

HILLTOWN TOWNSHIP PLANNING COMMISSION
REGULARLY SCHEDULED MEETING
Monday, May 15, 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 March 20, 2006 Planning Commission meeting: - Chairperson Rush noted the following corrections:

- Page 5, first paragraph should state, “Chairperson Rush advised that the waiver of fee in-lieu-of must be requested from the **Board** of Supervisors, not the Planning Commission.”
- Page 8, last paragraph, should state, “Chairperson Rush suggested the Commission hear **resident’s** comments regarding the Minsi Trail Bridge, which some area residents have proposed to remain closed with a cul-de-sac on either side.”

Motion was made by Mrs. Hermany, seconded by Mr. Marino, and carried unanimously to approve the minutes of the March 20, 2006 Planning Commission meeting, as amended.

B. PUBLIC COMMENT ON AGENDA ITEMS ONLY: None.

C. CONFIRMED APPOINTMENTS:

1. Petrucci Land Development – Proposed Shopping Center (Sketch Plan/Zoning Ordinance Amendment) – Mr. Ed Murphy, the applicant’s legal counsel was in attendance along with Mr. Scott Muller, the applicant’s engineer, and various representatives of the Petrucci Group to discuss a preliminary concept plan for the potential redevelopment of a property located at the intersection of Reliance Road and Bethlehem Pike. The site presently contains a number of mixed uses including several residential uses that are supported by some businesses. Mr. Wynn had noted that there are still unresolved existing violations against the site. The applicant’s proposal involves the retention of one industrial use building and the redevelopment of potentially five or six individually owned parcels. The sketch plan presented by Mr. Murphy contains approximately 31 acres. The proposal includes the redevelopment of a number of smaller pad sites for potential restaurants, with the balance of the tract devoted to more traditional retail uses. The site is presently zoned Light Industrial. Mr. Murphy asked if the Planning Commission would support the redevelopment of the site in this fashion, and if so, would they entertain the rezoning of the tract, or maintain the existing zoning with this proposed use as a Conditional Use in the LI District.

Mrs. Hermany noted that there is a great deal of vacant retail space in the Township, and asked if the applicant had conducted an analysis as to whether there is need for more. Mr. Murphy is aware that both north and south of the site there are existing retail uses, however this concept has long been reviewed by the applicant, and they have obtained commitments from two potential tenants. He noted that this proposal would not be a case of relocating existing businesses to this site.

Mr. Marino commented that the site's status has been uncertain for quite some time, with several unsuccessful proposals made such as that for a trash transfer station. Mr. Wynn provided a brief history of the various proposals for the site over the years.

Mr. Beatrice reminded the Commission to consider the supply and demand of the Light Industrial Zoning District. If there is not an excess of LI zoned land available, he would be reluctant to take a piece of that Zoning District away. When the applicant met with the staff, Mr. Murphy stated that one of the issues was whether or not the Township would be uncomfortable about losing 30+ acres of LI zoned land, but the response was that if the Planning Commission and Supervisors supported this redevelopment, the easier solution would be to create a new, conditional use in the LI District on a minimum lot of 25 acres, for example.

Mr. Bradley expressed concern with the proximity of two existing shopping centers nearby, as well as the proposed Wal-Mart expansion, noting that there are only so many dollars available in this particular area. With the proposed retail space at 140,000 sq. ft., it appears to Mr. Bradley that the store would be a well-known company, and he feels that the identity of that company would be beneficial to the Township when making their decision. He requested additional information prior to rendering a recommendation. Mr. Kulesza too would like to be convinced by the applicant that there is a need for additional commercial development, and that it would not take the business away from existing commercial uses. Mr. Beer would rather not see the site re-zoned, but would be agreeable to a new use for the existing Zoning District. Discussion took place.

Chairperson Rush confirmed that the Planning Commission has requested that the applicant gather additional information, including use identification of surrounding parcels, and the current projected use of this shopping center, as well as some of the other LI parcels that would be available to be developed in the traditional fashion of LI rather than as a new use. Mrs. Hermany wished to make it clear that the Planning Commission would prefer that this proposal did not move forward before the Supervisors at their meeting next Monday.

The proposal was tabled pending receipt of additional information.

2. Sunoco Land Development (Final) – Mr. Wynn’s most recent review dated April 24, 2006 was discussed. Mr. Carl Wiener, the applicant’s legal counsel, along with Mr. Mike Jeitner, the applicant’s engineer, were in attendance to present the plan. The proposal received conditional preliminary plan approval on June 27, 2005. Mr. Jeitner provided a brief overview of the intersection and highway improvements along with the site access configuration as proposed.

As a condition of preliminary plan approval, the applicant must receive verification/comments from the Hilltown Fire Company, indicating that their objections have been satisfactorily addressed. Additionally, in consideration of the Township granting a waiver of Section 140-45.G(4), which requires a minimum of 20 ft. of open space between the outside wall of the building and the parking area, the Township must receive input from the servicing fire company relative to safety/operational issues of the proposed site layout. Mr. Wiener noted that the Hilltown Fire Company originally had objections to the initial layout of the site, which was then modified to move the gas pumps to other locations. The applicant worked with the fire company to designate five parking spaces at the rear of the site for fire personnel use in the event of an emergency. Shortly after preliminary plan approval was granted last year, the applicant met with representatives of the Hilltown Fire Company, who requested an additional access directly between the Sunoco site and their property, which has been granted. Since that last meeting, the applicant has not had contact with the fire company. Currently, the Sunoco and the adjacent fire company property is simply an open sea of macadam between the two uses. However, to meet Ordinance requirements for the further development of this site, a curb line has been provided, which cuts off the fire company access from the Sunoco site to their property. Five parking spaces have been provided to the fire company directly adjacent to their building. There had been rumors that the fire company may be purchasing additional property to the rear of the site, however Mr. Weiner is not certain of the status. Though the applicant had met with representatives of the fire company and believed that they have addressed all of their concerns, they have not yet received written confirmation from the Hilltown Fire Company. The applicant was directed to contact the fire company (via certified/return receipt requested mail) once again to determine if there can be some sort of resolution to these issues within a 30 day time period. If no response is received from the fire company after this documented contact, a majority of the Planning Commission felt that the plan should move forward, with or without further review by the Hilltown Fire Company. The plan was tabled pending receipt of additional information.

3. Guttman Tract (Preliminary) – Mr. Bill Benner, the applicant’s legal counsel, and Mr. Scott Guidos, the applicant’s engineer, were in attendance to present the plan. Mr. Wynn’s engineering review dated May 8, 2006 and the Bucks County Planning Commission review dated May 4, 2006 were discussed.

Six parcels containing 86.08 acres are proposed to be subdivided into 45 single-family dwelling lots (three lots contain existing dwellings). The site was rezoned to CR-2, and the proposed layout utilizes provisions of Use B3-Cluster Option 2, which requires a minimum lot area of 20,000 sq. ft. proposed building lots containing frontage on a proposed internal roadway network, with access to Green Street. In addition to existing manmade features, the site contains areas of woodlands, steep slopes, floodplain, regulated waters, and a pond/pond shoreline. Lots are to be served by public water and sewer facilities provided by HTWSA.

In conjunction with the proposed site layout, the applicant appeared before the Zoning Hearing Board on February 9, 2006, for variance approval of the following Zoning Ordinance requirements:

- Section 160-28.D, to permit woodland disturbance to exceed 20%. (The plan indicates that approximately 38.86% of existing woodlands will be disturbed in conjunction with the proposed subdivision).

Mr. Beatrice was very unhappy with the proposal for a new street going through a large stand of woodlands, and the Zoning Hearing Board's variance approval of it.

- Section 160-26.A to permit open space area that is less than the required 0.65 ratio for the B-3 Single Family Detached Cluster Option 2 Use. The plan identifies that 34.17 acres of qualifying open space is proposed, which is 36.7% of the base site area.
- Section 160-51.C to permit a flag lot (Lot #10) to have an area less than 10 acres, and to utilize a flag lot in the CR-2 District. (Lot #10 is proposed having a gross area of 3.90 acres; and a net area of 1.28 acres, exclusive of the area of a proposed conservation easement).

With respect to the calculation of open space, Mr. Wynn's review notes that the recreation land must be excluded from the open space area, unless a waiver of Section 140-60.C is requested. Mr. Benner noted that the applicant intends to comply with this requirement, however it would be helpful if the Planning Commission could provide guidance as to whether or not the proposed active recreation (2 ball fields and a parking area) would be sufficient. Discussion took place concerning the neighboring Silverdale Borough Park, which currently contains tot lots, and also regarding the financial difference in cost between the required tot lots versus 2 ball fields and a parking area. Mr. Kulesza felt that the Planning Commission should consider the Hilltown Park and Recreation Board's recommendation for recreational facilities. Mr. Beatrice believes installation of a water fountain should be required, particularly adjacent to the Silverdale Borough Park.

Mr. Benner asked if the open space that is not planned for active recreation, which is basically the stream corridor along Open Space A excluding the stormwater management basin area, should be made part of the Homeowner's Association or should be dedicated to the Township. Mr. Kulesza believes that the Township should maintain ownership of the stream corridor. Chairperson Rush agreed. Lengthy discussion took place.

Mr. Kulesza asked how the site would be served with public sewer. Mr. Guidos replied that a gravity system would be installed throughout the development out to Green Street, and from that point, a gravity line would travel down to Diamond Street. The Hilltown Authority has not yet provided a concept plan as to how the line should flow at that point. There is a manhole across Rt. 113 that could be reached by gravity, or the sewage could be pumped to a manhole in Schultz Road. Chairman Rush wondered if the sewer service to this development and the service to the Gitlin/Johnson Subdivision is being coordinated, and if the failing systems along Diamond Street will be addressed as well. Mr. Guidos believes that it will. Mr. Kulesza asked how the Township knows that there are failing systems. Mr. Guidos replied that those failing sites are identified in the Act 537 Plan and were also identified by the Bucks County Health Department.

In addition to the requested waivers, Mr. Benner advised that the applicant may also be requesting a waiver with respect to minimum/maximum block length requirements (Item #6.A of the 5/8/06 review), and the possibility of a waiver request for the detention basin lots.

The applicant has requested the following waivers:

- From Stormwater Management Ordinance Sections 304.J.4.A and B, which contain requirements relative to the maximum depth of detained runoff, permitted within stormwater management basins for various storm events. Waivers are requested, as depth of detained runoff within Basin 1 exceeds the maximum of the 2 and 10-year event (by 8") and the 100-year event by 4"). The applicant intends to construct a split rail fence around Basin #1.
- From SALDO Section 140-47.B.1, which requires recreation facilities for subdivisions having 25 or more dwelling units. A partial waiver is requested to permit installation of two playfields in-lieu-of a tot lot.

The plan does not propose installation of a public water fountain, as required by Section 140-47.B (8) of the SALDO. Mr. Wynn recommended that the Park and Recreation Board review the plan relative to the proposed recreational facilities.

- From Sections 140-27.B (2) and (9), which prohibit double frontage lots. A waiver has been requested to permit Lots #26, #35, #36, and #45 to be configured as double frontage lots as shown on the plan.
- From Section 140-27.B (11), which requires that residential lot depth not be less than one, or more than three times the lot width. Waiver is requested for Lot #15, as the average depth slightly exceeds the maximum of three times the lot width. As the rear of Lot #15 is proposed to be encompassed by a conservation easement, Mr. Wynn recommended approval of the applicant's request. It appears that a waiver of this requirement is also necessary for Lot #6, where the depth width ratio is less than 1.
- From Section 140-31.B, which requires the minimum radius for local streets to be 150 ft. measured along the centerline of the street. The waiver is requested for the horizontal alignment of Road C, which contains curves having a centerline radius of 100 ft.

Item #6.B of the 5/8/06 review was discussed. The plan identifies that narrow (+/-20 ft.) strips of land along the south and east sides of Road A in the vicinity of TMP #15-028-32, will be conveyed to the owner of that tax map parcel. If conveyance does not occur as part of the subdivision, the review notes that these areas should be included within the ultimate right-of-way area of Road A, for fee simple dedication to the Township. There are sidewalks included along these strips of land. Mr. Benner commented that these strips of land could be melded into and become part of the right-of-way to be dedicated to the Township. These strips of land could also be transferred to ownership of the adjoining Randolph property. Another possibility would be to retain those strips as part of the Homeowner's Association. Mr. Wynn advised that if ownership were to be deeded to the Homeowner's Association or any other lot owner, it would require a waiver of the SALDO. After a lengthy discussion, the Planning Commission unanimously agreed that the strips of open space should be deeded fee-simple to the Township.

Belgian Block Curb is proposed to be installed along Green Street within the frontage of the site, which will also be utilized along the internal roadway. Mr. Benner advised that the applicant would like to amend the plan to provide for concrete curbing along Green Street, with Belgian Block Curb along the interior streets. The Planning Commission was agreeable. Mr. Kulesza asked what improvements are proposed for Green Street. Mr. Guidos replied that Green Street is proposed to be widened to accommodate curb and sidewalk.

With respect to Item #14 of the 5/8/06 review, Mr. Benner asked what locations the Planning Commission would prefer to see interior street lights installed. Street lights

have been shown on the plan at the following locations: (1) both intersections of Road A and Green Street; (2) at the intersection of Road A and Road B, (3) at the bend in Road A near the pedestrian path intersection (near Lot #15); (4) at the bend in Road A opposite Lot #20; and (5) at the intersection of Road A and Road D. Mr. Wynn's review notes that consideration should be given to streetlights at the intersections of Road C and D. Chairperson Rush reminded the Commission that individual driveway lampposts are proposed at the ultimate right-of-way line on all lots. Mrs. Hermany suggested that a light be placed in the parking area of the ball fields. Mr. Benner noted that there are currently no plans to light the ball fields, and that being the case, wondered why a streetlight would be considered for the parking area. Discussion took place. A consensus of the Planning Commission agreed that a streetlight should not be installed in the parking area.

Discussion took place concerning Item #15 of the 5/8/06 review concerning handicapped access to the gazebo area.

4. Gitlin/Johnson Tract Subdivision (Final) – Mr. Bill Benner, the applicant's legal counsel, and Mr. Scott Guidos, the applicant's engineer, were in attendance to present the plan. The most recent engineering review dated February 20, 2006 was discussed.

The proposed method of sanitary sewage disposal has been revised from that shown on the preliminary plan to now propose interconnection to existing public sewer facilities of the Hilltown Authority. Mr. Benner noted that the Supervisors were generally receptive to the concept, subject to details being resolved. Public sewer facilities are proposed to connect to the existing facilities located within a sanitary sewer easement along the frontage of lots on the northwest side of Schultz Road created as part of the Bricks Villa Subdivision. While the final design for the public sewer connection must still be resolved with HTWSA, the applicant is requesting that the Planning Commission move this project forward. If the applicant cannot come to a resolution of the public sewer connection issues, Mr. Benner advised that Toll Brothers reserves the right to develop this project with on-site sewer as originally proposed. Mr. Wynn clarified that the preliminary plan was approved subject to Planning Module approval by DEP, with the method of providing sanitary sewers to be resolved at the final plan stage. Therefore, sandmound systems have not been approved by the Township. Mr. Benner announced that the applicant has scheduled a Worksession meeting with the Hilltown Water and Sewer Authority Manager and Solicitor Grabowski on May 18, 2006 in order to discuss the issue of public sewer.

The applicant is seeking conditional final plan approval, based upon receipt of Planning Modules or resolution of the public sewer extension issue. Lengthy discussion took place regarding the decision of the Board of Supervisors to serve this site with public sewer. Mr. Benner explained that the Board of Supervisors, by a majority vote,

directed the applicant to meet with the Hilltown Authority to further discuss the public sewer option. He advised that Toll Brothers has proceeded accordingly in good faith, and acknowledged that some outstanding issues still remain. While he acknowledged that the Supervisors have full authority to make this decision, Mr. Beatrice personally was not willing to grant a recommendation of conditional final plan approval since he does not believe the site should be served with public sewer. Chairperson Rush reminded Mr. Beatrice that there are several failing systems in the area of this subdivision that could be rectified by the extension of public sewer.

Motion was made by Mr. Beatrice, and seconded by Mr. Kulesza to recommend denial of the Gitlin-Johnson Tract Subdivision if public sewer is proposed to serve the site. Prior to a vote, discussion took place. Mr. Benner cautioned the Planning Commission to consider their credibility as a recommending body if they blatantly disregard the wishes of a majority of the Board of Supervisors to serve this site with public sewer if possible.

Mr. Bradley abstained from the vote. Mr. Beatrice and Mr. Kulesza were in favor, while Mr. Beer, Mr. Marino, Mrs. Hermany, and Chairperson Rush were opposed. Motion failed.

Unless there is a conflict of interest, Chairperson Rush noted that he does not believe that abstaining from the vote is appropriate.

Mrs. Hermany would like to be apprised of the outcome of the applicant's discussion with the Hilltown Authority on May 18th prior to voting on a recommendation for conditional final plan approval. Mr. Marino and Mr. Beer agreed.

The plan was tabled.

D. PLANNING –

1. RVC Investments (Preliminary) – Mr. Wynn's most recent review dated March 13, 2006 was discussed. Mr. Rick Coluccio, the applicant, and Mr. Patrick Cox, the applicant's engineer, were in attendance to present the plan to develop a 1.99 acre tract along the west side of Rt. 313 into a 5,600 sq. ft. two-story office building. The site is zoned PC-2. The site contains an existing two-story dwelling, garage, shed, and driveway access along Rt. 313. The remainder of the site is lawn cover, with a wooded area located in the rear of the tract. The plan proposes the removal of existing structures and construction of the office building and 57-space parking lot with curb, with new access along Rt. 313. Water supply is proposed via existing on-lot well, with sewage disposal proposed via installation of 3,000-gallon holding tank.

There was some confusion as to why this proposal was listed under the “Planning” portion of the agenda. The Planning Commission members were not prepared to discuss the plan at this time. Discussion took place.

The applicant provided a written 90-day extension for review of the plan, and was granted a “Confirmed Appointment” at the June Planning Commission meeting.

E. OLD BUSINESS:

1. The Gwen Kratz Subdivision Planning Modules would be available for signature following the meeting.

2. Mr. Beatrice noted that a resident made comments and provided correspondence to the Planning Commission at their last meeting. The letter requested that the Planning Commission reply to her concerns, which to Mr. Beatrice’s knowledge, has not been done. Mrs. Hermany mentioned this issue at the Planning Commission’s Worksession meeting, where the members acknowledged the resident’s questions and discussed their response.

F. NEW BUSINESS: None.

G. PLANS TO ACCEPT FOR REVIEW ONLY:

1. Wimmer/Lare Lot Line Adjustment
2. Hawk Valley Estates (Final)

H. PUBLIC COMMENT:

1. Mr. Mark Lare of 1034 Green Street asked the procedure involved from when a plan is submitted to when it appears on the agenda. Discussion took place.

I. PLANNING COMMISSION COMMENTS:

1. Mr. Kulesza expressed his frustration with the fact that the entire Gitlin-Johnson project was moved forward with the Planning Commission under the impression that the site would be served by on-lot sewers. He believes that if the Planning Commission had known from the beginning that the site would be served by public sewer, the design and configuration of the site could have been much different, and that some of the natural resources could have been protected in a different manner. Mr. Kulesza commented that the process of notifying the Planning Commission of whether or not a subdivision will be served by public sewer must be addressed more effectively. While Chairperson Rush understands Mr. Kulesza’s comments and concerns, he would actually encourage developers to put forth plans with the assumption that it would be

Page 10
Planning Commission
May 15, 2006

served by on-lot systems, so that the whole process that forces a more creative design layout could be achieved. Discussion took place.

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

K. ADJOURNMENT: Upon motion by Mr. Beer, seconded by Mr. Bradley, and carried unanimously, the May 15, 2006 Hilltown Township Planning Commission meeting was adjourned at approximately 11:10PM.

Respectfully submitted,

Lynda Seimes
Township Secretary

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