



MEMORANDUM

To: Mr. Paul J. Callahan, H & K Group
From: Bob Heuser, Land Planning / Site Design Consultant
RE: Planning Response to J. Dwight Yoder Letter dated June 1, 2010

As a professional planner and site designer with 39 years of applied planning experience, working over the years in both the private and public sectors, I strongly disagree with Mr. Yoder's letter.

I have personally been responsible in planning many large scale planned development communities including:

- Beckett New Town, a 9,000 + unit P.U.D. in Logan & Woolwich Townships, N.J.
- The Historic Towne of Smithville, a 3,000 unit P.R.D. in Galloway Township, N.J.
- The Township, a 9,800 unit P.U.D. in Coconut Creek, Florida
- The final sections of The Hills, a 10,000 unit planned Development in Pluckimen Township, N.J.
- Talamore, a 380 unit golf course community in Horsham, PA
- Cedar Creek Farm, a 300 unit + P.R.D. in South Whitehall Township, PA

As a matter of course in the planning process for any given project, I review and evaluate municipal Zoning and S.A.L.D.O. ordinances and the Comprehensive Plan. Such is the case for The Preserve at Historic Cornwall. It should be noted that Mr. Yoder is an attorney and not a land planner or an expert with regards to comprehensive planning. Equally important to note is the fact that his letter is devoid of references to any land planners or engineers from whom he has obtained expert opinions in support of the statements in his letter. With these facts in mind, it is my belief that his letter should have no credible standing on any of the land use or planning issues raised.

The following is a point by point assessment of the planning issues raised in Mr. Yoder's letter. Sentences and phrases in quotations ("") are Mr. Yoder's comments from his letter followed by my response

1. "THE AMENDMENT CONTRADICTS THE BOROUGH'S MASTER PLAN AND THE COMMUNITY DEVELOPMENT OBJECTIVES OF THE ZONING ORDINANCE"
 - "Preservation of the natural beauty etc.": Over 70% of the 568.7 acres is the residual of mining operations dating back to the Revolutionary War. These areas have been documented by Jeff Steckbeck in his research of historical aerial photos. It should also be noted that active mine permits are in place that would allow even more land to be disturbed.

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- The Zoning Ordinance Community Objectives of maintaining the “community character” of the Borough is addressed by H&K’s commitment to establishing architectural controls for the entire development (not just the 30% undisturbed land) and the submission of a Design Standards Manual. These two items will ensure that the “community character” is maintained to the Borough’s satisfaction. The notion of “community character” cannot be viewed in a vacuum without considering the underlying permitted use for the land; i.e. mining and by-right zoning. Ironically, given the history of the site as a mining operation for over 200 years, and that most of the Borough’s “charm” is a direct result of mining (Burd Coleman Village, Minersville, the historic Furnace and other important structures) continued mining would be “in character” for the H&K lands.
- “Resident Survey”: The response to the written survey was < 34% in total including Cornwall Manor. The survey was conducted prior to 2000 before Iron Valley, the Sheridan Street Cul-de-sac and most likely Alden Place were developed, making the response data outdated at best. Also the percentage of the Borough populations lived in close proximity to the H&K site prior to 2000 was much less. The issue of “peace, quiet and serenity” might well be linked to the proposed “stone crusher and asphalt plant” mentioned two paragraphs down from the “peace” response. Also “peace, quiet and serenity” is a relatively small portion of the Borough’s history. Only the past 40 years of the roughly 234 years since the Revolutionary War has been tranquil (17% of the time).

Mr. Yoder failed to mention some other desired items in the resident survey:

- Public services, such as minor road improvements and sidewalks, which will be provided for in some fashion via the agreed upon “Conditions of Approval.”
- Services such as police and ambulance etc. which could be funded from Borough revenue generated by the H&K development.
- Hiking/biking trails, public open space, etc. all of which will be provided in the H&K development (that is providing over 52% open space).
- “Large Scale Commercial and Residential Development”: Yes the C.M.U. permits the intensity of development outlined in the letter, however, this also cannot be viewed in a vacuum with “no development” as the option. The alternative to the C.M.U. is uncontrolled by-right development of 439 dwelling units and 721,000 sf of industrial uses as laid out in the By-right Plan. The C.M.U. will control growth over time and, in combination with the “Conditions of Approval”, creates checkpoints throughout the development process. Also, the Comprehensive Plan in it’s General Goals states:
 - “To preserve the community character that makes Cornwall Borough a unique and distinctive place.” As mentioned above H&K has committed to providing architectural and design controls and establishing a “Design Standards Manual” to ensure “community character”.
 - “To develop a coordinated land use pattern that provides for a variety of uses, recognizes land capacity and respects natural features”. The C.M.U. along with the “Preserve @ Historic Cornwall Village Conceptual Master Plan” (Master Plan) creates a land use pattern with a variety of uses in a coordinated and controlled manner. Enormous amounts of time and effort were spent on the site design to respect and work with the site’s natural features (1” = 60’ Test Site Plans were developed for each development area).

- “To protect, conserve and preserve the open spaces, forestlands, drainage ways, floodplains and other natural resources of the Borough”. Over 52% of the H&K site will be preserved as open space that will protect natural features as well as provide public and private active and passive recreation amenities.
- “To preserve agricultural areas for agricultural use and maintain its importance in the local and regional economy”. No agricultural lands will be destroyed in the H&K development, unlike Alden Place.
- “To provide for residential and non-residential growth in appropriate areas so as to avoid the problems of random development.” The C.M.U. provides for controlled growth by requiring a Development Phasing Plan and by the establishment of the “Conditions of Approval” document. The alternative is non-controlled by-right development.
- “To maintain and improve a healthful residential environment with adequate recreational, commercial and industrial supporting areas”. This goal recognizes the necessity for a balanced palate of uses in future development including commercial uses. The C.M.U. and the Master Plan support this goal.
- “To provide for the diverse housing needs of all Borough residents”. The C.M.U. and the Master Plan provide for a variety of housing types to be permitted. The mix of housing types shown on the Master Plan was derived from market studies for the general region prepared for H&K based on current demand.
- “To provide for the safe, efficient and convenient movement of people and goods.” The Master Plan in concert with the “Traffic Impact Study” prepared by T.P.D. provides for major road improvements, such as, the Boyd Street Bypass, the Iron Master Road extension, the traffic light at the B.S.B. and Route 322 and the improvements to the Route 72 / 322 intersection. In addition many off-site minor road improvements are committed to.
- “To maintain and improve the economic base of the Borough and provide employment opportunities for all residents.” A professional “Fiscal Impact Report” was prepared by Glackin Thomas Panzak and was reviewed, scrutinized at length and approved by the Ad Hoc committee appointed by Borough Council that demonstrates a positive fiscal impact to the Borough and School District as a result of the H&K development. In addition, many jobs will be created by the Village Commercial development, restaurants and the Hotel / Water Park.
- “To provide needed community facilities, utilities and services of levels commensurate with a growing population.” H&K has committed to improving the open pit / lake as a public amenity, dedicating a 30 acre Nature Preserve / Park and creating public hiking / biking trails. Utility networks will be upgraded as a result of the H&K development.
- “To explore opportunities to cooperate with neighboring municipalities in order to promote the economical and efficient provision of all municipal services”. This is an ongoing process that the H&K team is continually exploring.

The Comprehensive Plan’s Future Land Use Section (4-1) targets land uses for the

H&K site ranging from Conservation / Recreation @ 1 DU per 5 Ac., Forest Residential @ 1 DU per 3 Ac., Low Density Residential @ 3 DU per Ac., Medium Density Residential @ 8 DU per Ac., Village Residential @ 8 DU per Ac. to Industrial Uses. When applied to the land this mathematically equates to a recommendation of a maximum development intensity of 743 residential dwelling units and 897,000 sf of industrial uses (see "Comprehensive Plan Future Land Use Analysis" Plan sent under separate cover) representing an overall residential density of 1.31 DU per Ac. and non-residential development at 497,000 sf over the maximum allowed by the C.M.U. This analysis demonstrates that the Comprehensive Plan envisions development potential far in excess of the H&K proposal and the proposed C.M.U..

- "Building Height": The 60' & 65' max. height limits have a footnote that gives the Borough Council approval rights that stipulate standards shall be submitted to assure that the subject buildings are "consistent with the intended character of the neighborhood, demonstrate adequate provision for maintenance and the health, safety and welfare of the Borough and the occupants of the community." The only buildings envisioned to take advantage of the 60' & 65' heights are the Hotel / Water Park and the Manor Home.
- "Amusement Enterprises": The inconsistency argument that Water Parks can lead to gaming parlors and casinos being permitted seems to be an argument in legal semantics.
- "Health Care Campus": This line of questioning is related to specific development plan issues and not a "permitted use" issue. If a major health center were to express development interest for a portion of H&K's land, Borough Council & P & Z would have control over the intensity of any proposal at the land development stage.
- "Rock Crushing": The intent of continued rock crushing and the fabrication manufacture of building components is to permit these related uses to the construction of The Preserve @ Historic Cornwall only and not be opened to outside consumption. The Borough still maintains control over the type and magnitude of these operations. No "heavy industrial uses" will be permitted on site.
- "Borough Council representing the residents": Over 75 documented Resident, Ad Hoc Committee, P & Z. and Council meetings were held over the last year that encouraged resident input. As a result of these meetings the Master Plan and C.M.U. ordinance were modified many times to take into consideration resident input. In all deference to Mr. Yoder his clients had ample access and opportunity to express their concerns.

2. "THE OPEN SPACE PROVISIONS OF THE AMENDMENT DO NOT ADEQUATELY SPECIFY WHERE IN THE C.M.U. DISTRICT THEY MUST BE LOCATED".

- "Open Space location": An Open Space Plan is a required part of the Tentative Plan submission to satisfy the Application Procedure Section 1753 D. of the C.M.U. Additionally, H&K has developed the Conceptual Master Plan that was developed along with the C.M.U. ordinance that shows the location of all open space uses.
- "Abandoned quarry as part of open space": The quote abandoned quarry, the most aesthetic, peaceful and serene part of the H&K holdings, is intended to be further enhanced and improved to be the cornerstone amenity of the open space network. The

lake will be open for use by all residents of the Borough and will be connected by a series of public walking / biking / hiking trails to other parts of the community.

3. "THE C.M.U. DISTRICT ONLY EXPANDS, NOT LIMITS, THE OPPORTUNITIES FOR INDUSTRIAL USES"
 - "Mining permitted in the Industrial Districts only": The statement appears to be untrue. Mining is also permitted (as in having a permit from the State) in the northwest quadrant, and parts of the southwest parcel as well as parts of Big Hill. This renders this argument mute.
 - "Rezoning of additional land for industrial uses": The C.M.U. is an overlay district with the underlying zoning classifications remaining in tact. Additionally, PRL Industries will remain as industrial use.
 - "Developer threats": The C.M.U. was developed as a result of hard work, diligent homework and a cooperative effort between the public and private sectors, including resident input, not a threat to mine the property. This was and is a very transparent and productive process, with give and take by all parties involved. The inalienable right for a land owner to develop his or her property should not be confused with a threat to a municipality. This is a right that everyone possesses, including Mr. Yoder's clients, and it is the municipality's governing body's responsibility to see that the development of land is done in the best way possible to benefit the municipality as a whole.
 - "All about an outside developer making money": Of course one of a developer's motivations is to make money on a given project. This concept, though, is not limited to developers and should not be construed as an evil menace to society. That being said, the critical mass of a given development proposal, i.e. density, can provide for commensurate public benefit vs. by-right development. Such benefits include:
 - Positive fiscal impacts to the municipality and the school district.
 - Increased on and off site traffic and road improvements
 - Public open space, biking / hiking trails etc.
 - Increased tax revenue from the commercial and commercial recreational uses
 - Improved utility infrastructure
 - "Age targeting and families with children restriction": This entire provision in the C.M.U. ordinance was initiated by the Borough, as a way to limit impacts to the school district, and agreed to by H&K. The Borough feels comfortable that this provision does not violate any State or Federal statutes.
 - "Infrastructure concerns": H&K will be required to demonstrate that any phase of the development can be adequately served by sewer, water, electric and gas services prior to final land development approval. Approvals will need to be secured additionally from the State as well. In terms of roadway capacities, they have been exhaustively addressed in the "Traffic Impact Report and must be approved by PENNDOT.
4. "CONCLUSION"
 - "Affront to the Borough's Comprehensive Plan": See above responses.
 - "Expansive and far ranging zoning change": The proposed C.M.U. ordinance consistently demonstrates that the impact to the community is far less than both a By-right development in compliance with current zoning and the recommended maximum development potential outline in the Comprehensive Plan.