

**HILLTOWN TOWNSHIP PLANNING COMMISSION**  
**REGULARLY SCHEDULED MEETING**  
**Monday, January 16, 2006**  
**7:30PM**

The regularly scheduled meeting of the Hilltown Township Planning Commission was called to order by Chairperson D. Brooke Rush at 7:30PM and opened with the Pledge of Allegiance. Also present were Planning Commission members Mike Beatrice, Ken Beer, Denise Hermany, Joe Marino, and Chuck Kulesza; along with C. Robert Wynn, Township Engineer, and Lynda Seimes, Township Secretary, to record and take minutes of this meeting. Chairperson Rush announced that Mr. Bradley would not be in attendance this evening.

A. REORGANIZATION: At their Worksession meeting of January 5, 2006, the Planning Commission elected officers for the 2006 year, as follows: Chairperson – D. Brooke Rush, Vice-Chairperson – Chuck Kulesza, and Secretary – Denise Hermany.

B. PUBLIC COMMENT ON AGENDA ITEMS ONLY: None.

C. CONFIRMED APPOINTMENTS:

1. Coventry Meadows II Subdivision (Preliminary) – Mr. Robb Gundlach, legal counsel for the applicant, DeLuca Homes, and Mr. Scott Mills, the applicant's engineer, were in attendance to present the plan. Mr. Wynn's most recent review dated January 5, 2006 was discussed. Four parcels totaling 22.85 acres within the CR-2 Zoning District are proposed to be subdivided into 15 single-family detached cluster (Option 2) lots (Use B3). Access to Lots #1 through #13 is proposed via extension of Chestnut Lane (proposed internal roadway of the Coventry Meadows Subdivision). Lots #14 and #15 are proposed with driveway access on Keystone Drive. The existing use of the site is a non-conforming auto salvage yard (Use H6). The property contains areas of woodlands and a drainage channel within the center of the site. Lots are to be served by Telford Borough Authority public water and sanitary sewer facilities.

This subdivision was the subject of a Zoning Hearing Board decision dated February 2, 2005, and subsequent Stipulated Agreement, dated October 20, 2005. Conditions of the agreement include development of the property with Use B-3 Single Family Cluster Option (2), with a minimum of 55% open space, generally in accordance with the sketch plan dated November 24, 2004, last revised April 7, 2005, prepared by Van Cleef Engineering Associates, with the elimination of Lots #7 and #12. Chestnut Lane is proposed to be extended from the adjacent Coventry Meadows Subdivision.

Mrs. Hermany asked when the Board of Supervisors signed the Stipulation Agreement. Mr. Gundlach believes the Stipulation Agreement was approved and signed at either the October or November 2005 Supervisor's meeting. Mrs. Hermany asked why a Stipulation Agreement was required. Mr. Gundlach explained that relief was required from the Zoning Hearing Board as to the configuration of the tract. This relief was

granted by the Zoning Hearing Board subject to a condition to eliminate two lots from the plan, or to bring the open space into compliance. The applicant did eliminate two lots from the plan as directed, however they could not comply with the technical configuration requirements that the Zoning Hearing Board imposed. Mr. Gundlach stated that it was more of a technical, dimensional requirement, and the Stipulation Agreement was therefore entered into noting those provisions and attaching a plan that was reviewed by the Township.

Mrs. Hermany advised that the Planning Commission did not have the opportunity to review the proposal or Stipulation Agreement. Mr. Wynn explained that it would not come before the Planning Commission for review since it was an appeal of a Zoning Hearing Board decision, which only requires review and consideration by the Board of Supervisors. That being the case, Mrs. Hermany wondered why the Planning Commission is reviewing the plan at this time. Mr. Wynn advised that it has now been submitted as a subdivision plan, and with the exception of those Zoning Hearing Board and Board of Supervisor's modifications to the Ordinances, all of the rest of the Subdivision and Zoning Ordinance requirements comply. Mr. Gundlach noted that a sketch plan was previously reviewed by the Planning Commission, at which time they were generally supportive of the configuration and layout. The plan then went before the Zoning Hearing Board for certain relief, at which time two lots were removed from the plan. As a condition of approval, the Board of Supervisors required construction of a walking trail. The main planning issue for this proposal was to determine the ownership of the open space. The applicant appeared before the Township Park and Recreation Board to discuss whether the open space should be conveyed to the Township, or whether it should be owned by a Homeowner's Association. The applicant suggested that the open space should be conveyed to the Homeowner's Association, with an easement for the walking trail granted to the Township for use by the public.

Mr. Wynn explained that the Zoning Hearing Board decision specified that two lots should be eliminated. Those lots actually abutted and backed up to an area of conservation easement in the Coventry Meadows I Subdivision, however there was some internal discussion that the Zoning Hearing Board may have to leave that conservation easement on the Coventry Meadows I Subdivision as open space. The Commission may recall that there was an area of that subdivision that had a conservation easement to protect woodlands. Creating open space that backs up to those lots did not make much sense compared to widening the open space where it is shown on the plan at this time. Mr. Wynn advised that the applicant also would have preferred to eliminate two other lots than the ones that were chosen. Mr. Gundlach agreed, but commented that the density remained the same, there was just a question as to which two lots would be removed from the plan.

Mr. Kulesza noted that there had been a reduction in the required amount of open space, and asked if there was a determination as to what would be counted as open space. Mr. Wynn replied that the stormwater management basins are not counted as the minimum required open space, though they are located within the open space area. Mr. Kulesza asked if the thin strips as shown on the plan are counted as open space. Mr. Wynn replied that the rest of the open space shown on the plan, including the long, thin strips, is counted. Mr. Gundlach noted that the Board of Supervisors has required the developer to construct the walking trail at their cost.

Upon review of past meeting minutes, Mrs. Hermany cannot find evidence that this sketch plan was ever reviewed by the Planning Commission. Chairperson Rush stated that the Planning Commission is at a disadvantage since it has not been privy to the approved Stipulation Agreement. Discussion took place. It was determined that the sketch plan was never presented to the Planning Commission at a public meeting, prior to the plan appearing before the Zoning Hearing Board.

Mr. Gundlach advised that the site would be served by public water and sewer, as is the Ziegler Tract located adjacent to it. The temporary cul-de-sac on the adjacent Ziegler Tract will be removed and extended into the Metzger Tract. There is also a temporary cul-de-sac in the Metzger Tract, which will be extended when and if the adjacent property is subdivided in the future. Mr. Kulesza asked why the one cul-de-sac bulb is not shown up to the property line. Mr. Mills replied that if the bulb went right to the property line, it could not be graded without encroaching onto the neighboring property.

The existing use of the site is an auto salvage yard, which may contain significant areas of junk vehicles, material wastes, etc. In accordance with Section 140-25.G of the SALDO, junk and waste materials must be removed from the site and disposed of properly. The Township must also receive documentation to verify that the site does not contain any environmental issues, via completion of a Phase 1 (and 2, if necessary) environmental study. Discussion took place.

Off-site water and sewer extensions are proposed to extend through and along Keystone Drive. Originally, the Ziegler property was proposed to be served via grinder pumps, however when the Metzger property began the planning process, Mr. Gundlach advised that there was an opportunity to run the sewer line through the Metzger property from the Ziegler property, thereby changing from a grinder pump/force main system to a gravity system, which is always favored by the Authority. The Telford Borough Authority strongly supported the gravity system over the grinder system. This change would allow for the opportunity for some properties along Keystone Drive that are experiencing failing or failed systems connect to the public sewer line as well.

Mrs. Hermany asked why the open space area was reduced from 65% to 55%. Mr. Wynn explained that this was an issue before the Zoning Hearing Board, who made the determination to grant the applicant's request to reduce the open space area. Mr. Gundlach agreed, noting that the Zoning Hearing Board, given the current use and configuration of the property, granted relief from the open space calculations, which meets the site capacity calculations as to the homes that are permitted. Mrs. Hermany questioned the process involved with approving the Stipulation Agreement and how much information the Board of Supervisors was privy to when they agreed to it. Discussion took place.

The Planning Commission discussed the proposed trail that traverses the site and its points of access with existing trails and/or sidewalks in the area.

The applicant has requested the following waivers:

- From Section 140-28.P, requiring roadway improvements along Schoolhouse Road and Keystone Drive. Drainage improvements, cartway reconstruction/overlay, cartway widening, curb, and sidewalk are required to be installed along existing roadways within the frontage of the site. The site contains relatively narrow frontage along Keystone Drive (200 feet) and Schoolhouse Road (40 feet), which may not warrant installation of improvements.
- From Section 140-29.D(2), requiring cartway width of 32 ft. for subdivisions proposing lots of 50,000 sq. ft. or less. A cartway width of 28 ft. consistent with Chestnut Lane as approved in the adjacent Coventry Meadows Subdivision is proposed.
- From Section 140-31.B, requiring the minimum centerline radius for local streets to be 150 ft. A portion of Chestnut Lane is proposed with a 125 ft. radius, and had been indicated on the sketch plan that was part of the Stipulation Agreement.

Mr. Wynn's review notes that the above listed waiver requests were granted as a condition of the February 2, 2005 Stipulation of Settlement Agreement.

- From Section 140-30.D, requiring cul-de-sac to include a landscaped island in accordance with appendix I and J.

Mr. Beatrice asked if the temporary cul-de-sac abuts the lot line with TMP #15-1-146-3. Mr. Mills replied that the right-of-way does, however the actual cul-de-sac bulb does not.

Mr. Beatrice expressed concern with the neighboring property that the temporary cul-de-sac might be extended into. Discussion took place.

Motion was made by Mr. Beatrice, seconded by Mrs. Hermany, and carried unanimously to recommend waiver from Section 140-30.D, requiring a cul-de-sac street to include a landscaped island for the Coventry Meadows II Subdivision, as noted above.

It was Mr. Kulesza's opinion that the Planning Commission should not render a recommendation on this plan since they were not privy to the approved Stipulation Agreement and attached plans. Mrs. Hermany and Mr. Beatrice agreed. While he agreed that the Planning Commission should have been provided with a copy of the Stipulation Agreement and plan, Chairperson Rush commented that the Planning Commission has never made recommendations on zoning issues, and he views the Stipulation Agreement as an extension of the Zoning Hearing Board approval. Lengthy discussion took place.

Motion was made by Mr. Marino to recommend conditional preliminary plan approval to the Coventry Meadows II Subdivision, pending completion of all outstanding items as noted in the January 5, 2006 engineering review. Mr. Beer seconded the motion, with the stipulation that the Board of Supervisors provides clarification of the procedure involved with respect to future Stipulation Agreements. Mr. Marino agreed to amend his original motion to include the language as suggested by Mr. Beer. Mrs. Hermany, Mr. Beatrice, and Mr. Kulesza were opposed.

While he understands the Planning Commission's frustration with respect to the process of their review of Stipulation Agreements or lack thereof, in all fairness to the applicant, Mr. Gundlach asked the Planning Commission to reconsider their motion.

Motion was made by Mr. Marino and seconded by Mr. Beer, to recommend conditional preliminary plan approval to the Coventry Meadows II Subdivision pending completion of outstanding items as noted in the January 5, 2006 engineering review, with the proviso that the Board of Supervisors review the minutes of this meeting for the comments of the Planning Commission members in order to establish procedures, with the intent to avoid confusion for future applicants.

Discussion took place before an official vote was taken. Without a copy of the Stipulation Agreement in hand, Mr. Kulesza does not know how the Planning Commission can evaluate this proposal. Chairperson Rush stated that the Planning Commission must evaluate the proposal based upon the Township Engineer's review of the documents showing that the plan is in compliance with that.

Mr. Bradley and Mr. Kulesza were opposed. Motion passed: 4:2.

2. Hillside Estates Subdivision (Final) – Mr. Michael Murphey, the applicant, was in attendance to present the plan. Mr. Wynn's most recent review dated December 5, 2005 was discussed.

Motion was made by Mr. Beatrice, seconded by Mrs. Hermany, and carried unanimously to recommend conditional final plan approval to the Hillside Estates (aka: Murphey Subdivision) pending completion of all outstanding items as noted in Mr. Wynn's December 5, 2005 engineering review.

D. PLANNING: None.

E. OLD BUSINESS: None.

F. NEW BUSINESS:

1. Kelly-Fox Subdivision (Silverdale Borough) – The plan proposes to subdivide a property located on Rt. 152 opposite East Park Avenue in Silverdale Borough into four residential lots. One of the affected tax map parcels, #15-28-76 is located in Hilltown Township. Mr. Wynn explained that part of the privately open space in Silverdale Borough was actually open space that was acquired many years ago pursuant to the Hilldale Subdivision. Discussion took place.

G. PLANS TO ACCEPT FOR REVIEW ONLY:

1. Kirk Tract Subdivision (Final)
2. Wilson Subdivision (Minor)

H. PUBLIC COMMENT:

1. Mr. Gene Cliver of 427 Telegraph Road was present to challenge the Planning Commission's authority. He noted that his grandson can't purchase a reasonably priced house in Hilltown due to the zoning requirements in this Township. Mr. Cliver referred to the cost and size of new housing, which he believes is due to the Township's stringent zoning requirements that permit the taking of open space from builders. Mr. Cliver commented that the Township is making zoning regulations so strict that it becomes difficult for young people to purchase a home. Mr. Cliver also expressed his displeasure with the requirements for street trees, retention basins, and berms.

2. With respect to Mr. Cliver's comments, Mrs. Sandy Williamson of Mill Road stated that the housing that exists in Hilltown is the product of many things, including historically low interest rates, interest-only mortgages that allow individuals to build enormous dwellings, and an economy that supports that. When considering land

prices, Mrs. Williamson believes that the boom that Hilltown is experiencing is in part due to those low interest rates and the new types of financing that are available.

I. PLANNING COMMISSION COMMENTS:

1. Chairperson Rush is confident that the Planning Commission will be completing their review of the Zoning Ordinance amendments very shortly. As plans are reviewed and the Township looks to the future, Chairperson Rush encouraged the Planning Commission to look for opportunities to improve traffic, which he believes will be the largest number one issue that faces this and surrounding municipalities.

Mr. Marino stated that approximately two years ago, there had been discussions of establishing a transportation committee to review the issues of traffic and provide the Board of Supervisors with recommendations.

As the Planning Commission continues to focus on traffic calming, and minimal volume subdivisions, Mr. Beatrice is concerned that the Township does not do so for existing roads, which are presently receiving the brunt of the development as far as traffic flow. Mrs. Hermany agreed.

While the Comprehensive Plan was being revised, Mrs. Jean Bolger of Rt. 152 recalls that John Bender, who was a member of the Board of Supervisors at the time, had suggested that a Transportation Committee be formed. She wondered if a Transportation Committee would be separate from the Planning Commission. Mr. Marino believes that such a group should be separate from the Planning Commission and should be comprised of qualified residents with experience and knowledge of transportation issues.

2. Many years ago, Mr. Beer recalls that there was a Rt. 313 bypass proposed through Hilltown Township from Broad Street to just above the WaWa. When that proposal came before the Board of Supervisors, there was an influx of residents from the Dublin area who registered to participate in the Township's Agricultural Security Area so that their land could not be condemned in order to build that bypass. Prior to that, the Planning Commission had considered creating an industrial area along Rt. 313 for the sole purpose of keeping heavy truck traffic out of the interior of the Township. If that suggestion had come to fruition, Mr. Beer noted that there would now be an industrial park with an access on the Rt. 313 side of the Township, which may have prevented the controversy that seems to extend from McGrath Homes proposal.

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

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K. ADJOURNMENT: Upon motion by Mr. Beer, seconded by Mr. Marino, and carried unanimously, the January 16, 2006 Planning Commission meeting was adjourned at 9:07PM.

Respectfully submitted,

Lynda Seimes  
Township Secretary

(\*These minutes were transcribed from tape recordings, and are not considered approved until voted upon by the Planning Commission at a public meeting).