

HILLTOWN TOWNSHIP PLANNING COMMISSION
REGULARLY SCHEDULED MEETING
Monday, June 20, 2005
7:30PM

The regularly scheduled meeting of the Hilltown Township Planning Commission was called to order by Chairperson D. Brooke Rush at 7:35PM and opened with the Pledge of Allegiance. Also present were Planning Commission members Ken Beer, Denise Hermany, Chuck Kulesza, and Jack McIlhinney; along with C. Robert Wynn, Township Engineer, and Lynda S. Seimes, Township Secretary, to record and take minutes of this meeting.

A. APPROVAL OF MINUTES – Action on the minutes of the May 16, 2005 Planning Commission meeting – Motion was made by Mr. Beer, seconded by Mrs. Hermany, and carried unanimously to approve the minutes of the May 16, 2005 Planning Commission meeting, as written.

B. PUBLIC COMMENT ON AGENDA ITEMS ONLY: None.

C. CONFIRMED APPOINTMENTS:

1. Calvary Church Land Development (Final) – Mr. John Van Luvanee, the applicant's legal counsel, along with Ms. Cheryleen Strothers, the applicant's engineer, were in attendance to present the plan. Mr. Wynn's May 27, 2005 engineering review was discussed.

Ms. Strothers advised that a review was received from PennDot, requesting additional drafting items including cross sections of Rt. 113. PennDot also asked the applicant to install a pipe connecting into the Wynnefield Estates Subdivision stormwater improvements on the opposite side of the street. Ms. Strothers explained that there are two driveways with driveway pipes and a swale connecting to an endwall on the opposite side of the street that was installed by the developer of Wynnefield Estates. In order to address PennDot's request, Calvary Church will be piping under those two driveways, thereby connecting into the Wynnefield system. Further, PennDot asked Calvary Church to reconsider lengthening the western entrance internal channelizing island, which has been incorporated on the plan. At present, Ms. Strothers noted, there is a channelizing device that forces those entering the site to turn right. The applicant had initially proposed opening up that device so that motorists could, during off-hours, turn into the adjacent parking area. She advised that it would be blocked off on Sundays so that all motorists would be forced to travel to the right. PennDot requested that the separating island be expanded to 75 ft. long, which has been revised on the plan. Mr. Wynn explained that PennDot's request is to reduce the possibility of a motorist turning into the site attempting to make a left turn, which could create a queue of vehicles out onto Rt. 113. With respect to the Planning Commission's request for additional road improvements along the neighboring Muse property, Mr. Van Luvanee advised that church representatives met with the property owners in May. Mr. and Mrs. Muse then

responded via correspondence dated June 14, 2005, stating that they have no intention of selling or developing their property at this time, but would be agreeable to dedicating land to the Township for roadway widening and curbing purposes provided that there would be no cost to them involved. Mr. and Mrs. Muse also requested that no sidewalk be constructed along the frontage of their site, and that there be discussion as to the grading in and along their property and the improved road such that there is an acceptable slope in the event they desire to convey or develop their property at a future date. Mr. Wynn noted that the right-of-way Mr. and Mrs. Muse is offering is presently owned by the Township. Discussion took place. Ms. Strothers advised that PennDot did not comment whatsoever in their review letter concerning any extension beyond the improvements that were proposed by the applicant.

Ms. Strothers commented that as part of the improvements to Rt. 113, PennDot is requiring deeds of dedication for the areas where the roadway is proposed to be widened, from the point where they currently have control to 5 ft. behind the improvements. She has prepared and submitted the deeds of dedication to Mr. Wynn for review, since the Township owns the property. These deeds of dedication must be acted upon by the Board of Supervisors to grant PennDot the right-of-way to complete those improvements. Mr. Wynn explained that PennDot began acquiring right-of-way for up to 5 ft. beyond the curb line for all widening or other improvements along State highways approximately 1-½ years ago. The rest of the ultimate right-of-way would still be owned fee simple by the Township. He also assumes that PennDot will, in the future, repaint the stripes since it is now their property. Discussion took place.

Motion was made by Mrs. Hermany, seconded by Mr. McIlhinney, and carried unanimously to recommend conditional final plan approval to the Calvary Church Land Development (Phase I), pending completion of all outstanding items as noted in the May 27, 2005 engineering review.

2. Bevilacqua Sketch Plan – Mr. Wynn's memo dated May 25, 2005 regarding the pre-application meeting held with Mr. Bevilacqua and Mrs. Lynn Bush of the Bucks County Planning Commission, was discussed. Mr. Rick Bevilacqua, the applicant, was in attendance to present a sketch plan for a proposed 6-lot subdivision located adjacent to Nicholas Drive in the Reserve at Hilltown Subdivision, with frontage on Hilltown Pike. The site is located in the RR Zoning District, and proposes extension of the temporary cul-de-sac street within the Reserve at Hilltown Subdivision to provide access for five new building lots, all of which contain in excess of 50,000 sq. feet of lot area. A sixth lot is proposed with frontage on Hilltown Pike, which would contain the existing dwelling and other outbuildings. Lots are proposed to be served by an extension of public water facilities via the Hilltown Authority within Nicholas Drive, and on-lot sewage disposal systems.

Mr. Wynn's May 25, 2005 memorandum notes that the property is currently a non-conforming lane lot containing approximately 9 acres of lot area with frontage on Hilltown Pike. The proposed subdivision would increase the extent of the non-conformity of the parent tract by reducing the lot area of the parent tract to 50,000 sq. ft. The parent tract is proposed to contain all existing improvements. Mr. Wynn advised Mr. Bevilacqua that increasing the extent of the non-conformity of the parent tract would require Zoning Hearing Board approval. Mr. Bevilacqua noted that the existing dwelling dates back to the late 1800's, with much of it still in original condition.

Preliminary soil testing indicated that all lots have adequate soils for on-lot sewage disposal systems, and that stormwater management infiltration measures will be utilized as a Best Management Practice. Mr. Bevilacqua would be interested in tying into the public sewer system if possible, or the package treatment plant serving the Reserve at Hilltown Subdivision, although he understands that there is a court stipulation that may limit that possibility. Chairperson Rush believes that there is certain language in the Stipulation Agreement that would prohibit additional connection to Cutler's package treatment plant.

Due to recent amendments to the Subdivision/Land Development Ordinance, Mr. Wynn noted that one issue that immediately became apparent is the design of the cul-de-sac turnaround area, which must be revised to conform to the newly adopted Ordinance requirements. Further, as shown, the sketch plan includes a lot line that is not perpendicular from the proposed street line to the rear lot line (Lot #4/#5 side property boundary). The bend in the lot line would require a waiver from Section 140-27B.(4) of the Subdivision/Land Development Ordinance.

Mr. McIlhinney wondered how the length of the cul-de-sac would be calculated. Mr. Wynn replied that it is calculated from the ultimate right-of-way line of the intersecting street, Edwin Lane. Mr. McIlhinney commented that Edwin Lane is also a cul-de-sac street, which would provide for two cul-de-sacs coming off one street. Mr. Wynn agreed, noting that is the case at the present time. He advised that the other cul-de-sac street is there to provide future extension in the event the neighboring 13-acre horse farm is ever developed. Mr. Bevilacqua stated that the new cul-de-sac is an approximately 250 ft. extension, with not quite 250 ft. from Edwin Lane to the property line. Assuming Edwin Lane is not extended, Mr. McIlhinney asked the approximate distance to Elizabeth Way. Mr. Wynn believes that it is approximately 300 to 350 ft. Discussion took place.

Mrs. Lynn Bush of the Bucks County Planning Commission questioned the buildings shown on the rear of Lot #6 and Lot #4. Mr. Bevilacqua replied that they are makeshift greenhouses, which will be removed within the next few months, regardless of whether or not this subdivision moves forward. Mrs. Bush also pointed out an existing building

that appears to be located half on Lot #6 and half outside the property line. Mr. Bevilacqua noted that is actually a computer printing error, and not a building at all.

Mr. Kulesza asked if the proposed right-of-way encroaches onto the existing building. Mr. Bevilacqua does not believe that the ultimate right-of-way actually encroaches onto the existing dwelling, however he acknowledged that it is quite close to the house, simply because the dwelling is located very close to the existing roadway.

The sketch plan was tabled for further review and discussion at the next Planning Commission Worksession meeting to be held on Thursday, July 7, 2005 (due to the Independence Day holiday).

3. Guidi Homes Subdivision (Final) – Mr. McIlhinney recused himself from discussion and action on this plan, since he is the present owner of the property.

Mr. William Benner, the applicant's legal counsel, along with Mr. Robert Showalter, the applicant's engineer, were in attendance to present the plan. Mr. Wynn's most recent engineering review dated May 24, 2005 was discussed.

Motion was made by Mr. Beer, and seconded by Mr. Kulesza, to recommend conditional final plan approval to the Guidi Homes Subdivision, pending completion of all outstanding items as noted in the May 24, 2005 engineering review. Mr. McIlhinney abstained from the vote. Motion passed.

4. CVS Land Development (Final) – Mr. William Benner, the applicant's legal counsel, was in attendance to present the plan. The most recent engineering review dated May 24, 2005 was discussed. Mr. Wynn advised that the Township received condition diagram approval from PennDot to modify the traffic signal at the subject location.

During the preliminary plan stage, Mr. Benner noted that discussion took place regarding the Township's request for a "Welcome to Hilltown Township" sign at the site. The applicant presented a photo of a similar sign for a neighboring municipality for review. Mrs. Hermany and Mr. McIlhinney were not pleased with the proposed sign, noting that it appears to be a commercial sign and is much too large. Chairperson Rush would like to see the final rendering of the proposed building, as chosen by the Board of Supervisors. Mr. Benner presented a rendition of the building style selected by the Supervisors, with the color of the façade to be a bit darker, and the piers to be more of a fieldstone look. The final plan submission included a sheet with a large blow-up of the photo rendition of what the proposed building is to look like. Lengthy discussion took place.

Public Comment:

1. Mr. John Clauser of Minsi Trail stated that Lawrence Owen of Rt. 313, who is an architect, previously submitted a historic sign design to the Board of Supervisors of what he feels would be suitable for this location. Chairperson Rush did not feel comfortable making a judgment on a sign that would be erected in front of a building for which the Planning Commission has not yet seen a design plan. If there is a sign design that the Township would prefer, as long as it is within reason, Mr. Benner believes the applicant would agree to follow those recommendations.

Early in the review process, Chairperson Rush recalls that Bedminster Township had the opportunity to review and consider conveyance of stormwater from the CVS property, and asked if any response comments were received. Mr. Benner replied that Bedminster Township's consent was part of the Highway Occupancy Permit process, and that consent has been secured. As of this date, PennDot has agreed to issue the permit, with the caveat that proof of the Deed of Dedication that was part of the Wawa Land Development plan, which was previously recorded at Bucks County, was accepted by Hilltown Township. Mr. Benner believes that the recording of the Deed of Dedication was evidence of acceptance, however PennDot is requiring additional proof.

2. Supervisor Richard Manfredi provided the artist renderings that the Supervisors reviewed and approved. The Supervisors agreed with the Planning Commission's recommendation as far as the addition of a cupola for a barn effect, with a more barn-like siding, and with stone columns versus the wooden columns. Mr. Wynn explained that the concept for the design of the building itself has been approved by the Supervisors, however the final architectural plans haven't since it is a building permit issue. Given the building design as approved by the Supervisors, Mrs. Hermany believes that a stone sign should be designed to complement the building itself. Discussion took place.

Motion was made by Mr. McIlhinney, seconded by Mr. Beer, and carried unanimously to recommend conditional final plan approval to the CVS Land Development, pending completion of all outstanding items as noted in the May 24, 2004 engineering review, and with the Board of Supervisors reviewing and determining the proper building design and sign design, as noted above.

5. Guttman Tract Subdivision (Zoning Ordinance Amendment) – Mr. William Benner, the applicant's legal counsel, was in attendance to present the plan. Mr. Wynn's engineering review dated May 9, 2005, and the Bucks County Planning Commission review dated May 4, 2005 were discussed.

Mr. Benner explained that previously, the Planning Commission generically endorsed a cluster concept for the development of this tract. Since that time, the applicant, D'Angelo

Construction, attended several Supervisors meetings where the cluster concept and possible re-zoning of the site was discussed. The Supervisors suggested that the applicant pursue a map reclassification, which is to rezone the property from the RR Zoning District to the CR-2 Zoning District. In the course of preparing that map amendment, Mr. Benner noted an error in the table concerning the cluster option. The suggestion then made to the applicant was to not only propose rezoning of the property, but to propose a text amendment, which would remove an ambiguity in the Ordinance. The nature of that text amendment would require that any cluster development would have to be serviced by public water.

As part of this proposal, Chairperson Rush wondered if it would also be appropriate for the Township to consider re-zoning adjacent parcels that are currently zoned Rural Residential. He would be hesitant to consider re-zoning an area that would be site specific to one particular development. If the applicant is asked to consider additional land to the map change request as part of a comprehensive re-zoning, Mr. Benner believes that is a task that perhaps the Township itself should be undertaking in terms of the Impact Analysis, which should also be part of a voluntary re-zoning petition. Mr. Benner's client recognizes that it is not the legal or equitable owner of those properties, and felt it would be inappropriate to include additional land because they do not have permission to make application on anyone else's behalf. Lengthy discussion took place.

The applicant is petitioning the Township to re-zone six parcels totaling 87.93 acres (gross) into the Country Residential (CR-2) Zoning District. Presently, parcels are located within the Rural Residential (RR) Zoning District, which permits development of single-family detached dwellings (Use B1); and a single-family detached cluster (Use B3), having a minimum lot area of 30,000 sq. ft. If the property is rezoned into the CR-2 Zoning District, the applicant proposes to utilize the single family detached cluster (Use B3) Option 2, which requires a minimum lot area of 20,000 sq. ft., with all lots being served by public water and sewer facilities provided by the Hilltown Authority. The proposal is to subdivide the parcels into 45 single-family detached dwelling lots, with Lots 1, 7, and 19 containing existing dwellings proposed to remain. The petition notes that rezoning the property will not result in a density bonus, as the minimum lot size for a traditional single-family detached dwelling is 50,000 sq. ft. in both the RR and CR-2 Zoning Districts. Additionally, prior sketch plans submitted by the applicant for development of the site utilizing area and dimensional requirements for a B1 use in the RR District indicate that the same number or greater, of single family homes could potentially be developed, if the property is not rezoned to CR-2.

Mr. Benner felt it was important to note that a change in zoning for this site would not result in a density bonus, which has been the position of the Township all along.

Mr. McIlhinney asked if the three existing dwelling lots, #1, #19, and #7, would be deed restricted from further subdivision. Mr. Benner replied that they would.

Mr. McIlhinney does not understand why 20,000 sq. ft. lots are being proposed, because he believes past testimony was that the same size dwellings would be constructed on the 20,000 sq. ft. lots as would have been constructed on 50,000 sq. ft. lots. He does not believe it would be appropriate to construct that size dwelling on a smaller lot, which is less than half of the original RR Zoning lot size. He referred to the development across West Creamery Road from the Municipal Building, with 30,000 sq. ft. lots, which appear to be appropriate in size to the dwellings that were constructed. Mr. Benner agreed that Mr. McIlhinney's position is one that some have taken, though he noted that there are others who encouraged the applicant to do whatever is necessary to preserve the natural features of the site. While it is possible to enlarge the lots to 30,000 sq. ft., Mr. Benner commented that the consequence would be considerably more encroachments into those areas that are environmentally sensitive, including wetlands, woodlands, a pond, and stream corridor. He advised that the plan before the Commission this evening is the one that most closely achieves the aim of the Township to secure open space and to protect forest and wetlands, while still providing the applicant with a plan that is economically viable.

Mr. Benner advised that the Bucks County Planning Commission has endorsed this proposal and found it to be consistent with the Comprehensive Plan. Perhaps even more important, he noted that the Bucks County Planning Commission made a specific finding that a cluster option with 20,000 sq. ft. lots would be compatible with existing zoning and land uses of nearby properties with lot sizes ranging from 15,000 sq. ft. to 30,000 sq. ft. Chairperson Rush asked if the re-zoning of the site to CR-2 would automatically make the cluster option viable at 20,000 sq. ft. lots. Mr. Benner replied that it does. Mr. McIlhinney suggested that it would be better to work with the current RR Zoning with 30,000 sq. ft. lots if it could be modified to meet the 45 proposed lot yield. Mr. Benner commented that the cost to Hilltown Township with such a proposal would be less open space. Mr. McIlhinney asked who would own the open space, to which Mr. Benner replied that it remains to be determined. In any event, Mr. McIlhinney commented that the open space would not be taxed at the rate it would if it were developed, and therefore, would not produce tax revenues for the Township. He would much rather see that land in the hands of the individual homeowners so it could produce tax revenues for the Township. Mr. Benner noted that the subdivision plan for this property proposes that some of the open space would be deed restricted while still being owned by the individual lot owner. Some of the open space is also proposed to be dedicated as active recreation.

It was Mr. McIlhinney's opinion that this is an issue the Planning Commission would have to discuss at length in order to determine what is best for the entire Township, not

just for this development. He would be very happy with 50,000 sq. ft. lots for this proposal. Mrs. Hermany felt that there are more creative ways to design this development, including additional buffering from the roadway. Discussion took place. While it is true that there are no time constraints in the Municipalities Planning Code, Mr. Benner advised that there are some concerns of the applicant that need to be addressed. He stated that this proposal has been reviewed and discussed, if only in the sketch plan stage, by the Planning Commission for the past year. Mr. Benner does not believe there is anything to be gained by tabling the proposal this evening, and therefore, respectfully requested that the Planning Commission take a position, one way or another, as to the re-zoning request. He advised that the applicant would be equally happy developing this property under CR-2 Zoning with 50,000 sq. ft. lots. If the Board of Supervisors chooses not to approve this request for re-zoning, Mr. Benner noted that the next step would be to move forward with a by-right plan of development. Chairperson Rush disagreed that the Planning Commission had ample opportunity to review this particular re-zoning request. Discussion took place.

Public Comment:

1. Mrs. Jean Bolger of Rt. 152 has property that abuts the rear of the Guttman Tract, and was initially in support of the cluster option for this site. However, she has since changed her mind and now agrees with Mr. McIlhinney. Mrs. Bolger would not be in favor of open space behind her home, and would not be in favor of the further extension of public sewers throughout the Township. Therefore, Mrs. Bolger is opposed to re-zoning this property.

The plan was tabled for further discussion at the July 7, 2005 Planning Commission Worksession meeting.

D. PLANNING –

1. Sunoco Land Development – Mr. Wynn explained that the extension on this plan is set to expire on June 30, 2005.

Motion was made by Mr. Beer, seconded by Mr. McIlhinney, and carried unanimously to recommend denial of the Sunoco Land Development Plan, unless an extension is received prior to June 30, 2005.

2. Pondview Estates – Mr. Wynn advised that an extension for further review for the Pondview Estates Subdivision has been granted until the end of 2005. Discussion took place.

E. OLD BUSINESS – None.

- F. NEW BUSINESS – None.
- G. PLANS TO ACCEPT FOR REVIEW ONLY:
 - 1. Miller Tract Subdivision (Final)
- H. PUBLIC COMMENT: None.
- I. MYLARS FOR SIGNATURE:
 - 1. Galway Farm Estates Subdivision (a.k.a. - Split Acre Farm Subdivision)
- J. PLANNING COMMISSION COMMENTS:

- 1. Chairperson Rush encouraged the Planning Commission members to begin review of the draft Zoning Ordinance amendments.

Discussion took place regarding the advertising requirements if the Planning Commission chooses to hold an additional meeting in August.

Public Comment:

- 1. Mr. Joe Marino of Redwing Road referred to Section 140-17 of the SALDO, which states that a public hearing or meeting must be advertised to inform the public prior to action being taken. Further, the Sunshine Law requires that meeting notices be published twice within two weeks, no more than 30 days before, and no later than one week prior to the meeting.

- K. PRESS CONFERENCE: A conference was held to answer questions of those reporters present.

- L. ADJOURNMENT: Upon motion by Mr. Beer, seconded by Mrs. Hermany, and carried unanimously, the June 20, 2005 Planning Commission meeting was adjourned at 9:15PM.

Respectfully submitted,

Lynda Seimes
Township Secretary