

HILLTOWN TOWNSHIP BOARD OF SUPERVISORS
ZONING AMENDMENT PUBLIC HEARING
Wednesday, October 28, 1998
7:30PM

The Zoning Amendment Public Hearing to consider five Ordinance amendments was called to order by Chairman William H. Bennett, Jr. at 7:30PM and opened with the Pledge of Allegiance.

Also present were:

- Kenneth B. Bennington, Vice-Chairman
- Charles D. Grasse, Supervisor
- Bruce G. Horrocks, Township Manager
- Gregory J. Lippincott, Asst. Manager/Zoning Officer
- Kerry L. Trauger, Lt. Detective
- C. Robert Wynn, Township Engineer
- Francis X. Grabowski, Township Solicitor
- Jack D. Wuerstle, Township Solicitor's Office
- Ann Hutchinson, Natural Lands Trust
- Craig Kologie, Castle Valley Consultants
- Vicki Haines, Court Stenographer

Solicitor Grabowski, acting as moderator, advised the purpose of this Public Hearing is to consider certain proposed amendments to the present Hilltown Township Zoning Ordinance. Some of the proposed amendments are being offered to provide a municipal cure to possible deficiencies within the Zoning Ordinance. Solicitor Grabowski explained that tonight's hearing results from action taken by the Supervisors on April 27, 1998. The term "fair share" has been determined by the court systems in Pennsylvania to mean that each municipality must provide its fair share of appropriate uses, especially residential uses, based upon location, proximity to other communities, and a host of other factors. The test of whether a municipality meets its fair share is a difficult one and is one that is determined by the courts on a case by case basis. With this in mind, members of the Township staff, including the Manager, Zoning Officer, Building Inspector, Township Engineer, Planning Commission and Township Solicitor were of the opinion that there were certain deficiencies within Hilltown's Zoning Ordinance which could subject the Township to possible attack by developers. These deficiencies included whether or not Hilltown has sufficiently provided enough mobile home park areas. It also involved concerns as to whether Hilltown's performance subdivision and cluster requirements were reasonable. In May of 1998, the Supervisors decided to hire land planning consultants to review these issues and to review the possibility of whether any new uses should be included in the Zoning Ordinance. Those included golf course communities and retirement communities. Pennsylvania law allows for a municipality to declare a moratorium or a recess for a six-month term to give itself breathing room to make changes in its Ordinance before a developer can seize upon any possible loophole. The Ordinances before the Supervisors tonight are proposals to address these concerns. The Bucks County Planning Commission issued a review of all the proposed Ordinances in their report dated October 7, 1998. The Hilltown Planning Commission has also

reviewed and made recommendations to the Board of Supervisors concerning each of the proposed amendments.

1. HEARING FOR UNIFIED DEVELOPMENT AREA:

A. Professional Presentation - Mr. Craig Kologie of Castle Valley Consultants presented a series of slides to help explain the Unified Development Area Ordinance concepts. The curative amendment filed by the Township earlier this year identified that the current Zoning Ordinance does not provide for golf course residential communities and retirement communities. In searching for options to cure this deficiency, it was determined that the Township could either simply provide for those uses within the existing districts, or the Township could develop an overlay concept that had specific locational and performance criteria which would be applied, therefore protecting the entire Rural Residential area from being open for such uses. The goals in addressing these issues were to minimize community impacts and to maximize municipal control over the application for such uses. These conditions include a 250 acre minimum base site area, access or frontage on collector or arterial roads, and a minimum of 65 percent of the tract to be preserved as open space. Mr. Kologie commented at this time, there is no single parcel in the Township that is eligible for such a use, and it would require an applicant to assemble a number of parcels in order to qualify for such a use.

Mr. Kologie noted the Unified Development Area is a use that is currently permitted within the base zoning district. New uses that would be permitted within the Unified Development overlay include a continuing care retirement community, and an age restricted residential development, where a minimum of 80% of the homes must be occupied by a person 55 years or older. With regard to densities associated with these types of use, the single family application would be calculated based on one unit per acre of adjusted tract acreage. Adjusted tract acreage means the acreage after the site constraints are netted out of the site.

Mr. Wynn's analysis illustrates how the proposed Ordinance compares to the current Ordinance. For instance, with a 300 acre tract, there would be no site limitations, assuming that public water would be available in the RR Zoning District. In the current Ordinance, if a development of a 300 acre parcel were proposed, there would be no open space provided and approximately 225 single family dwellings on 50,000 sq. ft. lots would be permitted. With the current B3 or Cluster language that exists in the Ordinance, there would be 165 acres of open space and 162 dwellings. In comparing the B1 use with the proposed UDA, there would be 195 acres of permanently protected open space, of which some of it could be a golf course or could be maintained as farm land. There could be a number of uses for that open space including recreational use or passive open space. There could be 300 to 360 dwelling units on that same 300-acre parcel. Comparing that to the uses allowed currently by B1, it would be 225 dwellings versus a

maximum of 360. The 360 dwelling units could be achieved through application of the age restricted retirement community use, and not as part of the single family dwelling application.

B. Public Comments and Questions –

1. Mr. Stefan Heilakka of 733 Church Road believes the proposed UDA Ordinance is ill conceived, poorly executed, and ultimately very dangerous to the community. At present, Mr. Heilakka noted the Nicholas property could currently be developed to add 128 dwellings, however with the proposed UDA Ordinance, a property of this size might well add up to 360 dwellings, even though the open space yield would be larger.

2. Mr. John Kachline of 529 Mill Road is also a member of the Hilltown Township Planning Commission. Mr. Kachline asked the Supervisors to deny this proposed Ordinance because he believes it will open up the Township to rapid and rampant development. The density issues and the vagueness of the Ordinance are Mr. Kachline's main concerns.

3. Ms. Mary Schiavone of 822 Township Line Road questioned the proposal for age restricted communities and asked what the minimum age of a resident could be. There are some age-restricted communities that do not permit residents under the age of 18, which would address the impact on schools to some extent. Ms. Schiavone is also very concerned about the issue of traffic.

4. Mr. Thomas Moore of 105 Cedar Hill Road is concerned about the quality of life in Hilltown Township, the taxes and the traffic that this Ordinance amendment could alter forever.

5. Mrs. Maureen Dlugosz of 1795 Keystone Drive is opposed to this amendment and believes the proposed UDA Ordinance will have a major impact on taxes and roads.

6. Mr. Jeff Dlugosz of 1795 Keystone Drive feels a development such as this will destroy Hilltown Township as we know it today.

7. Mrs. Gisela Schafsteller of 31 Park Road advised Horsham Township has developed several golf course/residential communities and they appear to be very nice. Mrs. Schafsteller understands the concerns expressed, however she noted that time moves forward, and progress is inevitable. Mrs. Schafsteller encouraged Township residents to work with the elected officials and feels the professionals will find solutions to the problems.

8. Mrs. Claire Schultz of 833 Hilltown Pike questioned the meaning of open space in terms of this Ordinance. Mrs. Schultz is concerned for the wildlife and vegetation that would be displaced with a development of this size.

9. Mr. Paul Finocchiaro of 2017 Keystone Drive moved to this area from the suburbs of Philadelphia in 1962. He fears that if this amendment is passed, all the available open land in Hilltown Township will be consumed by development. Further, taxes and traffic will increase, more schools will be required, depreciation of existing homes and water and sewer will become a major issue.

10. Mr. Carl Wagoner of 601 Hilltown Pike expressed concern about water, not only for servicing the existing residents, but also for the proposed dwellings and for the maintenance of any golf course, which would consume a great deal of water. Additional traffic is also a great concern. Mr. Wagoner informed the Board that there is a former quarry on the Nicholas property where American Olean Tile once dumped their waste tile many years ago. Obviously, leaching from this dump will affect the ground water, as it has already killed the trees from Hilltown Pike in a direct line below that quarry to Mr. Nicholas's home.

C. Board Decision – Motion was made by Chairman Bennett, seconded by Supervisor Grasse, and carried unanimously to reject the proposed amendment for the Unified Development Area.

Supervisor Grasse believes the Township should continue to retain the professional planners, and take into consideration fully the comments from the Bucks County Planning Commission and the residents of Hilltown Township.

*Chairman Bennett called for a ten minute recess and the meeting reconvened after a short break.

During the recess, the Supervisors asked Solicitor Grabowski to clarify the motion. Solicitor Grabowski advised the motion was to reject and deny the UDA Ordinance amendment, however they would like to have it go back to the Planning Commission and professional consultants for further review to take into consideration any comments and opinions of this evening, as well as to discuss some of that questions brought forth by the Hilltown Planning Commission and the Bucks County Planning Commission.

Since this Public Hearing is on the record, as a matter of protocol, Chairman Bennett amended his motion to reflect the above statement.

Motion was made by Chairman Bennett, seconded by Supervisor Grasse, and carried unanimously to reject and deny the UDA Ordinance amendment, and to have further

review by the Planning Commission and professional consultants to take into consideration any comments and opinions of this evening's hearing, as well as to discuss questions brought forth by residents and by both the Hilltown and the Bucks County Planning Commissions.

2. HEARING FOR DEFINITION REVISION AMENDMENT –

A. Professional Presentation – This revision amendment was prepared by Mr. Gregory Lippincott, Zoning Officer/Assistant Manager, in conjunction with Mr. Jack Wuerstle of the Township Solicitor's office to address housekeeping items within the Ordinance language and to identify the punctuation and grammatical errors. Solicitor Wuerstle advised none of these changes re substantive in nature, and no revisions change the intent, purpose or effect of the Ordinance.

B. Public Comments and Questions – There was no public comment.

C. Board Decision – Motion was made by Supervisor Grasse, seconded by Supervisor Bennington, and carried unanimously to **adopt Ordinance #98-10, the Definition Revision Amendment.**

3. HEARING FOR REZONING CR-2 TO CR-1 & RR TO PC-1 AMENDMENT –

A. Professional Presentation – This Ordinance amendment refers to the rezoning of the existing Country Residential-2 zone to Country Residential -1 and additionally, an existing Rural Residential tract to Planned Commercial -1. Mr. Kologie explained the zoning map changes and a few other minor changes were a result of the fact that there are a diminished number of parcels within the CR-1 zoning district, meaning three parcels, that meet the 20 acre minimum tract size to qualify for a performance subdivision. Solicitor Grabowski read from the Hilltown Zoning Ordinance, page 31, which provides a statement of purpose and a description of the different zoning districts within Hilltown Township. Mr. Kologie explained the most significant difference between CR-1 and CR-2 is the fact that the performance subdivision is permitted in the CR-1 district, but not permitted in CR-2. Performance subdivisions are important because that is the development type that provides high-density types of uses for evaluation of fair share in terms of high density development. Since there are fewer and fewer parcels that meet the 20-acre requirement within the CR-1 district, the options would be to reduce the minimum tract size from 20 acres within CR-1 to allow a performance subdivision. Other options would be to increase the CR-1 District, or to include the performance subdivision use within other districts. In evaluating what other options were available, consideration was given to rezoning a portion of CR-2 to CR-1, and reducing the minimum tract size from 20 acres to 10 acres. This would allow for two parcels within the CR-1 area, which is identified for rezoning, to be eligible for

performance subdivision. An additional 14 parcels within the current CR-1 District would then be eligible for performance subdivision as well, therefore allowing a much better position to defend in providing high density development. The portion of CR-2 being considered for rezoning to CR-1 is located in the area west of Rt. 309. The proposed change would result in two parcels within that area being eligible for performance subdivision in this location. The minimum lot size change from 20 acres to 10 acres would now permit performance subdivisions to be applied to the parcels.

B. Public Comments and Questions –

1. Mr. Barry Lederach of Reliance Road believes this proposal will encourage large cluster development and he is opposed to that. Mr. Lederach has been involved in the fire service for several years and is concerned about fire protection for all of this additional development, especially with additional apartment and townhouse units.

2. Mr. John Bolger of Rt. 152 was confused by the vote taken on the UDA Amendment. Chairman Bennett made the motion to reject the UDA, and it was then seconded by Supervisor Grasse with the caveat that the proposal will continue to be reviewed and revisited. Mr. Bolger questioned the legality of that vote. Mr. Bolger also objected to the fact that he did not have the opportunity to comment about the UDA Ordinance prior to the vote. Discussion took place.

Solicitor Grabowski commented there was a motion and a second, and a decision was made to deny and reject the UDA Ordinance amendment. Solicitor Grabowski advised discussion of the UDA Ordinance was complete upon that motion. Mr. Bolger wished to make it clear that he disagreed with Solicitor Grabowski.

Mr. Bolger asked what a performance subdivision is and what a change from CR-2 to CR-1 actually means in terms of what can be built per acre. Mr. Wynn replied a performance subdivision is permitted in the CR-1 District, but not permitted in the CR-2 District. Currently it requires 20 acres, and the amendment proposed reduces the requirement to 10 acres. Under performance subdivision, a variety of different housing types are allowed, including single family dwellings, townhouses, and twin homes. A performance subdivision also requires a minimum of 50% open space. The dwelling units allowed are five dwelling units per acre of the 50% buildable area. Section 2 of the ordinance reclassifies two parcels – one located immediately behind Barney's Auto Parts on Rt. 309 and one right on Swartley Road. Mr. Wynn advised this actually came to the Board's attention with a proposed nursing home on the one property. Nursing homes are permitted within both the RR District and the PC-1 District, however nursing homes are required by Ordinance to be serviced by public sewer. This is a contradiction because the Ordinance also does not permit public sewer to be extended into the RR Zoning District.

Also, within the PC-1 District, nursing homes are required to have 20 acres, and in the RR District, the lot size is 5 acres. Mr. Wynn explained the nursing home proposal was presented as a sketch plan to the Planning Commission, and from that evolved the idea that these parcels probably would be better zoned something other than RR because of the location immediately behind heavily developed property and behind an auto salvage yard.

3. Mr. John Cummings of 551 Coventry Circle questioned the property posting procedures for a public hearing. Mr. Cummings was upset that the posting was done on 8 ½" by 11" paper and he was not made aware of this meeting. Solicitor Grabowski explained the Municipalities Planning Code requires notice of public hearings be published twice in a local newspaper, and this particular hearing was actually advertised three times. Further, Mr. Lippincott posted the properties in question by last Wednesday as required.

4. Mrs. Jackie Heitzenrater of 21 Harvest Lane commented she moved to Hilltown Township because of the open space and the rural character of the Township, and she would hate to see that destroyed.

5. Mrs. Jackie Walker of Bypass Road does not believe Rural Residential Zoning should ever be considered for change. She moved to this Township for the rural atmosphere – the farms, the barns, and the open space.

6. Mrs. Thelma Dowiak of 515 Swartley Road commented there are many deer and other wildlife living in the area that is proposed for a nursing home. Mrs. Dowiak would like to see that area of the Township remain rural.

7. Mr. Ron Theis asked the net difference of the number of dwellings that could be constructed in the areas that are now planned for change, as opposed to the number of dwellings that could be constructed in these same areas if the Ordinance is not amended.

Mr. Wynn explained that at present, Swartley Road is zoned RR. A nursing home is permitted in the same density and other residential dwellings could be built as well. In PC-1 a nursing home could still be constructed, but no other residential dwellings could be constructed. The CR-2 District would be more difficult to calculate because there is obviously an increase if the Baumer property was to be developed as a subdivision. Most of the property in this area is already developed or has some environmental features that restrict it from development, regardless of how it is zoned. The biggest difference would be on that property along Township Line Road. With the Baumer property, there is a possibility of increasing by approximately 40 to 50 dwellings.

C. Board Decision – Motion was made by Supervisor Bennington, seconded by Supervisor Grasse, and carried unanimously to **adopt Ordinance #98-11, Rezoning CR-2 to CR-1 and RR to PC-1 Amendment.**

4. HEARING FOR MOBILE HOME PARKS IN LI & PC-1 AMENDMENT –

A. Professional Presentation – This proposed Ordinance would amend the Zoning Ordinance to provide permitted uses in the Light Industrial District and the Planned Commercial – 1 District to include mobile home parks and to amend the area and bulk standards for B-6. Mr. Wynn explained that currently the Township has two areas where mobile home parks are permitted. Mobile homes themselves are permitted in the CR-1 District as a type of single family home on an individual lot; but mobile home parks, a designed community of mobile homes are permitted only in the mobile home park district. One of the districts is the five acre mobile home park located on Orchard Road and Pheasant Hill Road. The other district is on Green Street, immediately south of Silverdale Borough.

The current Ordinance requires that in addition to the mobile home park use being permitted only within the mobile home park district, the zoning can also be permitted on lots with an area of at least 20 acres. Within those two districts, there are no lots of 20 acres of area, therefore, the Township Zoning Ordinance is sufficient and exclusive because there is nowhere in this community where a mobile home park can be constructed. Mr. Wynn advised there are two properties within the one mobile home park district that are slightly more than 10 acres, which could be further developed as mobile home parks. This amendment would reduce the area required within the mobile home park district for mobile home parks on 10 acres. One consideration was to enlarge the mobile home park district, which would have required the mobile home park district to be enlarged within the CR-2 District or the RR District. In order to provide more opportunity and make the Ordinance more defensible against challenge, this Ordinance would also allow mobile home parks within the PC-1 District and the LI District, which include the areas along Rt. 309. It does not change the maximum density permitted, impervious surface with the minimum lot area, but it would allow the mobile home parks to also be in the LI and PC-1 Districts.

B. Public Comments and Questions –

1. Mr. John Bolger of Rt. 152 does not understand why, if the Township already has a Mobile Home Park District, the Township must provide more. Solicitor Grabowski advised the Township must provide its fair share of appropriate residential uses. The determination by these professionals is that Hilltown Township needs additional fair share of mobile home parks. Discussion took place.

C. Board Decision –

1. Supervisor Bennington supports this Ordinance to allow for fair share of mobile home parks. By placing mobile home parks in the LI and PC-1 Zoning Districts, there are a lot less residential properties, and the Township could not be threatened by developers proposing a mobile home park in the RR District, which has happened in surrounding communities.

2. Supervisor Grasse does not support this amendment because he feels the Township's Commercial and LI Districts are a very valuable tax base. He believes that if it is taken away, we will erode our tax income. Supervisor Grasse realizes the problem with the possibility of adding more homes, however he does not feel it should be put into the Commercial or LI Districts.

3. Chairman Bennett noted both Plumsteadville and Buckingham have been challenged on the issue of providing space for mobile home parks. They lost in every case. That is why Hilltown is attempting to provide space for mobile home parks in the best area for the whole Township. Chairman Bennett would rather see a mobile home park area designated for the proposed area, than the RR District.

Motion was made by Supervisor Bennington and seconded by Chairman Bennett to **adopt Ordinance #98-12, Mobile Home Parks in LI & PC-1 amendment**. Supervisor Grasse was opposed. Motion passed.

***9:40PM – Chairman Bennett called for a 10 minute recess. The Public Hearing reconvened at 9:50PM.**

5. HEARING FOR SINGLE FAMILY DETACHED CLUSTER AMENDMENT –

A. Professional Presentation – This Ordinance would amend the Zoning Ordinance by amending Use B1, single family detached and Use B3 single family detached cluster to create a new single family detached conservation design option, and also the proposed amendment in the area of bulk standards for the residential uses and performance standards.

Ms. Ann Hutchinson of Natural Lands Trust made a brief slide presentation of the Growing Greener concept. Growing Greener was conceived as a means to help communities both manage growth and still set aside some of the special places and open space in their community. The major revisions include the following:

- Minimum tract size is lowered from 20 acres to 5 acres.

- Instead of applying the site capacity calculation, which is a net-out of constrained land to cluster, it will now be applied to all residential uses in the community.
- Structure the codes so there are basically three single family residential options:
 - * If there is no public water or sewer, one unit per two acres with half of the tract as open space.
 - * Half of the unconstrained land as open space.
 - * 60% open space with one unit per 60,000 sq. ft. (or if you do not want to set aside open space, five acre lots are required).

B. Public Comments and Questions –

1. Mr. John Bolger of Rt. 152 asked who would be responsible for maintaining the open space areas. Ms. Hutchinson replied that the Ordinance currently contains standards for maintenance of open space – a homeowner’s association, dedication to the Township, maintained by one owner in the case of a working landscape (such as farming), or a land trust or other conservancy. Mr. Bolger asked if open space land could ever again be developed. Ms. Hutchinson explained the land is protected with a conservation easement, which is the technique that is as close to being permanent as any known.

2. Mrs. Betty Snyder of Mill Road was uncomfortable with the allowance of underground utility rights-of-way, easements for drainage and water and sewer lines being permitted in the open space areas. Ms. Hutchinson advised these facilities in general are not a large percentage of open space, and from a practical standpoint do not take up that much ground.

3. Ms. Maureen Purcell of 2203 Hilltown Pike, is also the chairperson of the Hilltown Township Open Space Committee. Ms. Purcell highly endorses this amendment and feels it will be a great attribute for the community.

C. Board Decision –

1. Supervisor Grasse is greatly in favor of this Ordinance amendment. He believes Hilltown Township will have growth, and feels these requirements will allow for quality growth while still maintaining a great deal of open space.

2. Supervisor Bennington wholeheartedly endorses this concept and congratulated Ms. Hutchinson on a fine presentation.

Page 11
Zoning Amendment Public Hearing
October 28, 1998

3. Chairman Bennett agreed with his fellow Supervisors and supports the concept of saving open space.

Motion was made by Supervisor Grasse, seconded by Supervisor Bennington, and carried unanimously to **adopt Ordinance #98-13, Single Family Detached Cluster Amendment.**

6. ADJOURNMENT: Upon motion by Supervisor Bennington, seconded by Supervisor Grasse, and carried unanimously, the Zoning Amendment Public Hearing of October 28, 1998 was adjourned at 10:55PM.

Respectfully submitted,



Lynda Seimes
Township Secretary

(*These minutes are a summarization of complete text transcription by Court Stenographer, Vicki Haines; a copy of which is available at the Township office for public review).