

**HILLTOWN TOWNSHIP PLANNING COMMISSION**  
**REGULARLY SCHEDULED MEETING**  
**Monday, June 19, 2006**  
**7:30PM**

The regularly scheduled meeting of the Hilltown Township Planning Commission was called to order by Chairperson D. Brooke Rush at 7:33PM and opened with the Pledge of Allegiance. Also present were Planning Commission members Mike Beatrice, Ken Beer, Bill Bradley, Denise Hermany, Chuck Kulesza, and Joe Marino; along with 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 April 17, 2006 Planning Commission meeting – Chairperson Rush noted the following correction to page 6, paragraph 3, first sentence, removing the word “quad.”

Motion was made by Mrs. Hermany, seconded by Mr. Marino, and carried unanimously to approve the minutes of the April 17, 2006 Planning Commission meeting, as corrected.

B. PUBLIC COMMENT ON AGENDA ITEMS ONLY: None.

C. CONFIRMED APPOINTMENTS:

1. Sperling Tract Subdivision (Minor) – Mr. Brian Horner, the applicant’s engineer, was in attendance to present the plan. Mr. Wynn’s engineering review dated March 27, 2006 was discussed. This 3.99-acre (net) site located within the RR Zoning District at the northwest corner of the intersection of Rickert Road and Rt. 152 is proposed to be subdivided into two Use B-1, single-family dwelling lots. A dwelling and several outbuildings exist on the parcel. The buildings and dwelling to remain are located on Lot #2, which will contain 1.89 acres (net). Lot #1 (2.10 net acres), contains mostly open field, with a small wooded area along the frontage of Rickert Road.

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.

Though it is not listed on the waiver request form, Mr. Wynn’s review notes that it is a requirement of 140-28.P for construction of drainage improvements, and leveling/overlay of the entire cartway along the frontage of the site with wearing course material and structural paving fabric. The adjacent parcels do not have curb, sidewalk, or cartway widening. However, Mr. Wynn recommended that shoulder improvements and cartway leveling/overlay on Rickert Road along the frontage of the site be required. Overlay of Rickert Road is also required due to the waterline construction. Additionally, the stone driveway entrance on Lot #2 should be reconstructed with a swale and paved pursuant to Section 140-34 of the SALDO.

- From Section 140-48, requiring street lighting along public streets.

In addition, the calculation of pre-development groundcover coefficient does not consider the existing impervious surfaces to be “meadow.” Therefore, the plan and calculations must be revised, or an additional waiver for this requirement must be received from the applicant. Mr. Wynn’s review notes that if a waiver is requested and granted, the Lot #1 stormwater management facility must be designed as a “stand alone” site for that lot, and a contribution should be made to the Township Stormwater Management Fund for the existing impervious surfaces on Lot #2.

The applicant agreed to revise the written request for waivers to be submitted for consideration at the next meeting. The plan was tabled pending submission of revised plans and waiver request.

2. RVC Investments (Preliminary) – Mr. Vince Fioravanti, the applicant’s engineer, and Mr. Dick Coluccio, the applicant, were in attendance to present the plan. The engineering review dated March 13, 2006 was discussed, as well as correspondence from Mr. Wynn dated June 12, 2006, following up on previous discussions at the Planning Commission meeting of May 15, 2006 regarding the Zoning Hearing Board decision.

At the last meeting, the Planning Commission discussed the architecture of the building. Mrs. Hermany asked if the applicant has provided any other renditions. Mr. Coluccio replied that an architectural rendering was presented during the Zoning Hearing, but since that time, the applicant has considered a new façade for the building. Chairperson Rush commented there is a section of the Ordinance that refers to buildings being constructed while understanding the rural and historical characteristics of the community. The applicant was agreeable to consider an alternate rendering between the preliminary and final plan approval stages. Discussion took place.

Mr. Wynn noted that the initial plan submission proposed a two-story office building with a gross floor area of 11,200 sq. ft. (building footprint equals 5,600 sq. ft), with 56 parking spaces based upon one parking space per 200 sq. ft. of gross floor area. The latest plan with a revision date of February 24, 2006 revised the building area to 16,800 sq. ft., based upon a three-story building with a 5,600 sq. ft. footprint. Parking on the site has been revised to one space per 300 sq. ft. of floor area, which coincidentally remains at a total of 56 spaces. The decision of the Zoning Hearing Board regarding RVC Investments is dated February 23, 2006 (Appeal #2005-10). Under the Findings of Fact, Item #13 indicates that “applicant’s proposed office building will consist of three stories totaling 16,800 sq. ft. of office space based upon 5,600 sq. ft. per floor.” Item #10 under the Findings of Fact indicates the applicant proposes to provide a total of 57 parking spaces (plan identifies 57 parking spaces), although the parking requirement note

indicates a requirement of 56 spaces. Under the Decision and Order, variance relief was granted as requested by the applicant, however the third floor of the office building may not be used as office space and is limited to storage only.

The applicant received the following variances from the Zoning Hearing Board in its written decision dated February 23, 2006:

- A variance from performance standards of Section 160-26, to permit the site to be served by on-lot water and sewage disposal systems within the PC-2 Zoning District.
- A variance from Section 160-23.D(3)(c), which sets forth off-street parking requirements for office uses. A variance was requested to permit reduction in the number of required parking spaces based on the total floor area of the building (16,800 sq. ft.). Variance approval is conditioned upon the third floor of the office building being restricted from uses other than storage.

Chairperson Rush was surprised by the requirement to limit the third floor of the building to storage only. Mr. Beatrice asked if there would be plumbing installed on the third floor. Mr. Coluccio believes that there will be plumbing on all three floors. Mrs. Hermany and Mr. Beatrice do not feel that plumbing on the third floor, which is for storage only, should be permitted. Lengthy discussion took place regarding the parking requirements with respect to the third floor storage only requirement.

The applicant has requested the following waivers:

- From Section 140-38(2)(n), which requires that a minimum drop of 2" be provided between the inlet and outlet invert elevations within all inlets and manholes; and when varying pipe sizes enter an inlet or manhole, the elevation of the crown of all pipes shall be matched. Waiver is required from strict compliance with this requirement due to topographic issues associated with the proposed stormwater management system.

Motion was made by Mr. Beatrice, seconded by Mrs. Hermany, and carried unanimously to recommend waiver from Section 140-38(2)(n), as noted above for the RVC Investments Land Development.

- From Section 140.39.B, which requires that if the vertical drop of an excavation or fill slope is greater than 5 ft., the maximum slope shall not exceed four horizontal to one vertical. A waiver is requested to permit a portion of the embankment along the southern side of the parking area to

be graded at a maximum slope of 3:1, in an effort to reduce tree disturbance.

Motion was made by Mrs. Hermany, seconded by Mr. Beatrice, and carried unanimously to recommend waiver from Section 140.39.B as noted above for the RVC Investments Land Development.

- From Section 140-45.F(4), which requires driveways along non-residential buildings to have a minimum paved width of 26 ft.

The applicant has requested this waiver to permit a driveway width of 24 ft. due to the small office size and limited traffic counts with no anticipated truck traffic.

Motion was made by Mr. Marino, seconded by Mr. Beer, and carried unanimously to recommend waiver from Section 140-45.F(4) as noted above for the RVC Investments Land Development.

- From Section 140.45.G(4), which requires a minimum of 20 ft. of open space between the outside wall of a non-residential building and any parking space, to provide access for fire fighting equipment.

Mrs. Hermany noted that since no response has yet been received from the servicing fire company, the Planning Commission cannot yet rule on this matter. Mr. Coluccio advised that informal correspondence was received today from Phil Meyers, chief of the Dublin Fire Company, advising that the waiver request is acceptable. Mrs. Hermany felt that a more formal letter on Dublin Fire Company stationery should be received. Discussion took place.

Motion was made by Mr. Beer, seconded by Mr. Marino, and carried unanimously to recommend waiver from Section 140.45.G(4), as noted above for the RVC Investments Land Development, pending receipt of a more formal recommendation on Dublin Fire Company letterhead.

- From Section 140-22.B, which requires a Water Impact Study for non-residential uses intending to utilize a proposed well.

The request notes that the existing well is functional and will be tested for capacity before final approval. If capacity is not sufficient, a new well will be drilled. Mr. Wynn recommended that a 4-hour pump test be completed for the existing well, to verify that the well will provide enough water to meet the demand of the office building. Water quality testing should also be completed to verify that water supply meets minimum

requirements of Section 140-41 of the SALDO. The applicant was agreeable to conducting the 4-hour pump test as recommended by Mr. Wynn. Discussion took place.

Motion was made by Mrs. Hermany, and seconded by Mr. Beer, to recommend waiver from Section 140-22.B as noted above for the RVC Investments Land Development. Mr. Beatrice was opposed. Motion passed.

- From Sections 140-35.A and 140-36.A, which require curb and sidewalk along existing roadways within the frontage of the site.

As noted during the sketch plan review and within correspondence dated January 24, 2006 and October 21, 2005, Sections 140-28.P and 140-29.D(1) of the SALDO also require drainage improvements, cartway reconstruction/overlay, and cartway widening (17 ft. from centerline) to be installed along Rt. 313 within the frontage of the site. Additionally, the parcel on the opposite side of Rt. 313 from the site (in Plumstead Township) is being developed as a place of worship, which includes various improvements along Rt. 313 to facilitate installation of a proposed left turn lane into the church parcel. Prior to the Township considering a waiver of street improvements, Mr. Wynn recommended that the plan should be revised to identify improvements proposed as part of the Second Baptist Church Land Development as they may impact the frontage of the site. If the Township considers a waiver of required street improvements, a fee in-lieu-of street improvements should be accepted in an amount equal to the cost of required improvements within the frontage of the site into the Township's Capital Improvements Fund.

Lengthy discussion took place concerning the proposed road improvements for the Second Baptist Church and the possible truck lane that is being considered for Rt. 313.

Motion was made by Mr. Beatrice, seconded by Mrs. Hermany, and carried unanimously to recommend waiver from Sections 140-35.A and 140-36.A as noted above for the RVC Investments Land Development, with the stipulation that a fee in-lieu-of street improvements and sidewalks be provided.

Public Comment:

1. Ms. Sandy Williamson of Mill Road questioned the style of the proposed building, asking if the columns are purely decorative or if they are load bearing. She also asked if the roof is completely flat, as it appears. If the third floor is to be used for storage only, Ms. Williamson suggested that the applicant consider constructing a more farmhouse-like structure with a pitched roof with stucco over stone, or a stone façade/

Mr. Beatrice wondered how the two-story limitation for occupancy would be documented and enforced. Mr. Wynn believes this issue would most likely be resolved with a restrictive covenant that would be filed separately in the Bucks County Courthouse, and would be found on a title search if the property were to be sold. Discussion took place.

Mr. Coluccio commented that he is interested in constructing a building that is pleasing and blends with the surrounding architecture. He referred to the existing stores near Rt. 313's intersection with Rt. 113, which is located in the vicinity of his development, but does not seem to comply with the farmstead or colonial type building that is indigenous to the area as the Planning Commission has suggested. Mrs. Hermany felt the flat roof line was unattractive and wondered why the applicant has proposed windows on the third floor of the building, which is proposed to be used only for storage. Mr. Coluccio explained that one of his perspective tenants operates a high-tech company who is interested in a significant amount of storage space. Mr. Beatrice questioned the amount of storage that would be required for a high-tech business, other than perhaps additional servers. Chairperson Rush fears that people may "forget" the requirement of third floor storage only, which could create problems with parking requirements in the future. He suggested that the third floor somehow be made to be less inviting for anything other than storage. As for the inclusion of windows on the third floor, Mr. Coluccio felt it was more visually pleasing with windows continuing on the third floor in the same manner as the first and second floors of the building. Mrs. Hermany suggested that the applicant consider a farmhouse or barn style appearance for the new building. Discussion took place.

Motion was made by Mrs. Hermany, seconded by Mr. Marino, and carried unanimously to recommend conditional preliminary plan approval to the RVC Investments Land Development pending completion of all outstanding items in the March 13, 2006 engineering review; with the caveat that additional architectural drawings of the proposed building are submitted prior to final plan approval, with the parking issue being resolved at 1 per 200 sq. ft. of gross floor area, with the requirement that only storage is permitted on the third floor, and with formal correspondence being received from the Dublin Fire Company on their letterhead.

3. Wimmer/Lare Lot Line Adjustment (Preliminary/Final) – The plan proposes to convey approximately 0.52+/- acres from TMP #15-28-15-1 (Wimmer) to TMP #15-28-13-37 (Lare). Both lots contain existing single-family dwellings and other improvements, and are served by on-lot wells and sewage disposal systems. No development is proposed by the lot line adjustment subdivision plan. Mr. Mark Lare was in attendance to present the plan.

Mr. Wynn's review notes that both lots currently contain in excess of 8% impervious surface and one or both lots may be in non-compliance with impervious surface limits

established within the RR Zoning District, which limits the total amount of impervious surface to 9% based upon the net lot area. Post-development information indicates that the net impervious surface for TMP #15-28-15-1 will increase to 12+% due to the reduction in lot area and existing improvements. In accordance with Section 160-26, the maximum impervious surface permitted within the RR District on a single-family lot is 9%. As proposed, the subdivision will create a non-conforming lot (TMP #15-28-15-1) in non-compliance with the Zoning Ordinance requirements.

Chairperson Rush advised that the Planning Commission would not act on a plan until after a Zoning Hearing has been held and a variance granted or denied. Therefore, the plan was tabled pending receipt of a Zoning Hearing Board decision.

4. Petteruti Land Development (Sketch) – Mr. Wynn’s review dated June 12, 2006 was discussed. Mr. Ed Wild, the applicant’s legal counsel, Mr. George Donovan, the applicant’s architect, and Mr. Windsor Tracy, the applicant’s engineer, were in attendance along with Mr. and Mrs. Michael Petteruti, to present the plan.

This 2.306 acre parcel located at the northwest corner of the intersection of Mill Road and Rt. 152 within the VC Zoning District is proposed to be developed for a retail store (E1) and single-family detached dwelling (B1) uses. The site contains an existing single-family detached dwelling, which will remain. An existing barn is proposed to be converted into a retail store for specialty food sales. A 13 space parking area with driveway access along Rt. 152 is proposed to serve the retail store. In addition to existing structures, the site contains areas of mature vegetation and two accessory structures. The existing dwelling is currently served by an on-lot well and sewage disposal facility.

Mr. Donovan advised that the existing house is situated closer to the street than either the current right-of-way or any future rights-of-way. The barn facility located toward the rear of the lot has a stoned portion that is in disrepair. A third building on the site (either a chicken coop or a storage shed) would remain for personal use by the Petteruti family. He explained that it is the applicant’s intention to renovate the barn and construct two small additions to it to facilitate the operation being envisioned by the Petteruti’s. The addition to the south of the barn would contain storage facilities and a walk-in cooler, while the addition to the northeast corner of the building would house a new stairway. The applicant is proposing handicap access to both levels through the barn ramp on the north side and through a grade access where the present garage doors are located.

Mr. Donovan stated that the site would be primarily accessed from Rt. 152. The reason for Rt. 152 access is to minimize the amount of traffic traveling through the residential community on Mill Road. An entrance drive and parking area would be curved in naturally to accommodate some existing trees located on the site. Mr. Donovan noted that currently, there is a through driveway from Rt. 152 to Mill Road, however the

engineering drawing indicates that the driveway would remain with a sign to state "Private Drive Only," so that customers to the barn would not utilize that driveway.

The first floor of the building is intended to be used as retail space, with display areas for packaged foods and walk-in cold storage in the proposed addition. The main entrance would be located off the parking area and the stairway would be on the lower left of the building. The second floor would provide for additional space for gift basket preparation and more display area. The applicant is considering construction of an overlook down to the lower level in an attempt to visually connect the two floors, with an accessible powder room proposed for that floor.

On the exterior of the building, the applicant proposes to remove a poorly constructed existing dormer on the third floor, and to wrap the new stairway slightly around the front of the building and up the side with a gable roof. The building would be constructed of board and batten siding with a combination of shingled roofs and metal roofs. The entry area would be glazed with divided light windows and doors, which Mr. Donovan feels will be in keeping with the neighborhood and other barn structures of the community.

Thirteen parking spaces (including one handicapped accessible space) are to be constructed to serve the proposed retail store, as well as the existing single-family detached dwelling. Although parking calculations included on the sketch plan indicate that 20 spaces are required to serve the retail store and single family dwelling, seven parking spaces are proposed to be held in reserve and not constructed as part of the proposed improvements at this time. Mr. Wynn's review notes that Section 160-47 of the Zoning Ordinance permits conditional reduction in the required number of parking spaces, if it can be shown that the requisite number of parking spaces could be constructed compliant with provisions of the Zoning Ordinance and SALDO regulations. A minimum of 60% of the required number of parking spaces must be constructed, and an agreement must be executed between the Township and the applicant, which requires installation of the parking spaces within one year of the date of issuance of the certificate of occupancy permit for the uses if deemed necessary by the Township.

Mrs. Hermany questioned the location of the proposed reserved parking spaces. Mr. Donovan replied that they are located on the curved part of the driveway.

While additional waivers may be identified upon preparation of a preliminary plan, the following waivers have been requested:

- From Sections 140-28, 140-29, 140-35, and 140-36, which require cartway reconstruction/overlay and drainage improvements, cartway widening, curb, and sidewalk to be installed along existing roadways within the frontage of the site.

The request notes that any required improvements at the intersection of Rt. 152 and Mill Road would encroach within a few feet of the existing dwelling, which is to remain. Widening along Mill Road would potentially cause the removal of large existing mature trees. Lengthy discussion took place as to the close proximity of the existing dwelling/barn to the roadway and right-of-way, as well as the affect that road improvements would have.

- From Section 140-34, which requires driveways for corner lots to take access to the roadway having a lower classification.

The review notes that the applicant is requesting a waiver to permit primary access to be along Rt. 152 instead of Mill Road in order to preserve existing large trees along Mill Road. An existing driveway access along Mill Road is proposed to remain and be posted as a private driveway with no public thoroughfare. An existing driveway adjacent to the single family dwelling will be removed along Rt. 152 in favor of construction of the new parking area and access further from the intersection with Mill Road. Mr. Tracy presented photographs of the site, showing the mature existing trees along Mill Road, as well as the current roadway improvements and condition of Mill Road.

- From Section 140-45, which contains requirements relative to installation of curb within and paving of non-residential parking areas.

The plan notes that the driveway access along Rt. 152 will be paved to a point 10 ft. beyond the limits of the ultimate right-of-way; and the existing driveway access from Mill Road to the parking area will be paved. The remaining portion of the parking lot and access driveway is proposed to be installed in stone. In the event that the parking area is not required to be paved and curb is not required to be installed, Mr. Wynn feels the township should require installation of concrete bumper blocks or another alternative at all parking spaces to restrict vehicular access outside of parking areas. Additionally, in order to meet ADA requirements, handicapped accessible parking spaces must be paved to permit wheelchair access between the parking area and sidewalk. For the purposes of stormwater management, the parking area should be assumed to be paved when developing cover coefficient calculations, such that a stormwater management facility is appropriately sized in the event that the parking area is paved in the future.

Mrs. Hermany suggested that a buffer be proposed in front of the parking spaces toward the road. Mr. Wild stated that the applicant intends to plant a hedge along the road to shield the headlights from the parking spaces to the roadway.

Mrs. Hermany noted that the reserve parking area is proposed to remain in grass for the time being, but wondered what would trigger the paving of the reserved parking area to make it a permanent parking area. Mr. Wild commented that it would be at the

discretion of the Township through any agreements that might be made during the land development process. Chairperson Rush asked if the impervious surface calculations would be based on the reserve parking spaces, as well as the design of any retention or infiltration systems, so that it would not have to be recalculated pending the additional parking. Mr. Wild replied that was correct, and noted that at the present time, the parking area itself is proposed to be in gravel, with paving only in the right-of-way.

Mr. Marino asked if customers would have the ability to dine inside the retail establishment as well, which would change the parking requirements. Mr. Wild commented that the proposal is not for a restaurant rather the facility would be much like Taborra Farms, which provides for take-out service only.

Chairperson Rush disagreed that the dwelling would preserve the side yard setback because of its pre-existing non-conformity, though he would agree that the barn itself would preserve the side yard setback. Mr. Tracy advised that the proposed addition does not extend any further than the existing wall.

Mrs. Hermany asked the width of a normal parking space within a grocery store parking lot versus the width of a parking space within a school parking lot, which she recalls became an issue in a neighboring municipality. Mr. Wynn believes that the width of a grocery store parking space is approximately 9½ ft. to 10 ft. wide. It is Mrs. Hermany's understanding that the width requirement for a grocery store parking space is purposely wider to accommodate shopping carts. Discussion took place. If it becomes an issue to have gravel parking area rather than designated individual parking spaces, Mr. Petteruti stated that he would either somehow identify each individual parking space or pave the parking area.

Mr. Beatrice seems to recall that the existing sidewalk coming from the neighboring Equestrian Court Subdivision does not go all the way to the intersection. Mr. Wild agreed that was correct, and noted that the sidewalk stops one property short of the intersection. Mr. Beatrice asked how much space there is between the front steps and the road. Mr. Wild measured the expanse from the Bilco door side of the house to Mill Road, which is a distance of approximately 10 feet. He did not physically measure the distance from the front steps to Rt. 152, however he is certain that it is less than 10 ft.

Mr. Beatrice believes that the applicant could receive a fair amount of business from visitors to the Hilltown Civic Park located across the street from the site. Chairperson Rush recalls discussions during the planning of Equestrian Court about how to provide a safe pedestrian access to the Civic Park, and wondered if there was some way to achieve that safe pedestrian access as part of this proposal. Mr. Wild noted that the applicant has considered extending the sidewalk from Equestrian Court along that last property on Mill Road. Chairperson Rush suggested that a trail or sidewalk could be constructed through

the Petteruti property to the park. If that could be accommodated without disturbing the applicant's privacy, Mr. Wild noted that Mr. and Mrs. Petteruti would be willing to consider it. Mr. Beatrice reminded the applicant that pedestrian traffic might also come from Hilltown Village or other newer neighboring developments such as the Estates at Hilltown. If the applicant wishes to control the safety of motorists pulling into their parking area, Mr. Bradley suggested that a path or trail be installed through the site from the park to the housing developments along Mill Road. To preserve the applicant's privacy, Mr. Bradley suggested that some type of fencing could be installed between the path or trail and the dwelling.

It was the consensus of the Planning Commission that they would be agreeable to granting the applicant's waiver requests, including roadway improvements to both Rt. 152 and Mill Road, taking access to Rt. 152 instead of Mill Road, and to permit a stoned parking area without curbing. To be consistent, however, Mr. Kulesza suggested that if a waiver of roadway improvements is granted, the Township should request a fee in-lieu-of installation of those improvements.

The applicant sought authorization to move forward to the Board of Supervisors prior to submitting a preliminary plan. Personally, Chairperson Rush felt that the applicant should provide the Planning Commission with a second opportunity to review the sketch plan based upon the input received this evening prior to moving forward to the Board of Supervisors. In the alternative, Mrs. Hermany felt that the applicant should wait until the minutes of this meeting are transcribed so that the Supervisors have the benefit of the Planning Commission's concerns and comments. The applicant was agreeable to waiting until the minutes of this meeting are transcribed and published before appearing before the Board of Supervisors.

5. Sunoco Land Development (Final) – The most recent engineering review dated April 24, 2006 was discussed. Mr. Carl Wiener, the applicant's legal counsel was in attendance to present the plan. He presented correspondence from the Hilltown Fire Company dated June 19, 2006, reviewing the proposed Sunoco expansion, including the following issues:

- Pre-emption on the traffic signal at Rt. 309 and Hilltown Pike – Mr. Wiener advised that this has been included in the design plans.
- Fire station access during demolition and construction – Mr. Wiener stated that Sunoco will cooperate fully with providing the First Responders with access to all sides and building access points of the fire station during the demolition/construction process, including emergency and non-emergency responses and/or assignments. He noted, however, that there may be a

time period when a specific area of paving is being constructed when full access may not be available for a short period of time.

- Curb depression for access to the rear of the fire station from the Sunoco property – Once the improvements are complete, Mr. Wiener explained that the fire company will no longer have unlimited access along that boundary to the rear of the Sunoco property, however, the applicant has agreed that there will be a curb depression near the parking area provided for their exclusive use so that they have access to the fire station from the Sunoco site.
- Designated parking spaces for First Responders – The applicant is willing to designate parking spaces for First Responders and provide whatever signage is necessary to insure the exclusive use of those parking spaces for the fire company.
- No change in apron or traffic lane configuration in front of the fire station – Mr. Wiener advised that no change of the apron size or traffic lane configuration in front of the fire station is proposed.

Mr. Wynn explained that the applicant was concerned with the widening of Hilltown Pike that would reduce the apron size, which would make the entering and exit of the fire trucks from the fire station garage even more dangerous, since there is currently not much room to spare.

Motion was made by Mrs. Hermany, and seconded by Mr. Kulesza, to recommend conditional final plan approval to the Sunoco Land Development, pending completion of all outstanding items as noted in the April 24, 2006 engineering review, and with the satisfactory resolution of the items noted in correspondence from the Hilltown Volunteer Fire Company dated June 19, 2006.. Mr. Beatrice recused himself from the vote since he is a stockholder of Sunoco. Motion passed.

6. Hawk Valley Estates (Final) – Mr. Wynn's most recent engineering review dated May 19, 2006 was discussed. Ms. Kim Franzoni, the applicant's legal counsel, along with Mr. Brad Aurand, the applicant's engineer, was in attendance to present the plan.

For the record, Chairperson Rush advised that the Planning Commission is in receipt of correspondence dated June 6, 2006 from legal counsel for Mr. and Mrs. Valery Jakubowitch with respect to a possible dispute of the equitable ownership of the property. The Planning Commission is also in receipt of correspondence dated June 16, 2006, from legal counsel for the applicant, Bevilacqua and Brown, stating that they believe they retain

equitable ownership of the property. Chairperson Rush noted that the Planning Commission traditionally has not made any effort to validate equitable ownership from any applicant. Procedurally, he stated a final plan couldn't be signed and/or recorded at the Bucks County Courthouse without clear title.

Motion was made by Mr. Marino, seconded by Mrs. Hermany, and carried unanimously to recommend conditional final plan approval to the Hawk Valley Estates Subdivision, pending completion of all outstanding items as noted in the engineering review dated May 19, 2006.

D. PLANNING – None.

E. OLD BUSINESS –

1. Motion was made by Mr. Beer, seconded by Mr. Beatrice, and carried unanimously to recommend denial of the Gitlin-Johnson Subdivision plan unless an extension is received prior to July 20, 2006.

2. Mr. Wynn advised that the Cinnabar Farms Subdivision extension expires on October 27, 2006. He explained that the project has been delayed due to sewer service issues. The applicant for White Chimney Farms has granted an extension until January 12, 2007. Mrs. Hermany wondered if the applicant is considering the draft text change to the Ordinance with respect to non-contiguous open space, and asked if the Board of Supervisors have considered the draft text language. Chairperson Rush asked the Board of Supervisors that very question at the last reporting meeting, however they have not yet had the opportunity to review that draft text language. Mrs. Hermany commented that the Board of Supervisors could determine what their priorities are for review of the draft Zoning amendments, and noted that the Supervisors are not limited to reviewing the draft amendments or Ordinances in the order in which the Planning Commission submitted them.

F. NEW BUSINESS –

1. Chairperson Rush announced that the Planning Commission's July Worksession meeting would be held on Thursday, July 6, 2006 at 7:30PM due to the Independence Day holiday.

G. PLANS TO ACCEPT FOR REVIEW: None.

H. PUBLIC COMMENT –

I. PLANNING COMMISSION COMMENTS:

Page 14  
Planning Commission  
June 19, 2006

1. Mr. Bradley noted the following correction to the April 17, 2006 meeting minutes, which he neglected to mention during the Approval of Minutes section of the agenda. The correction is to page 6, fifth paragraph, where it mistakenly states that Mr. Bradley was both in favor of and opposed to the motion. Mr. Bradley noted that he was opposed to that motion. The minutes should state, "Mrs. Hermany, Mr. Kulesza, and Mr. Beer were in favor of the motion. Mr. Bradley, Mr. Marino, Mr. Beatrice, and Chairperson Rush were opposed. Motion did not carry."

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 June 19, 2006 Planning Commission meeting was adjourned at 9:58PM.

Respectfully submitted,

Lynda Seimes  
Township Secretary

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