

**HILLTOWN TOWNSHIP PLANNING COMMISSION**  
**REGULARLY SCHEDULED MEETING**  
**Monday, July 17, 2006**  
**7:30PM**

The regularly scheduled meeting of the Hilltown Township Planning Commission was called to order by Vice-Chairperson Chuck Kulesza at 7:32PM and opened with the Pledge of Allegiance. Mr. Kulesza announced that that Chairperson Rush would not be in attendance this evening. Present were Planning Commission members Ken Beer, Denise Hermany, and Joe Marino, with Mike Beatrice arriving at approximately 7:40PM and Bill Bradley arriving at approximately 7:45PM. Also present were C. Robert Wynn, Township Engineer, and Lynda Seimes, Township Secretary, to record and take minutes of this meeting.

A. APPROVAL OF MINUTES – Action on the minutes of the May 15, 2006 Planning Commission meeting - Motion was made by Mr. Beer, seconded by Mr. Marino, and carried unanimously to approve the minutes of the May 15, 2006 Planning Commission as written.

B. PUBLIC COMMENT ON AGENDA ITEMS ONLY: None.

C. CONFIRMED APPOINTMENTS:

1. First Patriot Bank (Sketch) – Mr. Adam Fernandez, the applicant's legal counsel, along with Mr. Ted Laskowski, the property owner, were in attendance to present the plan. The initial sketch plan submitted on March 15, 2005 proposed the 1.7-acre site to be subdivided into five lots, with 0.95 acres located in Hilltown Township and 0.75 acres located within Perkasio Borough. The current sketch plan proposes the site to be subdivided into three lots. Lot #1 (13,593 sq. ft.) is located entirely within Perkasio Borough. Lots #2 and #3 are split by the Hilltown Township/Perkasio Borough boundary, with Lot #2 (14,783 sq. ft.) located primarily within Perkasio Borough, and Lot #3 (30,081 sq. ft.) located primarily in Hilltown Township. Lot #3 contains one half of an existing dwelling. All lots are to be served by public water and sewer facilities. The Hilltown Township portion of the site is zoned CR-1.

Mrs. Hermany's main concern is the fact that one of the lots is divided by the municipal boundary. Mr. Fernandez anticipated this concern, and noted that there are sections of the SALDO that require lot lines to be both perpendicular to the road, as well as conform to the municipal boundary lines. Unfortunately, the site is such that it is difficult to meet both those requirements. In the sketch plan that was submitted, it appears that the lot line runs through the center of the dwelling, however Mr. Fernandez noted that was simply an error on the plan that will be rectified by the preliminary plan submission. The only portion of Lot #2 that will be located in Hilltown Township will be yard area. The applicant is willing to deed restrict that lot area so that it is never further subdivided or built upon. The portion of the subdivision located in Hilltown Township contains one half of a twin dwelling, which has been in existence for 136 years. The portion to be

subdivided off (labeled Lot #3), will not contain any construction and is not intended to be developed in any way. Personally, Mrs. Hermany would prefer that the lot line be concurrent with the municipal boundary, with only two lots proposed. Mr. Beer agreed. If two lots were proposed, Mr. Fernandez stated that what is currently noted as Lot #1 and Lot #2 would become one with the property line following the diagonal municipal border, which would require a waiver from lot lines being perpendicular to the road. Discussion took place. Mr. Kulesza believes a majority of the Planning Commission would look favorably upon recommending a waiver of that SALDO requirement for lot lines being perpendicular to the roadway. Mr. Beatrice would not be in favor of granting a waiver for lot lines being perpendicular to the roadway.

Mr. Marino questioned Section 1.C of the March 27<sup>th</sup> review, which states: "Pursuant to Township requirements, the lot within the Township must include identification of the net and gross lot area. In the event the lot area identified as 30,081 sq. ft. includes the ultimate right-of-way of Walnut Street, Lot #3 does not comply with the minimum lot area requirement of 30,000 sq. ft. as shown in the site design requirements noted on the plan. The 30,000 sq. ft. minimum lot area requirement is for a B1, single family detached dwelling. Although this lot contains a twin home, it would appear that subdivision of the parcel into a minimum lot required for a twin dwelling is not permitted without Zoning Hearing Board relief, since twin dwellings are only permitted as part of a performance subdivision (Use B4), which requires a minimum site area of 5 acres. (We note, however, applying the single family dwelling setbacks to the twin home results in the entire home being located within the required side yard setback)." Mr. Fernandez advised that the applicant intends to seek zoning relief, but unfortunately twin homes are only permitted in performance subdivisions on tracts of 5 acres or larger. He noted that this is an existing non-conformity, which would require zoning relief from that requirement. According to the review, Mr. Marino stated that side yard setbacks must be taken into consideration as well. Discussion took place concerning the existing non-conformity on Lot #3.

Before there is additional review of the sketch plan by the Planning Commission, Mrs. Hermany and Mr. Beer suggested that the applicant apply for variances from the Zoning Hearing Board. The plan was tabled.

2. Sperling Tract Minor Subdivision (Preliminary) – Mr. Brian Horner, the applicant's engineer, was in attendance to present the plan. The latest engineering review dated July 11, 2006 was discussed. The applicant is requesting the following waivers:

- From Sections 140-29.D, 140-35, and 140-36, which require cartway widening, curb, and sidewalk along the frontage of the site. Leveling/overlay of the entire cartway of Rickert Road along the frontage of the site with wearing course material and structural paving fabric and

shoulder improvements are proposed as required by Section 140-28.P. Additionally, the stone driveway entrance on Lot #2 is to be reconstructed and paved pursuant to Section 140-34 of the SALDO.

- From Section 140-48, requiring street lighting along public streets.
- From Ordinance #2003-2, Section 305.C to permit use of existing impervious surface on Lot #2 in pre-development stormwater runoff calculations.

Mr. Wynn's review notes that if this waiver request is acceptable to the Township, a fee in-lieu-of stormwater management facilities should be paid to the stormwater management fund in the an amount established by Resolution #2006-6.

Motion was made by Mrs. Hermany, and seconded by Mr. Beer to recommend waiver from Sections 140-29.D, 140-35, and 140-36 regarding street improvements; from Section 140-48 regarding street lights, and from Ordinance #2003-2, Section 305.C to permit use of existing impervious surface on Lot #2 in pre-development stormwater runoff calculations, as noted above for the Sperling Tract Minor Subdivision.

Prior to a vote, discussion took place. Mr. Beer suggested that a fee in-lieu-of the above noted improvements be provided by the applicant.

Mrs. Hermany amended her original motion to include the requirement for a fee in-lieu-of the above noted Ordinance requirements. The amended motion was seconded by Mr. Beer and carried unanimously.

Motion was made by Mr. Beatrice., seconded by Mr. Marino, and carried unanimously to recommend conditional preliminary/final plan approval to the Sperling Tract Subdivision, pending completion of all outstanding items as noted in the July 11, 2006 engineering review.

3. Gitlin/Johnson Tract Subdivision (Final) – Mr. Bill Benner, the applicant's legal counsel, was in attendance to discuss the plan. At the May 2006 Planning Commission meeting, Mr. Wynn's most recent review letter was discussed, which formally identified that the plans then pending provided for public sewer. At that time, the Planning Commission elected not to take action pending the execution of formal agreements between Toll Brothers and the Hilltown Township Water and Sewer Authority. Mr. Benner noted that an agreement has been reached between the applicant and HTWSA, and the terms of the service is such that the Authority agrees to provide public sanitary sewer to the Gitlin/Johnson Tract using a gravity design to service all lots. In addition, the plan as approved calls for the applicant to extend the sewer line off-site

for a distance of approximately 1,800 ft. westerly along Fairhill Road. The specific terms of the agreement are memorialized in written correspondence from the Hilltown Authority dated June 23, 2006.

Mr. Kulesza commented that the Planning Commission did not receive copies of the correspondence from the Hilltown Authority dated June 23, 2006. Mr. Benner noted that Hilltown Township and Mr. Wynn are both listed as receiving copies of the correspondence. He explained that page 2 of the letter provides a general description of the proposed off-site extension of public sewer. Mr. Wynn asked if plans are available showing the extension of public sewer. Now that the parties have reached an agreement, Mr. Benner advised that plans would be forthcoming.

Mr. Wynn stated that the extension of sanitary sewer to serve this subdivision was originally discussed during the preliminary plan stage by the Board of Supervisors, and he feels that their input is most important on this issue. Since it was not something that was generated by the Planning Commission, he believes it is an issue to be resolved and accepted by the Board of Supervisors. Discussion took place.

Mr. Kulesza questioned the ownership of parcel A (detention basin). Mr. Benner replied that parcel A would be owned and maintained by the Homeowner's Association. Mr. Kulesza also expressed concern that the detention basin is not included in the site area calculations if and when Lot #26 is further subdivided. Mr. Wynn noted that it would either be a separate ownership or an easement.

Motion was made by Mrs. Hermany, and seconded by Mr. Marino, to recommend conditional final plan approval to the Gitlin/Johnson Tract Subdivision, pending completion of all outstanding items in the June 30, 2006 engineering review, and that the issue of public sewer service is accomplished in a manner acceptable to the Township. Mr. Kulesza and Mr. Beatrice were opposed because they object to the extension of public sewer to serve this site. Motion passed 4:2.

4. Polachek Subdivision (Sketch) –Ms. Cheryleen Strothers, the applicant's engineer, was in attendance to present the plan. Mr. Wynn's review dated July 10, 2006 was discussed. The plan proposes to subdivide a 2.7-acre (gross) parcel located in the RR Zoning District into two lots. Lot #1 is proposed to contain 62,586 sq. ft. (net) and an existing dwelling and other improvements with access to Seven Corner Road. Lot #2 is a proposed 50,500 sq. ft. (net) lot with 12.86 feet of frontage along the right-of-way of Spring Hill Lane, a cul-de-sac street constructed as part of the Cefelli Tract Subdivision in 1991.

Item #1 of the July 10, 2006 review states "Lot #2 is proposed as a non-conforming lot with insufficient lot width on Spring Hill Lane. The front yard setback to establish the

minimum lot width is shown measured from a lot line that does not meet the definition for a front lot line along the common boundary with TMP #15-17-1-5 (N/L Stauffer). Due to the irregular lot configuration, a Zoning Hearing Board variance should be required to permit subdivision of Lot #2 with driveway access to Spring Hill Lane.” Discussion took place. The Planning Commission agreed that a variance should be requested from the Zoning Hearing Board before moving forward with review of this proposal.

Mr. Kulesza noted that the Planning Commission recently proposed a Barn Ordinance for the Supervisor’s consideration, which would provide for the adaptive re-use of barns. He suggested that the applicant might wish to review that draft Ordinance before considering demolition of the barn on Lot #1. Mrs. Hermany believes that there may be a requirement for a lot area of 3 acres. If that is the case, Ms. Strothers noted that the applicant would not meet the criteria. Mr. Wynn asked what the impervious surface percentage would be if the barn and stone driveway is not removed. If it is not removed, Ms. Strothers advised that the impervious surface would be at 14.6%.

The plan was tabled.

5. S & H Properties Redevelopment (Jack Jones) (Sketch Plan) – The applicant’s engineer was in attendance to present the sketch plan. Based upon his initial review, the applicant’s engineer noted that the proposal has a number of non-conforming elements, and will require some relief from the Zoning Hearing Board. He further expects that a number of waivers will be required. The property is located one property in from the intersection of Rt. 113 and Blooming Glen Road in the village of Blooming Glen. It is the applicant’s intent to redevelop the building into multiple uses, which do not appear consistent with the parking calculations as shown on the sketch plan.

Mr. Wynn’s correspondence dated July 10, 2006 states that the plan does not contain the necessary information for an engineering review as contained within Section 140-15.B of the SALDO. Subsequent to the Township receiving the sketch plan submission, Mr. Wynn contacted the applicant, Mr. Jack Jones, who indicated that the building is to be redeveloped into multiple uses, which do not appear consistent with the parking calculations shown on the Showalter and Associates, Inc. plan. Mr. Jones advised Mr. Wynn that it was important that the sketch plan be discussed with the Planning Commission so that he could proceed with a Zoning Hearing Board application later in the month. Due to the incompleteness of the sketch plan submission and its lack of clarity, Mr. Wynn could not provide an engineering review of the proposal.

Mr. Marino asked if the applicant has obtained the necessary building and zoning permits for the work that is progressing at this time, including replacement of doors and windows. The applicant’s engineer was not certain if building or zoning permits had been obtained.

Mr. Kulesza asked if a Phase I Study has been completed on the site. The applicant's engineer replied that a study has not been done, however it would be required at some point. Mrs. Hermany noted that since the building is located next to a residence buffering would be required, which will impose upon what is already a limited parking area for the building.

The plan was tabled pending receipt of additional information, with a more complete sketch plan and proposal for the site.

D. PLANNING: None.

E. OLD BUSINESS:

1. Hawk Valley Estates Subdivision – Planning Modules – Mr. Wynn advised that Planning Modules for the Hawk Valley Estates Subdivision would be available for signature by the Planning Commission following this meeting.

F. NEW BUSINESS: None.

G. PLANS TO ACCEPT FOR REVIEW – None.

H. PUBLIC COMMENT: None.

I. PLANNING COMMISSION COMMENTS:

1. Mr. Beer was happy to see that someone was renovating the old building in Blooming Glen, however he hopes that the necessary permits had been obtained. Discussion took place concerning the policy in place if a property owner is found to be in violation of obtaining the necessary permits.

J. PRESS CONFERENCE: No members of the press were in attendance at this time.

K. ADJOURNMENT: Upon motion by Mr. Beer, seconded by Mr. Marino, and carried unanimously, the July 17, 2006 Planning Commission meeting was adjourned at 8:30PM.

Respectfully submitted,

Lynda Seimes

Township Secretary(\*These minutes are not considered official until approved by the Planning Commission at a public meeting).