to Chairman
16 McIlhinney. Thank you.

17 MR. McILHINNEY: Thank you. I'll
18 just give a few quick words. The meeting is
19 concluded until such time as the Board decides
20 when and if a further meeting is required. Do I
21 have a motion.

22 MS. SALVADORE: Make a motion to
23 adjourn the meeting.

24 MR. McILHINNEY: Do I have a second.

25 MR. MANFREDI: Second.

121106-Hill town1
(Hearing concluded at

2
3 9:45 p.m.)

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I, Brenda J. Cappiello, hereby certify that
the proceedings and evidence are contained fully
and accurately in the notes taken by me in the
above cause and that this is a correct transcript
of the same.

Brenda J. Cappiello
Court Reporter/Notary Public

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