

**HILLTOWN TOWNSHIP PLANNING COMMISSION
WORKSESSION MEETING
MONDAY, MARCH 2, 2020**

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, and Township Engineer, C. Robert Wynn.

1. APPROVAL OF MINUTES – Action on the minutes of the January 21, 2020 meeting – Motion was made by Mr. Nogami and seconded by Mr. Rush to approve the January 21, 2020 meeting minutes as written. Motion passed 3-0-1 with Mr. Apple abstaining. There was no public comment.

2. PUBLIC COMMENT ON AGENDA ITEMS ONLY: None.

3. CONFIRMED APPOINTMENTS:

a) Dale Ott – Hilltown Friends Group – Mr. Ott read several written documents in regard to the Venue at Hilltown consisting of the following:

- **Response to the Venue at Hilltown Development Plan**

- **Response by Carrie B. Nase-Poust, Esq. by document number:**

1. The use that is set forth in the Zoning Ordinance is identified as a Retirement Village and the words are not changing. Both the B7 and the B9 are regulated by the Federal Fair Housing Act which does limit development for 55 and over.

- **Response by Dale Ott by document number:**

1. The Zoning Ordinance 160-23 B7 clearly states Retirement and B9 clearly states Age Restricted. Everything that the applicant has provided within the plans and the reports clearly states Age Restricted and he believes that is incorrect.

- **Response by Carrie B. Nase-Poust, Esq. by document number:**

3. Setbacks – the property will be owned and maintained by the Homeowner’s Association. Setbacks are proposed to be 5 to 10 feet on either side of the houses and a rear portion that will be excluded from Open Space. It will be a limited common area so the residents can use the area. The Declaration for the Homeowner’s Associations will include rules and regulations as to what can be done in the open space areas.

4. Maintenance vehicles – the Association will hire a management company that would be contracted for landscaping, snow removal, etc. so there will not be maintenance vehicle storage for vehicles to be stored on the property.

6. Housing type – the proposal will be two bedrooms with a loft option for a possible office/guest bedroom. The height limitations have not changed and is still compliant to the way the ordinance currently reads with the limitation of 35 feet in height.

- **Response by Dale Ott by document number:**

6. The applicant is asking, in the Private Petition, for three-bedroom houses so it is unclear as to why they would state they need three bedrooms when there is only two proposed.

- **Response by Carrie B. Nase-Poust, Esq. by document number:**

7. Turning radius – a template has been done and it can be confirmed the trucks will be able to make turns as shown on the plan.

8. Road maintenance – the Association will own and maintain the roads. Associations are very difficult to dissolve. The Declaration for the Homeowner's Association is required to be approved by the Township during the Conditional Use process and there is language that states any type of change or dissolution would need approval of the Township.

10. Lighting – the lighting will be provided in accordance with the ordinance requirements including driveway post lighting.

11. Stormwater – the project is in preliminary stage and the detailed analysis will be done as part of the Land Development plans.

13. Buffer yards – the ordinance requirements will be complied with in regard to residential uses being adjacent to each other as well as the buffer requirements that are along with PC commercial district and the residential.

• **Response to Private Petition for Zoning Amendment for the Venue at Hilltown**

- **Response by Carrie B. Nase-Poust, Esq. by document number:**

1. Re-Zone – the language was followed by the pre-printed application that the Township requires. The applicant is not asking for re-zoning but is asking for a text amendment to the RR District to allow B7 as a Conditional Use.

- **Response by Dale Ott by document number:**

1. Will the applicant re-write/correct the Petition?

- **Response by Dave Christ:** the applicant is following the Township application.

- **Response by Carrie B. Nase-Poust, Esq. by document number:**

2. Deleting 160-23 (B7) – in comparison a lot of the ordinance amendment itself has stayed consistent with what the Township currently has in place. Other things that have changed or that were being revised are near what the B9 use is because that is another age qualified district. Other items discussed include the bedrooms, physically handicapped items (case by case basis), and setback requirements. The declaration will be put in place to make sure the restrictions to the age

requirements are adhered to. The Federal Fair Housing Act states no one under the age of 18 can reside in these types of communities and those guidelines are being followed.

3. Dwelling units – the current ordinance requirements is for B4 and the requirement was not changed.

4. Height – the height was not changed and is consistent with the current ordinance that is in place.

- **Comment by C. Robert Wynn:**

In regard to taking out the requirement limiting children, the language is identical with the current ordinance. Section 7D of the current ordinance and Section 7E of the proposed ordinance are identical.

- **Question from Mr. Rush to Carrie B. Nase-Poust, Esq.:**

Neighboring residential buffering – Ms. Nase-Poust stated there is a 92-foot buffer along PC, along the rear there is a 100-foot buffer, and along the side there is approximately a 40-foot setback. The plantings will comply with the ordinance requirements.

- **Comment by Dale Ott:**

The plan notes the buffer is 30 feet on the one side. The private petition clearly states they want to delete the section in its entirety and replace it with their version. To say that they are going to comply is not written in that way.

• **Response to Impact Study for the Venue at Hilltown**

- **Request by Dale Ott** to present the Chief of Police state his opinion if the proposed 194 housing plan would be more of a stretch than the 38 single family houses on the site and would it create less of a burden for the Township staff than the proposed 194 along with less burden to the fire fighters, first responders, and EMT units.

- **Comment by Mr. Christ:** stated he does not want to get Township employees involved.

- **Response by Carrie B. Nase-Poust, Esq.:** will not address the comments that may be opinions as far as the type of housing and maintenance but will have David Babbitt address comments and questions relating to the actual analysis that was submitted.

- **Response by David Babbitt (prepared the Impact Study) by document number:**

1. & 2. The first several points deal with the issue of what happens to the homes that the people move out of and those families who move into this proposed development. That is not part of the impact of the proposed development. That is the impact of the existing development. Even if this development is not built, at some point, the people living in those larger older homes, are going to move out to an apartment or some other age qualified facilities. There is going to be housing turnovers in those units, and it has nothing to do with this proposed development directly. The projection on the number of persons and the number of the school age children moving into those

homes isn't based on anything he has seen. The demographic multipliers that he has used are all from one or two sources: Center for Urban Policy Research by the Rutgers University Bloustein School of Public Policy for Pennsylvania. There is also a study from the Montgomery County Planning Commission for units built between 2000 and 2010 and the 2010 census dated 2012. In regard to demographic multipliers, the number of people per units, and the number of school age children per unit is not going to be that terribly different amongst suburban communities on either side of Route 309. There is 3.5 persons per house for a single family detached with four bedrooms and about just slightly less than one school age child per unit. The standard is studied by looking at thousands of units across a wide geographic area. Looking at existing housing is going to be significantly different saying what is going to be the impact of the houses where these people move from is whatever it is. It is not part of the analysis; it's not relevant to this discussion. There will be no school age kids (under the age of 18) in this development. It would be against Federal Law and there are all kinds of safeguards to prevent it from happening. He has never heard of any situation (in over 30 years of planning) where an age qualified development has had a school age person in the district for more than one month or so. It is for the Township to decide, for certain uses in its zoning ordinance, what density is appropriate for the site.

3. Cells in the table – Mr. Ott is correct. There was a mistake in the original October 28th submission. There are two spreadsheets and didn't include the School District impact and will show the updated version.

5. Values – There is no evidence that there is a housing development of relatively high-end housing relative to the existing median housing price/value (\$318,000).

12. Service – The Police Chief was contacted twice: compared to his responses to the age-qualified development, what would be the impact on the police department of the by-right development (34 single family detached dwelling, 50,000 sf retail development, approximately 84,000 sf of in-line retail, and a 15,000 sf daycare center.) His response was that both developments would have an impact on the police department in slightly different ways. The general overall impact would be the same. The Township would look to hire additional staff (officers and administrative staff) and would also need to increase the fleet. Under the proposed scenario there is a significant amount of revenue generated by this development so that the Township can have those options; hire additional police officers and purchase additional police vehicles. In regard to the fiscal impact the Township gets a lot of money from the proposed development and spends relatively little such that the bottom line is a surplus every year of \$134,000. With the by-right option, the surplus every year would be \$53,000. The school district will have an enormous amount of revenue (\$1.2 million) every year and zero expenditures. For the by-right option, the single-family detached development actually results in a net negative number for the school district. It drains money from the school district. The expenditures outweigh the revenue. Such that, overall, the bottom line for the by-right option for the school district is only about \$129,000.

- **Response by Dale Ott:** To argue or speculate that the proposed 194 development are only concerned about what the development does and not the other areas that it impacts by actually doing it is ridiculous. If residents have the opportunity to re-locate, we have the ability to introduce 5 to 11 times the number of children into the district. If the by-right goes through, it introduces, at most, 15 school students into the district. He cannot imagine the introduction of 15 school students into the district, because of the by-right, has a negative impact based on the houses that are proposed.

- **Response by David Babbitt:** The numbers were based on a table that Mr. Ott used where he cites it from other studies and numbers from New Jersey. Mr. Babbitt's number is about 29 school age kids for a cost of approximately \$600,000 for year.

- **Response by Dale Ott:** Questioned Mr. Babbitt why his impact statement references Who Lives In New Jersey document that he quoted.

- **Response by David Babbitt:** Stated he does that for the age qualified development not for the by-right. It was all from the northeastern United States. Mr. Ott used the study from open market housing in New Jersey. Mr. Babbitt stated he is not using numbers that are specifically for New Jersey houses.

- **Response by Dale Ott:** Mr. Babbitt's impact study clearly states Table I-1 of Who's Living in New Jersey and is attached in the report (Appendix F).

- **Response to Competitive Market Analysis for the Venue at Hilltown**

- **Comments by Dale Ott:** They, basically, have not checked any of the data that was supplied to them or take any credibility for it. Mr. Ott discussed the Local Age Restrictive Communities map by stating there is an abundance of age restrictive communities and an abundance of houses that are available.

- **Comments by Faye Riccitelli, 515 Hilltown Pike, Line Lexington, Realtor:** voiced her opposition to the proposed plan from two perspectives: 1. As a 20-year resident of Hilltown and 2. As a realtor of 34 years selling in Bucks and Montgomery County. As a resident she moved to Hilltown for the country residential zoning and the rural residential setting. At that time, Hilltown had a reputation for protecting that status. She owns the horse property diagonally across from Swartley Road on Hilltown Pike and has been there for 20 years. She has witnessed a substantial increase in the amount of traffic over the last 5 years which has invited nothing but problems from accidents, noise, to more pollution in all of its various forms. From the realtor prospective, they do not need another 55+ community. Lisa Price's competitive market analysis only addressed the new construction and left out Pulte's presently approved Baulm property on 40 Foot Road for 354 units, which is less than four miles from the proposed development. The report also left out the existing 55+ communities. A report was presented of all of the existing 55+ community properties in Bucks and Montgomery Counties and they are all over \$300,000. The number of properties

in 2019 skyrocketed. At any time, there will be between 37 and 60 available re-sales in the two County range. Added to the new construction, there is between 129 and 174 listings to pick from at any given time. Before the meeting, there were 81 available 55+ community dwellings in Bucks and Montgomery County with 49 of them being older properties. There are 20 existing communities in Montgomery County for a total of 2,530 dwellings. There are 18 existing 55+ communities in Bucks County for a total of 3,385 dwellings. Added together, there is 5,915 dwellings not counting new construction. There are still 80 units for sale at Regency. The group is not opposed to the 38 single homes but keep the rural residential zoning. If the property is not a white elephant and build you must, then they ask that they meet the impact statement objective of truly trying to preserve the rural setting by approving fewer dwellings, not more.

- **Response by Carrie B. Nase-Poust, Esq. by document number:**

1. Market – the statement that the market is saturated with 1,332 units is an inaccurate statement. Two communities, including the Baulm community, have not received final land development approval. They have received preliminary land development approval and have not broken ground and have not received final approval. The Limekiln Golf Course have received preliminary approval but not final approval. The 482 units that are identified of still being available in the surrounding age restrictive communities are taken from the Market Analysis numbers from November 2018. The current status of many of those communities is that a lot of have been sold in the past year/fourteen months. A year ago, Regency at Hilltown had 146, and, as stated, there are only 80 left, so they have been selling. Regency at Yardley had 114, now there are only 14 units left. Obviously, there is a market, there is a demand, there is a need, and people are buying the units. If there wasn't a market for it, there wouldn't be residential communities out there that are being developed in the various Townships and the pace wouldn't be as it is. The Comprehensive Plan identifies the need for this type of housing. The fact is that the aging population is growing. In regard to the statement "... 88% occupancy as existing communities cannot sell their available units.", the publication relates to independent living and assisted living facilities which is a completely different type of housing that is proposed. They are typically rental communities that provide some kind of element of assisted living such as nursing care, etc. That statement is inaccurate and does not reflect what is being proposed.

2. Inferior – in the market analysis, inferior and superior relates to the size and the price of the homes and not necessarily the community itself or the quality of the community.

- **Comments by Dale Ott:** With respect to the Market Analysis what counsel just mentioned about the National Investment for Senior Living is incorrect. The very first paragraph clearly states 88% relates to senior housing properties.

• **Response to Transportation Study for the Venue at Hilltown**

- **Comments by Dale Ott:** They did not receive Appendix A through D that were mentioned

in the report. Apparently, they were given to the Township when the by-right plan was developed and now available for review.

- **Response by Carrie B. Nase-Poust, Esq.:** The traffic consultant is prepared to respond to each of the comments. Her immediate response and summary is that they had a traffic consultant, with credentials, prepare the report, submitted it to the Township, and the Township had its own traffic consultant to review the report. A review letter was issued, and they have provided a response. Another review letter was issued, and they are prepared to discuss when it is their turn to present the project.

- **Comment by Dave Christ:** They should let the Township traffic consultant's response stand on its own to the letter and do not see the need to go through the bullet points one by one. Obviously, they have been addressed from Heinrich and Associates.

- **Comment by June Brauer, 304 Swartley Road:** presented a traffic study from David Horner, P.E, PTOE dated March 2, 2020.

- **Comments by Dale Ott:** He has comments in regard to the by-right reports.

- **Comment by Dave Christ:** He would rather Carrie B. Nase-Poust, Esq. do her presentation first.

• **Presentation by Carrie B. Nase-Poust, Esq. for the Venue at Hilltown**

1. Applicant is proposing an ordinance amendment, not a re-zoning of the property, to allow the B7 use as a Conditional Use in the RR Zoning District. The current property, as zoned, would remain RR.

2. The proposed development is comprised of 194 units with a mix of single-family homes, townhouses, and twins.

3. The total property acreage is 75 acres.

4. Currently the property is split zoned: PC-1 area and RR area.

5. Met with the Planning Commission in December and went in more detail with the proposed plan. During the meeting, some additional information was requested, and it was submitted to be gone through this evening.

6. The units are being offered as two bedrooms with a loft that could be converted into a third bedroom if a buyer so desired. All of the homes will be a single-story house.

- **Comments by Sam Carlo, Vice-President, Lennar Homes:** The homes that are proposed to build are single family detached homes and are all one-story homes. Some of the homes will have basements (unfinished) because of the grading of the property. The first floor is two bedrooms, 2 baths, kitchen, living room, dining room, and, if a buyer wanted, they could purchase the option for a loft. The loft is typically an open room with a bathroom. It could be a bathroom, office, mancave, etc.

- **Comments by Nicole Klein, Traffic Engineer, McMann & Associates:**

1. Diverted traffic – There is a level of existing diversion traffic that utilizes Swartley Road rather than to avoid some delays on Route 309 and Hilltown Pike. Their study contemplates those patterns would continue.
2. Traffic Signal – The question is, if the development is constructed with the associated signalization and improvements at the intersection of Route 309 and Swartley Road, what impact would the improvements have on existing traffic patterns and not just the development traffic. Would it draw additional traffic, not destined to and from the development, to use Swartley Road as a cut through. Their traffic study does keep the existing cut through patterns. The revised traffic study does include discussion on other potential diversions and goes into detail regarding the that the improvements, potentially, may result in additional traffic diversions. The study concludes that there is not a lot of potential for additional traffic diversions because, when the alternate route is considered, it is longer, about ½ mile in length, and there is a delay at the new signal. The new signal at Swartley Road and Route 309 and Swartley Road would favor traffic along Route 309. Route 309 would get most of the green time. Travelers would wait a little longer as the signal works through its cycle and turns green for Swartley Road.
3. Bridge – The memo recommends some improvements related to safety such as: the existing crash pattern is not due to the narrowness of the structure but related to the curve, so installing a traffic calming feature by the placement of stop control, by signage, on both sides of the bridge, which makes it a one lane bridge, forcing all traffic to stop in both directions before crossing the bridge and yield to one another. This would be a feature that would slow traffic down in terms of speed and cause additional delay on the route, thereby, encouraging them to stay on the primary routes. If the development moves forward, there are other means of traffic calming considerations near the access point, etc. in speaking with the Township further.

- **Question by Mr. Apple:** When approaching Route 309 at Swartley Road, will there be a restriction on right hand turns, right on red?

- **Response by Nicole Klein:** They have not looked at that level of detail. Typically, as long as there is adequate sight distance, right turn on red is permitted. If there is not adequate sight distance, PennDOT would require a no turn on red restriction.

- **Question by Mr. Christ:** In regard to cut through traffic, he agrees that traffic traveling south on Hilltown Pike would not use Swartley Road to go south on Route 309. Traffic on Swartley Road going north on Route 309 would continue to do that. The biggest concern is people traveling south on Route 309 utilizing a brand-new light there making it easier making a left onto Swartley Road to get to Hilltown Pike. That is the one area he takes a little bit of exception with the assessment that it will not increase cut through traffic at all.

- **Response by Nicole Klein:** That is a fair movement and they do recognize, in the study, that it is the movement with the most potential for cut through, so it is important to think about measures to addressing the structure and traffic calming features.

- **Question by Mr. Christ:** It was brought up once before, that was it ever considered cutting Swartley Road into two as to only to access Hilltown Pike or Route 309.

- **Response by Nicole Klein:** It is a drastic measure and certainly not unwarranted but detailed discussions would have to be done with EMS, school bus patterns, and what other resident services/access would be impacted.

• **Presentation by Carrie B. Nase-Poust, Esq. for the Comparison of the By-Right Plan**

1. Impact comparison of By-right with 36 homes – Part of the property is zoned PC- 1 and is approximately 24.5 acres. The remainder of the property is zoned RR and is approximately 51.5 acres. PC-1 does not allow single family homes to be developed by-right so it would not be a fair by-right comparison. The proposed use in the RR district is 36 single family homes on 50,000 sf lots. In the PC-1 district, proposed is 140,000 sf large in-line retail and a 15,000-sf day care center.

2. Review of Mr. Wynn’s review letter dated 2/25/2020:

2.A. – The stormwater management for the retail would be underground and two basins were added which ended up losing 2 single family homes.

2.B – The square footage of the commercial was reduced to 135,440 sf for the parking calculations. The daycare remained the same.

2.D – Adjustments were made with the side and front yard setbacks for several of the units.

3. The impact as far as traffic and the fiscal impact was very slight but the numbers were updated.

- **Comments by Nicole Klein:** Ms. Klein presented Table #1 showing trip generations for daily trips, weekday morning trips, and weekday afternoon trips for the by-right plan and the proposed Venue at Hilltown. Table #2 showed by-right uses driven by the retail component. There is a difference between 34 single family homes and 194 age restricted units.

- **Comments by David Babbitt:**

1. Comprehensive Plan – Reviewed Figure #2 Hilltown Township Age Cohorts in the Demographic Analysis and Projections of the Comprehensive Plan noting basically, in all of the older age groups, the age cohort increases in size. Table 2 Hilltown Township Age Cohorts 1990-2014 shows in 1990, the 55 and up age cohorts represented less than 20% of the Township population. By 2014, it is almost 30%. The population is aging, and people need places to live that will be suitable for their desires and their abilities.

2. Fiscal Impact – The Fiscal Impact was re-calculated according to the new by-right scenario and discussed with the comparison to the proposed 194-unit plan.

- **Carrie B. Nase-Poust, Esq. continued to review Mr. Wynn's Engineer Review letter dated February 25, 2020 noting the following:**

1. A review letter from the Traffic Consultant was received which will be reviewed separately, including the possibility of replacing the single lane bridge with a bridge that can accommodate two-way traffic and other improvements that can be made to the bridge which would be addressed during the Conditional Use process.
2. A fee in lieu for the recreational facility requirement for the by-right plan would be provided.
3. The applicant agrees with the comment regarding the Fiscal Impact Summary analysis which states that a greater economic benefit to the Township and school district will be realized if the site is developed for the B7 Retirement Village Use, instead of the uses shown on the by-right sketch plan and the current use of the site.
4. There are two parcels in the CR-1 zoning district that could currently be developed for a B7 use. Parcel #15-11-22-15 is currently owned by Hilltown Township. Parcel #15-11-64 (53.67 acre parcel located on Callowhill Road and Route 113) could be potentially developed for approximately 136 units, which "would not be a sufficient number of units to meet the current demand for this type of use in Hilltown Township."
5. The majority of the parcels that are being consolidated are under same ownership except for one of the other properties. Four of the properties have the same ownership controlled by the same individuals.
6. The Village at Dorchester Subdivision was under a prior zoning ordinance which had a higher density (8 units for acre), and the impervious coverage was at a higher percentage.
7. The Regency at Hilltown is a different zoning district and has different requirements (overlay) and must comply with certain criteria in order for that to apply.

- **Carrie B. Nase-Poust, Esq. reviewed the review letter from Heinrich & Klein Associates dated February 28, 2020 noting the following:**

1. Ms. Nase-Poust stated most of the comments were addressed and satisfied. If the plan moves forward to a Conditional Use hearing, the traffic study will be updated to address the comments but there is not anything that they cannot comply with.

- **Comments by Dale Ott:**

1. Traffic Light at Swartley Road – There is no way to calculate the number of cars that would use Swartley Road as a short cut. There is no justification to putting a traffic light at that location.
2. By-right plan – The current ordinance has a 20-acre minimum to put in an age restricted community, so why can't a restricted community be put into the PC acreage instead of retail?

Retail is dead and the applicant knows this, so they are putting the information in there to make the by-right plan look worse off than it really is.

3. Comprehensive Plan – The Comprehensive Plan is not a law; it is a plan. He does not see that the aging community is looking for a place to live as shown on the market analysis.

4. Secondary site – There is 136 homes on the secondary site and there is only a 54-unit difference. Why wouldn't the existing CR-1 zoning build an age restrictive if it doesn't require a re-zone. It was noted by Mr. Wynn and the Planning Commission that the property is not for sale.

5. By-right development – The by-right development also creates a positive flow to the Township. Both plans have a financial gain and the Township is not in the business to be making financial statements.

- **Comments by Andrea Hunsberger, 209 Mill Road, Hatfield**

1. The Federal Law states that children between 3 and 21 are allowed to stay in school because of special education. So, there will be people from 18 to 21 living three years in that community and it costs an average of \$10,000 extra to pay for schooling for special education needs.

2. From the Pennridge School District 2020 information, the total revenue is \$112 million. They are spending \$98 million. They already have a surplus. Their revenue per student is \$15,224 while their spending per student is \$13,411. There is a surplus already there.

3. In the Hilltown Township Comprehensive Plan, it was noted in 2014 there were 2.74 persons per household. The plan also states the number of school age children is actually decreasing. There is a negative change from 2010 to 2014 and Pennridge School district also says that their cost per student has been steady for the past four years.

4. Taxes do not need to be increased because there are less children going to school. There is no need for the extra taxes to be coming in because it is already there and there is going to have extra children living in there because it is federal law.

Public Comment:

1. Marilyn Eitreim, 404 Hilltown Pike, stated one thing that has been failed to be acknowledged is the stretch between Unionville Pike and Line Lexington Road. It is the most dangerous in the area if not the state with accidents and some fatalities. The project is not taking into consideration the residents. She has no problem with it being developed but not with 194 houses. It will drastically change the lives on Swartley Road. Anything that is going to add traffic to Hilltown Pike is just ridiculous and no light at Swartley Road and Hilltown Pike. Unless a resident has a financial interest in the project, it doesn't benefit the residents.

2. MaryEllen Knudson, 524 Hilltown Pike, stated she disagrees and to not accept the plan.

3. Michael Larsen, 420 Mill Road, stated his family is a recent resident to the area, and people have a right to sell their properties and develop as needed, but the original land use of Rural Residential is what drew them to the area. He does not want to see that changed. The five times

the density of what is currently allowed on the property is where there are some questions that need to be thought of also. He asks for sensible growth and the development is done well.

4. Bob Ott, 116 Mill Road, read from a prepared statement noting he is 68 years old and lived on the Ott farm for 60 years. The farm has been in the family for over 250 years. Portions of the property have been sold off over the centuries. He has owned 54 acres at this location and have been turning down offers from numerous buyers for decades. After much prayer, consideration, and emotional anguish, they agreed to sell 32 acres to the developer. Neighbors have raised many concerns and opposition lately and firmly believe, when the data is collected, and the engineering and planning are completed, all the concerns can be addressed. He has faith in the Township Engineer, Planning Commission, Supervisors, and Code Enforcement Officer that they will keep the contractors honest starting in the planning stages through to completion and the development will be completed to the high standards that the Township requires just as other recent developments have turned out well.

5. Ed Wild, representing Wally Rosenthal, stated what is in front of the Planning Commission is a request to permit a text amendment to the ordinance. The plan is a concept plan of what it might look like. The Planning Commission's decision is to decide whether the good outweighs the bad for Hilltown in terms of deciding whether to advance the pending petition for a hearing in front of the Board of Supervisors. It is not to approve the traffic, buffers, stormwater, etc. but to decide whether the hearing in front of the Supervisors should advance. It is a false choice to be talking about 194 age 55 and over units or nothing. Mr. Rosenthal has spent decades putting together a compilation and assemblage of 75 acres. The property is going to develop. Lennar has it under agreement. Whether it's 194 houses, or 135,000 sf retail with a daycare, or whether it's any of the permitted uses in the PC-1 district, change is coming. The density on the plan is less than the site capacity calculations, and consistent with the number of units for the B7 use. The alternative is the commercial development or any of the permitted uses in the PC-1, and the only residences that are permitted in the PC-1 are mobile homes. There is not a mobile home in front of you and nobody is making that proposal but, in terms of trying to compare apples to apples, there is 24 acres of the PC-1. There is an opportunity for infrastructure and improvements and is a good opportunity for Hilltown. It is consistent with the Comprehensive Plan. It is not a zoning change. Various reviews have stated 55 and over should be near to central services and amenities and near arterial streets and that is what this is. The development by-right revenues are substantially worse off for Hilltown. There is the opportunity to increase the revenue for the Township and the school district.

6. Dale Ott, 246 Mill Road, stated he disagrees to what Mr. Wild said. It is the Planning Commission's responsibility to make sure the plan that they are proposing goes through appropriately. It is their responsibility to make sure the criteria are met. Mr. Rush stated the Planning Commission would be responsible for that and it would come later, and they are not skipping the step.

7. Carl Wagner, 601 Hilltown Pike, stated Dale has worked on this pretty hard and has a lot of backing. He has a lot of good points and a lot of people in the area that agree with his point of view. He hears all of these things about the good will for the Township. It is the Planning Commission's responsibility to take care of the Township for the residents and they are able to approve what is right for the Township and remember the residents. He does not mind if there is going to be reasonable change but what is proposed is gigantic change to the residents of the area.

8. Kaitlyn Matsinger, 16 Loni Court, Hatfield, they purchased their home because it is rural because of the neighborhood and community that has been built. Why can't the developer reduce the number of houses, keep the Homeowner's Association, and the 55 and over still don't have to take care of their yard. The reason they don't want to do that is because they are a developer. Their interests are with their shareholders and their investments. The interest of the Board should be with the residents of the community. There were multiple bids for the past years for the land and weren't taken because they probably couldn't be as lucrative as the proposed project. The mobile home park is a scare tactic and any developer who wants to build a mobile home is not going to have the money, resources, or the returns to do it on this size of land. To say there is many worse things that could happen than this . . . there are many better things that could be happening with this.

9. Carrie B. Nase-Poust stated the scare tactic was not said and what was presented was a request from the last meeting that they show what could be by-right. They are there to address the text amendment itself. The next step would be to have a hearing on the text amendment. If it is adopted, there is still a conditional use process and a land development process. This is not the last time the plan will be before the Planning Commission. They have submitted a lot of information and have gone above and beyond in addressing concerns, submitting by-right, submitting consultant reports. Clearly there is a demand for this type of housing due to the growing population, due to the reports that have been submitted. They have shown, currently, there is not sufficient area within the Township that is zoned for this particular use. This particular use would have a far less impact than a by-right as was shown and would create far more benefits to the Township.

At this point, they are asking for a recommendation of the Planning Commission to move forward with scheduling the hearing on the ordinance amendment.

Planning Commission Comments:

- Jon Apple – The Planning Commission has to look at the information a couple of different ways. They asked the applicants to come in and ask them to give them the information. A lot of the information is paid for by the applicant so, as residents, do not have to pay for the studies. But they also realize that some of the studies that are paid for by someone else may not be truly accurate. They have a lot to think about and a lot to consider. They have never seen a community

get together like this and present the amount of information to them to review. They need time to look at it and he proposes to table it since he is not ready to make a decision.

- Eric Nogami – He does not take any objection to Jon’s decision. To convey his thoughts, he agrees that the point in front of them is whether or not to accept the proposal to change how rural residential is defined and he does understand why that was chosen as opposed to a zoning change. However, he would not be in favor of Rural Residential and what it means without a very serious understanding that it really benefits the whole community, and, to this point he hasn’t really seen that spread throughout the whole community. He has seen a lot of concerns.

- Bob Wynn – clarified it is a zoning text amendment to allow this use into the Rural Residential.

- Eric Nogami – stated it seems very convoluted to him and a little bit of spot zoning.

- Brooke Rush – He would have liked to spend more time in understanding how the Toll Brothers project was done and came about. He would not want to be forced to vote on it and needs more information.

- Dave Christ – A lot of discussion centers around a traffic light at Swartley Road creating cut-through traffic, etc. He is under the belief that there is a traffic light coming to Swartley Road no matter what. There is a commercial development coming across the street in Hatfield Township which is out of the control of Hilltown Township. Once phase two comes in, there is going to be a light there no matter what, so the traffic implication of a traffic light is inevitable.

- Carrie B. Nase-Poust – stated they agree to table until the next meeting and agree, instead of continuing to submit additional reports and responses to reports, to meet for just the decision and no more testimony.

- Dale Ott – stated he does have comments on the recent by-right plans that weren’t addressed and would like to address them at some point at time. He has some conclusions that clarify and roll up all of the findings of facts that he would like to present at some time. They have also retained a lawyer that they would like to have present as well. He is asking that they do this at another planning session whether it is in another two weeks, three weeks, or next month. There are some topics in the latest issued proposed by-right documents that were not addressed tonight.

- There was no motion to recommend the project proceed to the Board of Supervisors.

- Motion was made by Mr. Apple to table the Venue at Hilltown until the next meeting.

- Mr. Rush made a motion to amend Mr. Apple’s motion to table the Venue at Hilltown until the next meeting and for the Planning Commission to make a decision. Mr. Apple seconded Mr. Rush’s motion to table the Venue at Hilltown until the next meeting to make a decision.

Public Comment:

- Dale Ott – stated he has several items in regard to the latest reports. If the Planning

Commission is planning to make a decision; he would like to submit the documents to the Township for review to be considered as part of the presentation of the record. Or, he would like the opportunity to discuss it at the upcoming meeting before the decision is made.

- Dave Christ – stated to submit the written comments and they will review the comments in public amongst themselves.

- Dale Ott – stated he will have his comments done by next Monday.

Motion passed 4-0.

4. PLANNING: None.

5. ORDINANCES: None.

6. OLD BUSINESS: None.

7. NEW BUSINESS: None.

8. PLANS TO ACCEPT FOR REVIEW ONLY: None.

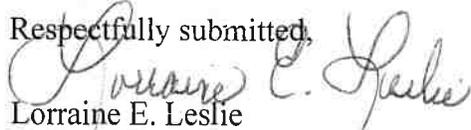
9. PUBLIC COMMENT: None.

10. PLANNING COMMISSION COMMENTS: Mr. Christ stated the Planning Commission is a five-person Board that are appointed by the Board of Supervisors and they need another member.

11. PRESS CONFERENCE: None.

12. ADJOURNMENT: Upon motion by Mr. Rush, seconded by Mr. Nogami and carried unanimously, the March 2, 2020 Hilltown Township Planning Commission work session meeting was adjourned at 10:57 PM.

Respectfully submitted,



Lorraine E. Leslie

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