

**HILLTOWN TOWNSHIP PLANNING COMMISSION
WORKSESSION MEETING
MONDAY, DECEMBER 2, 2019**

The work-session meeting of the Hilltown Township Planning Commission was called to order by Chairman David Christ at 7:30 PM and opened with the Pledge of Allegiance. Also present were Planning Commission members Jon Apple, Brooke Rush, Eric Nogami, Kirk Hansen, and Township Engineer, C. Robert Wynn.

1. APPROVAL OF MINUTES – Action on the minutes of the November 18, 2019 meeting – Motion was made by Mr. Nogami and seconded by Mr. Hansen to approve the November 18, 2019 meeting minutes as written. Motion passed 4-0-1 with Mr. Apple abstaining. There was no public comment.

2. PUBLIC COMMENT ON AGENDA ITEMS ONLY: None.

3. CONFIRMED APPOINTMENTS:

a) Rosenberger Minor Subdivision – Jason Smeland, P.E. – 2 lots – Minsi Trail – Mr. Jason Smeland, P.E., Lenape Valley Engineering, was in attendance to present a 2-lot minor subdivision located on a 2.84-acre parcel within the RR Zoning District along the east side of Minsi Trail. The site is currently vacant, contains wooded areas, steep slopes, a fenced pasture area, and is proposed for construction of new single-family detached dwellings with driveway accesses along Minsi Trail. The lots are proposed to be served by public water and public sewer facilities owned by Hilltown Township Water and Sewer Authority. Mr. Smeland reviewed Mr. Wynn's review letter dated November 18, 2019 and discussed the following waivers:

1. SLDO Section 140-28.P, 140-29.D, 140-35, and 140-36, which require cartway reconstruction/overlay, drainage improvements, cartway widening, curb, and sidewalk along existing roadways within the frontage of the site. The applicant will discuss the capital contribution in lieu of the waived improvements with the Board of Supervisors.

2. SLDO Section 140-17.D which requires existing features within 100 feet of the site to be shown on the subdivision plan.

3. SLDO Section 140-40 and SMO Section 401 which requires submission of detailed erosion/sediment control plan and stormwater management calculations and plans with the subdivision plan application. This information will be deferred until the time of building permit application submission. A Declaration of Covenants, Conditions and Restrictions will memorialize the requirements.

4. SLDO Section 140-27.B(4) which requires the lot line orientation be oriented substantially a right angle to the street line and from the street line to the rear of the lot.

5. Mr. Smeland discussed the approximate 60 replacement trees requirement and stated the applicant may propose a fee in lieu or to plant the trees somewhere else in the Township. The applicant has been involved in planting trees all along his properties that have been preserved and he would like to propose the trees be planted on his property next door that is across Minsi Trail. The applicant also noted there are about 150 dead ash trees that have to be removed from that property.

6. Mr. Smeland noted a PennDot permit will be needed for the separate driveway accesses along Minsi Trail. Mr. Smeland continued to note an E&S permit will be needed to clear out some of the embankment in order to obtain the PennDot permit for the driveways. This will be done prior to the plan recordation.

7. Mr. Smeland noted all of the remaining items contained in Mr. Wynn's review letter are "will comply".

8. Mr. Smeland noted Ordinance 140-37.G(6)c & d which discusses planting replacement trees at designated off site areas or other riparian buffer areas in need of planting or accept a fee in lieu of the required replacement trees.

Motion was made by Mr. Rush, seconded by Mr. Nogami and carried unanimously to recommend Preliminary/Final approval for the Rosenberger Minor Subdivision contingent upon Mr. Wynn's review letter dated November 18, 2019 and the planting of the replacement trees in the riparian corridor on the applicant's preserved parcel across Minsi Trail. There was no public comment.

b) 781 Minsi Trail Final Plan – Steve Yates – 5 lots – Minsi Trail – Mr. Steve Yates, Lynn Builders, was in attendance to present the Final Plan for a 5-lot subdivision located at 781 Minsi Trail. Mr. Yates reviewed Mr. Wynn's review letter dated November 25, 2019 stating most of the items are "will comply" and discussed the following:

1. Mr. Yates stated a drainage swale along the common property line was identified and he is in agreement to an easement to be placed at the area and recorded.

2. Mr. Yates stated a fee in lieu will be proposed in regard to the installation of the replacement trees.

3. Mr. Wynn noted PennDOT does not except stormwater drainage improvements in their roads. They require the local government to maintain them.

4. Mr. Yates stated the postmaster stated a gang mailbox is required particularly since the road is likely to be extended with additional homes. Glen Court has been proposed for the street name.

5. A Stormwater Maintenance and Monitoring Agreement and a PennDot Stormwater Maintenance and Monitoring Agreement have been executed and the appropriate fees have been paid to the Township.

6. Mr. Yates stated they are revising plans to address the review letter with HTWSA for both the sewer and the water connections.
7. Mr. Smeland stated an email has been received from Dublin Fire Company in regard to their review of the plan.
8. Mr. Yates stated the Planning Module is in process.
9. Mr. Rosenberger has agreed to not oppose putting a streetlight on the existing pole at the intersection at Schwenkmill Road. Mr. Yates is waiting for PPL to approve the streetlight.
10. Mr. Yates will submit the capital contribution in-lieu-of recreation land dedication.
11. Mr. Wynn stated the disclosure statement should have an additional disclosure stating the 5 new property owners will share the cost of the streetlight with the regular tax bill.

Motion was made by Mr. Hansen, seconded by Mr. Apple and carried unanimously to recommend Final plan approval for the 781 Minsi Trail subdivision contingent upon the items contained in Mr. Wynn's review letter dated November 25, 2019. There was no public comment.

c) Venue at Hilltown Zoning Petition – Carrie Nase-Poust Esq. – 194 Dwelling Units – Swartley Road – Mr. Wynn stated the Planning Commission has his review letter dated November 26, 2019 and the Traffic Engineer, Heinrich & Klein, review letter dated November 27, 2019. Mr. Wynn continued to state, most importantly, there is not a Bucks County Planning Commission review yet. Ms. Carrie Nase-Poust, Esq., Fox Rothschild, was in attendance on behalf of Lennar, along with Sam Carlo, representative of Lennar, Eric Britz, Bohler Engineering, and Nicole Kline, McMahon Associates, and gave a presentation on the proposed development of a B7 Retirement Village along Swartley Road. She continued to state Lennar is the equitable owner of approximately 75 acres along Swartley Road near Route 309. There are three parcels that are currently zoned PC-1, and the remaining parcels are zoned RR. There is a portion of an overall property, approximately 25 acres that is currently vacant, and two portions of properties that will be consolidated and subdivided, if the project goes through, that are zoned PC-1. Another property in the area is also zoned PC-1 which is the existing paintball facility on Swartley Road. There are two other parcels with one being an existing dwelling which will be demolished as part of the proposal, and an additional property that is currently vacant. Ms. Nase continued to state the B7 retirement village is currently permitted within the Township under the VC zoning district which are, according to the Comprehensive Plan, intended to preserve the historic nature of the villages. There is not a lot of area which could be developed for this permitted type of use. A B7 retirement village is permitted in the CR-1 zoning district and the PC-1 zoning district. Since a portion of the property is zoned PC-1, previously, there was an application filed requesting a portion of the subject property be re-zoned to PC-1. After conversations with the Board of Supervisors, concerns were raised that if the development does not go forward, what uses would be permitted under the PC-1 district. The applicant is now proposing an ordinance amendment to allow a B7 use within the RR zoning district by Conditional Use. In order to do that, certain properties that would be

able to be developed for a B7 use, would need to satisfy certain criteria. To keep with the intent of the ordinance, there is a requirement that only properties zoned RR that is adjacent to the PC-1, or if one was to consolidate properties to make a larger tract, also include land that is zoned PC-1, would be permitted to come in under a Conditional Use application. The second requirement is that there is a secondary access to an arterial road, so they increased the minimum lot size to sixty-five acres. Considering the criteria, there are several properties along the PC-1 district, along Route 309, that could potentially be developed. The sketch plan has been submitted with a petition to re-zone consisting of 194 units with 74 single family detached dwellings, 72 twin dwellings, and 48 townhomes. The density would be 4.2 units per acre where the current ordinance regulations allow 5 units per acre. Each of the single-family detached homes would have a two-car garage plus 2 parking spaces along with their driveway. The twins and the townhouses would have one parking space in the garage and one parking space in the driveway. The plan proposes to preserve approximately 42 acres of open space which is 55% of the site. There are numerous trails that go throughout the open space and a club house facility with other amenities such as a tennis court, bocce ball court, and a pool. If the use is approved and moves forward, they will go through the land development process, providing the buffers that are required, and all other requirements per the Subdivision/Land Development Ordinance and the Zoning Ordinance. The second access out to Route 309, via an access easement across the commercial portion, is being provided. There is a sidewalk that is being proposed along one side of the road to allow residents to walk into the commercial area which is proposed to be re-developed sometime in the future. Ms. Nase stated they believe this proposed use would have much less of an impact than other uses that would otherwise be permitted by-right on this property, either under the PC-1 district or if it was just a traditional single-family residential development. This would be an age-restricted development which would be subject to a covenant being recorded against the property which would state at least one occupant of each home would have to be age 55 or older and children under the age of 18 are not permitted. Ms. Nase continued to state looking at an age restricted development of this type, results in a positive fiscal impact to both the Township and the school district creating a surplus to both entities. Ms. Nase reviewed Mr. Wynn's review letter dated November 26, 2019 highlighting the following:

1. Ms. Nase stated the proposed use and the re-zoning is consistent with the Comprehensive Plan, although, certain provisions of the Comprehensive Plan may need to be amended. The Comprehensive Plan indicates that there has been a large change in population between 2010 and 2014 for the elderly age groups. There has been an increase in population of over 600 individuals in the age 60 to over 85 years old during that time span. Obviously that demand must be satisfied by providing adequate housing. There has not been other B7 uses that have been developed in the Township although there is an age qualified B9 proposal that is on Route 313 that is currently under development.

2. Ms. Nase stated this type is permitted within the PC-1 district which is a commercially zoned district. The other zoning districts that it is allowed is also commercially zoned. Other parcels that could be developed for this use are also adjacent to other residential and agricultural uses so, they believe this particular development is still consistent with the intent of the ordinance in where it has defined where it would be permitted to be developed.

3. Ms. Nase said will serve letters have been received from both Hatfield Municipal Sewer Authority and North Penn Water Authority and have confirmed that public water and sewer is available in this area.

4. Ms. Nase stated, in regard to the ordinance amendment proposal, the B7 use would be allowed as a conditional use in the RR District but only on those properties that satisfy certain criteria: being adjacent to the PC-1, having a secondary access to an arterial street, and having a minimum base site area of 65 acres. The maximum density for B3 use is 2.25 dwelling units per acre and B4 is 5 dwelling units per acre which is consistent with the current ordinance amendment, so it is not being revised.

5. Ms. Nase stated the majority of the homes are first floor and will have two bedrooms but there are certain options where a second floor or a loft could have the third bedroom whether it be an office, or a guest room if people have grandchildren who come to visit.

6. Ms. Nase requested the deed restrictions (contracts and legal arrangements) be approved during the Conditional Use process so that it would be a condition of the approval and the Township would be satisfied that those requirements are in place. It was noted, one of the occupants must be over 55, not necessarily the owner. The governing body that will monitor the age requirements will be The Homeowner's Association.

7. Ms. Nase stated they have increased the parking requirements to 2.5 spaces per dwelling unit from the 2 spaces for the B3 use and the 1 space per unit for the B4 use. Two additional provisions that are included are: 7.5 parking spaces for every 1,000 SF of the clubhouse, and spaces within garages may count toward the parking requirements so long as conversion of that space into habitable space or storage space is prohibited in the declaration that is recorded against the property.

8. Ms. Nase stated they added a new general requirements section. This section was added to address some items that are not currently addressed under the B7 use but that they thought were helpful or that may otherwise be addressed under the B9 use. The items consisted of: the retirement village be served by public water and sewer, open space would be restricted from further subdivision or development and it would be owned and maintained by The Homeowner's Association, certain stormwater management facilities maybe permitted to be located within the minimum open space so long as it includes features that would integrate it as passive open space, the streets within the retirement village shall be owned and maintained by The Homeowner's Association and not be dedicated to the Township, and regulations for lighting.

9. Ms. Nase stated they are proposing to amend the tabulation for woodland preservation to allow a B7 use in the RR district by Conditional Use to also take advantage of the 40% woodland preservation which is consistent with the regulations under the current zoning district.

10. Ms. Nase stated the Table of Use Regulations will be amended and re-submitted to confirm that this use is proposed to be permitted by Conditional Use in the RR district and only by-right in the VC, PC-1, and CR-1 districts.

Mr. Wynn questioned if Ms. Nase looked at the feasibility of having use B7 Retirement Communities in areas that are now permitted by-right such as the CR-1 district. Ms. Nase stated that she has not done a full comprehensive analysis of all parcels that are available in those districts. She looked at the Comprehensive Plan which addresses the land areas that are currently available. Ms. Nase continued to discuss the Comprehensive Plan and different available parcels in the Township. Ms. Nase concluded that she will prepare an analysis on how many units is needed to make the project feasible in order to pay for the facilities and amenities in this type of development and how much land would be required.

Mr. Wynn commented that Hatfield Municipal Sewer Authority stated they can physically serve the project, but they do not have the jurisdiction yet. The area of service would have to be expanded for Hatfield because they do not have the right to serve the RR area.

Ms. Nicole Kline, McMahon Associates, reviewed the Township Traffic Engineer, Heinrich & Klein Associates, Inc., review letter dated November 27, 2019 highlighting the following:

1. Ms. Kline stated they did a complete traffic impact study for the project at this phase and it is certainly much earlier than a traffic study would typically be prepared but they wanted to show what it meant in terms of traffic impact. They prepared the traffic impact study in accordance with Township and PennDOT criteria knowing that, again, if the project would move forward into Land Development, they would need to complete it anyway.

2. Ms. Kline stated all of the comments in the review letter are very reasonable and items that they would expect to need to address as they go through land development in terms of traffic. There is nothing in the letter they don't think can be resolved and are primarily "will comply." Some of the comments are requesting additional information which will be provided and some comments that will further the design and the planning of the site will come in the land development phase.

3. Ms. Kline stated the plan was a sketch plan that did not go into details on the pedestrian-bicycle facilities but will comply with the details when the formal plan is submitted.

4. The Traffic Count Summaries, as well as all other supporting documents, will be provided.

5. The traffic counts will be clarified.

6. The speed limit along Bethlehem Pike will be documented.

7. It was noted the rounding of the trip generation calculations will not have a significant effect on the results of the TIS.

8. As the project moves into land development, they would need to provide some additional analysis and information to incorporate both the retirement village as well as a planned commercial re-development along Route 309 since the inter-connected access is planned.

9. It is anticipated the Route 309 access would serve most of the commercial traffic, hence permit left turns in via a dedicated left turn lane, and right turns in and right turns out. They would anticipate PennDOT would not allow left turns out at that location so it can remain un-signalized. They contemplate a signalization at Route 309 and Swartley Road. It is their understanding there is a proposed industrial development in Hatfield Township which proposes to construct the fourth leg to the intersection opposite Swartley Road so a signalized intersection at that location would benefit both the commercial and the potential retirement village as well as many other existing properties that access Swartley Road. It was noted that a traffic light has not been approved at the location but was discussed in the past with PennDOT supportive of it in general discussions. Mr. Wynn noted there were discussions it warrants a traffic signal, but it was not approved.

10. The access to Route 309 requires a PennDOT HOP permit and they would have to conform to all of the design requirements of PennDOT and the corner radii will need to be designed in accordance with the appropriate design vehicle for the site.

11. Site distance will be prepared as the project moves forward.

12. The property frontage along Swartley Road will be widened to provide at least 14 feet from the existing centerline along Swartley Road.

13. They will look for the application of the Sterling Business Park in order to take it under consideration for the improvements.

14. Additional technical information will be provided.

15. Detailed information will be provided in regard to access points.

Discussion occurred regarding the commercial development constructing an access up to Swartley Road to access the traffic signal for residents to go south on Route 309.

Ms. Kline noted they did not do any detailed analysis of the bridge on Swartley Road. She continued to state with the improvements proposed on Route 309 and the access configurations, it is anticipated that 90 – 95% of the traffic is going to be destined from that direction and so there will be very little traffic added toward Hilltown Pike and across that bridge. Ms. Kline stated as part of the study, they are required to look at a number of intersections that surround the site so they look at existing travel patterns and assess on how existing traffic is using the road network and that is a good predictor of how future traffic will utilize the road network. If someone is driving on Hilltown Pike and they want to go on Route 309 south, they will stay on Hilltown Pike to Route 309 and not cut through Swartley Road.

Mr. Wynn asked if Ms. Kline knew the number of vehicles that are making left turns onto Hilltown Pike going south on Route 309. Ms. Kline stated they studied the Hilltown Crossing/Orvilla Road intersection. Mr. Wynn stated if someone is going south on Route 309 and they want to end up on Hilltown Pike, wouldn't this be a cut off if there is a light at Swartley Road . . . take the left at

Swartley Road and save the trouble of going down to Hilltown Pike. Ms. Kline stated, based on the roadway network that is there today, it is not terribly difficult to make a left onto Swartley Road, depending on the time of day. Mr. Wynn continued to state at the same time the traffic jams at Hilltown Pike and Route 309 so it might be more convenient to make the left turn which would increase traffic which should be included in her study. Ms. Kline stated that intersection could easily be added and then they would really understand how much left turn traffic is there today and it would be reasonable that some percentage of it, particularly during the afternoon, might turn left onto Swartley Road so they can quantify that so it is a reasonable request. Mr. Wynn stated he didn't see the Swartley Road Bridge in Ms. Kline's report, and it is a requirement in the traffic study that it is addressed. Section 140-20 of the subdivision ordinance states the report shall describe the entire external roadway system within the study area and include discussion of existing designed deficiencies and potential safety hazards. The structure has been struck several times along with traffic accidents. It is a narrow culvert crossing at a hard angle and it should be included in the report. Ms. Kline stated the traffic impact study is not a requirement of this phase. Mr. Wynn disagreed with Ms. Kline stating the traffic impact study is a requirement of this phase. Ms. Kline stated the development is a low traffic generating use in total based on PennDOT classifications so even if some slightly higher percentage of traffic would go east, they are talking about a small handful of trips during any given peak hour.

Public Comment:

1. Richard Franklin, 12 N. Valley View Road, spoke about Swartley Road, the word retirement village, the traffic on Route 309, and contact the local police about the number of accidents at Swartley Road and Hilltown Pike.
2. Dale Ott, 246 Mill Road, read from a prepared lengthy list of items in regard to his concerns about the proposed plan. Mr. Wynn commented the items marked on the plan are the proposed ordinance not the existing zoning ordinance. Mr. Ott discussed the 25 acres in the back portion of the plan that has a drainage issue.
3. Sandra Hersh, 815 Hilltown Pike, is concerned over an ordinance amendment and whether the other areas along Route 309 that would then fall into it, especially the big empty track of land across Swartley Road from this development.
4. June Brauer, 304 Swartley Road, stated she spoke to Hatfield Township and there is not a proposed industrial park across from Swartley Road. There is one industrial building and they have no intention of asking for a traffic light.
5. Dale Ott, 246 Mill Road, stated 75 acres is a massive amount of acreage to be considered for this type of condensing of houses and could be accomplished on a 25-acre lot minimum and still have less of an impact on the community.
6. Carl Wagner, 601 Hilltown Pike, questioned the 55% open space, the location is wrong, the congestion is bad, and the many accidents on Swartley Road. He also strongly objects to the 2 ½ minute limit on public comment.

7. Neil Barilla, 505 Swartley Road, stated the commercial property plans need to be submitted before a zoning change is considered and should be put on hold until the whole plan is seen, and he strongly objects to the project.

The Planning Commission tabled the project until the next meeting on January 21, 2020.

4. PLANNING: None.

5. ORDINANCES: None.

6. OLD BUSINESS: None.

7. NEW BUSINESS: None.

8. PLANS TO ACCEPT FOR REVIEW ONLY:

a) AF Partnership Land Development Sketch Plan – 3,600 SF Building – 122 Bethlehem Pike – Mr. Wynn stated there might be a Zoning Hearing Board issue with this project.

9. PUBLIC COMMENT: None.

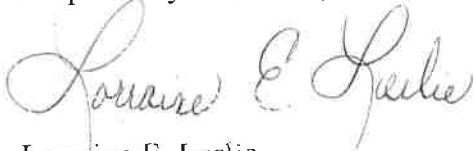
10. PLANNING COMMISSION COMMENTS: Mr. Hansen stated this is his last meeting. He was on the Planning Commission for 6 years prior to filling in for Joe Marino's position for a total of 10 years. He continued to state he has enjoyed working with the all of the members of the Planning Commission. Mr. Christ thanked Mr. Hansen for stepping up and volunteering for a second time for the Planning Commission four years ago. It was a challenge to find volunteers at that point and Mr. Hansen gracefully stepped up and volunteered.

11. PRESS CONFERENCE: None.

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12. ADJOURNMENT: Upon motion by Mr. Hansen, seconded by Mr. Apple and carried unanimously, the December 2, 2019 Hilltown Township Planning Commission work session meeting was adjourned at 9:52 PM.

Respectfully submitted,

A handwritten signature in cursive script that reads "Lorraine E. Leslie". The signature is written in dark ink and is positioned above the printed name and title.

Lorraine E. Leslie
Township Manager/Treasurer

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