

HILLTOWN TOWNSHIP PLANNING COMMISSION
REGULARLY SCHEDULED MEETING
Monday, November 21, 2005
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 Ken Beer, Bill Bradley, Denise Hermany, Chuck Kulesza, and Jack McIlhinney; along with Lynn Bush of the Bucks County Planning Commission; 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 September 19, 2005 Planning Commission Meeting – Motion was made by Mrs. Hermany, seconded by Mr. Kulesza, and carried unanimously to approve the minutes of the September 19, 2005 Planning Commission meeting, as written.

Action on the minutes of the October 17, 2005 Planning Commission Meeting – Mr. McIlhinney noted the following corrections – Page 1, first sentence should read “The regularly scheduled meeting of the Hilltown Township **Planning Commission** was called to order by Chairperson D. Brooke Rush at 7:35AM...” Chairperson Rush noted the following correction to page 4, last paragraph, which should read “Mr. Robinson stated that the adjacent property located just north of the site is currently vacant, **and the adjacent property located just south of the site has been condemned.**”

Motion was made by Mrs. Hermany, and seconded by Mr. Kulesza to approve the minutes of the October 17, 2005 Planning Commission Meeting, as corrected. Mr. McIlhinney and Mr. Beer abstained since they were not present at that meeting.

B. PUBLIC COMMENT ON AGENDA ITEMS ONLY: None.

C. CONFIRMED APPOINTMENTS:

1. Scott Lot Line Adjustment – Ms. Cheryleen Strothers, the applicant’s engineer, was in attendance to present the plan. Mr. Wynn’s most recent review dated November 11, 2005 was discussed. The written decision of the Zoning Hearing Board has been received granting dimensional variance relief from Section 160-26 of the Zoning Ordinance related to minimum lot area and maximum density requirements. The variance relief requires ownership of the rear portion of TMP #15-19-7 being transferred to the Pennridge Full Gospel Tabernacle and consolidated into a single parcel and single metes and bounds legal description with the existing church property, and the applicant otherwise complying with all applicable Township, County, State, and Federal Codes, Laws, and Regulations in the construction and use of the property.

The applicant has requested the following waivers –

- From Sections 140-28.P – Street Widening and Drainage.

Motion was made by Mr. McIlhinney, seconded by Mrs. Hermany, and carried unanimously to recommend waiver from Sections 140-28.P for street widening and drainage to the Scott Lot Line Adjustment, as noted above.

- From Sections 140-35 and 140-36 – Curbs and Sidewalk.

Motion was made by Mr. McIlhinney, seconded by Mr. Beer, and carried unanimously to recommend waiver from Sections 140-35 and 36 for curbs and sidewalks for the Scott Lot Line Adjustment, as noted above.

- From Section 140-48 – Street Lights.

Motion was made by Mrs. Hermany, and seconded by Mr. McIlhinney, to recommend waiver from Section 140-48 for streetlights for the Scott Lot Line Adjustment.

Chairperson Rush commented that streetlights do indeed exist in this area. Mr. Wynn agreed that a streetlight exists near the site, just beyond the Miller Tire Center. He noted that Blooming Glen is the original street light district in the Township. Chairperson Rush stated that there are streetlights on Blooming Glen Road along the frontage of the church as well. Discussion took place.

Motion passed unanimously.

Motion was made by Mr. Kulesza, seconded by Mr. Beer, and carried unanimously to grant conditional preliminary/final plan approval to the Scott Lot Line Adjustment, pending completion of all outstanding items as noted in the November 11, 2005 engineering review.

2. Gitlin/Johnson Tract Subdivision (Preliminary) – Mr. Bill Benner, the applicant's legal counsel, along with Mr. Scott Guidos, the applicant's engineer, were in attendance to present the plan. The most recent November 9, 2005 engineering review was discussed. Since this plan was last before the Commission in September, Mr. Benner advised that it has been modified a bit to remove the retaining walls and to address the concerns Mr. Wynn previously expressed regarding the limits of disturbance and natural resource protection standards, and to address other drafting issues.

Mr. Beer mentioned correspondence dated November 17, 2005 from Mr. Jim Groff, Manager of the Hilltown Water and Sewer Authority. The letter references that this site

falls within what is identified in the Act 537 Plan as a site to be serviced by public sewer. Mr. Benner advised that Planning Modules were previously submitted, and the site is proposed to be served by on-site sewer consistent with the current design. Mrs. Bush asked if the Planning Modules Mr. Benner referred to are those that the Planning Commission previously reviewed in August or if they have been revised. Mr. Benner does not believe the Modules were revised. If anything, he noted that the supplementation of technical data may have been added prior to the July 31, 2005 DEP deadline. Since the Board of Supervisors has an obligation to respond in writing to written comments, Mr. Wynn advised that the November 17th letter from the Hilltown Authority would have to be addressed by the Board of Supervisors. Further, when the Planning Modules come before the Commission for recommendation, Mr. Wynn stated that it would be the Planning Commission's decision whether or not to address it at that time. Discussion took place.

Mrs. Hermany asked if an easement has been established for the stormwater basin. Mr. Guidos replied that an access easement has been established through the property to allow for maintenance of the basin.

The applicant has requested the following waivers:

- From Stormwater Management Ordinance, Sections 304.J.4.A and B, which limit the maximum depth of detained runoff for the 2 thru 10-year storm events to 24", and 36" for the 100-year storm event.

Waiver is requested to permit the depth of detained runoff within the stormwater management basin to exceed the maximum depths. The request notes that the basin has been designed to reduce flows beyond the required limits, which increases the water depth. Information contained in the Stormwater Management Report indicates that the maximum depth of detained runoff for the 10-year storm is 2.57 feet and the maximum depth of the detained runoff for the 100-year storm is 3.33 feet. The basin is also proposed to be fenced around the perimeter of the stormwater storage area, in accordance with Section 304.J.4 of the Stormwater Management Ordinance.

Motion was made by Mrs. Hermany, and seconded by Mr. McIlhinney, to recommend waiver from Stormwater Management Ordinance, Sections 304.J.4.A and B, with respect to maximum depth of the detained runoff, for the Gitlin/Johnson Tract, as noted above.

Mr. Kulesza does not believe that the Commission should act upon any waivers until the Supervisors have determined whether this site will be served by on-lot systems or by public sewer, because he feels that the outcome would change the entire character of the development. Chairperson Rush disagreed. Mr. Kulesza explained that serving this site, which is located in the RR District, with public sewer would in essence be creating an

area that would encourage greater development. Mr. Beer disagreed, as did Mr. McIlhinney. He noted that this parcel is currently designated in the Act 537 Plan to be served by public sewer. If the Supervisors so decide to permit the use of public sewer for this development rather than a conglomeration of sandmounds or A/B systems, Mr. McIlhinney does not believe it would affect the character of the development. Mr. Kulesza commented that perhaps it would not change the development characteristics of this particular development, however he believes it would affect adjacent properties. Mr. McIlhinney stated that there would not be a change in density for this development, whether or not public sewer serves the site. It was Mr. Kulesza's opinion that the character of an area serviced by public sewer is much different than an area with private on-lot sewer systems, such as that within the RR District.

To be clear, Mr. Benner commented that the plan before the Commission this evening proposes on-lot sewer systems. If that were to change, it would occur at the direction of the Board of Supervisors, and not at the behest of the applicant. He wished to make it clear that the plan for this subdivision was filed by the applicant from the very beginning with on-lot sewer.

Mr. Kulesza was opposed to the motion. Motion passed.

- From Section 104-27.B (11), which requires that residential lot depth shall not be less than one or more than three times the lot width.

The waiver is requested for Lot #14 due to the irregular shape of the overall parent tract. Lots #1 and #25 (relative to preserving trees along Fairhill Road), and Lot #26 (relative to the extensive lot frontage on Diamond Street).

Motion was made by Mr. McIlhinney, and seconded by Mrs. Hermany to recommend waiver from Section 104-27.B(11), requiring that residential lot depth shall not be less than one or more than three times the lot width for the Gitlin/Johnson Subdivision. Mr. Kulesza was opposed. Motion passed.

- From Sections 140-47.B(1), which requires residential subdivisions of 25 or more dwelling units to provide recreational facilities constructed by the developer. The 26-lot subdivision requires one playfield, one tot lot, and a public drinking fountain.

The request notes that the Park and Recreation Board recommended the Township receive a "substantial" fee in-lieu-of required recreation facilities and land.

Motion was made by Mrs. Hermany, and seconded by Mr. McIlhinney, to recommend waiver from Sections 140-47.B(1), which requires residential subdivisions of 25 or more

dwelling units to provide recreational facilities constructed by the developer, for the Gitlin/Johnson Subdivision, as noted above.

Mr. McIlhinney questioned the amount referred to by the word “substantial.” Mr. Wynn replied that it was a word used in the recommendation by the Park and Recreation Board, however that exact fee would have to be determined by the Board of Supervisors.

Mr. Kulesza was opposed to the motion. Motion passed.

- From Sections 140-60 and 140-63, which require all residential subdivisions to provide for public dedication of land suitable for park and/or recreation uses, unless the applicant agrees to a fee in-lieu-of recreation land.

Motion was made by Mr. Beer, and seconded by Mr. Bradley, to recommend waiver from Sections 140-60 and 140-63, which requires all residential subdivisions to provide for public dedication of land suitable for park and/or recreation uses, as noted above, for the Gitlin/Johnson Subdivision. Mr. Kulesza was opposed. Motion passed.

- From Sections 140-28.P, 140-29.D(1), 140-35.A, and 140-36.A, which require cartway reconstruction/overlay, cartway widening, drainage improvements, curb, and sidewalk along existing roadways within the frontage of the site.

The applicant has requested waivers of installation of required improvements along Diamond Street, noting that the plan proposes street improvements along Fairhill Road and Schultz Road within the frontage of the site. The plan also proposes a paving taper and turning radii improvements at the intersection of Diamond Street and Fairhill Road. As discussed at prior meetings, the applicant declines to offer a deed restriction of further subdivision of Lot #26, which is the existing dwelling lot, which is large enough to permit further subdivision. As discussed at the August 15th Planning Commission meeting, the Township may consider accepting a fee in-lieu-of improvements along Diamond Street within the frontage of Lot #26, noting improvements required to the intersection of Diamond Street and Fairhill Road. If this is the case, Mr. Wynn’s review notes that a cost estimate for required improvements along Diamond Street to be waived should be submitted to the Township for review, relative to the total cost of required improvements, less cost of any “offsite” intersection improvements proposed by the applicant along the northern portion of the Fairhill Road/Diamond Street intersection.

It is Chairperson Rush’s belief that the fee would be in lieu of the sidewalks that would have been required along Diamond Street, so that at the time Lot #26 is ever developed in the future, the sidewalks would be installed along that frontage. Mr. Wynn stated that

was incorrect, noting that it would be up to the Board of Supervisors at the time of application of further development of Lot #26. Mr. Kulesza asked if the owner of Lot #26 is aware of that. Mr. Benner believes they are aware of it, however he will advise them if they are not.

Motion was made by Mrs. Hermany, and seconded by Mr. Beer, to recommend waiver from Sections 140-28.P, 140-29.D(1), 140-35.A, and 140-36.A, requiring cartway reconstruction/overlay, cartway widening, drainage improvements, curb and sidewalk along existing roadways within the frontage of the site for the Gitlin/Johnson Subdivision, with the caveat that a fee in-lieu-of be provided as noted above.

Public Comment:

1. Mr. Joe Marino of Redwing Road did not feel that it was fair that the Township would be permitted to “double dip” by requiring the owner of Lot #26 to install improvements that have effectively already been paid for by the applicant of this subdivision. Discussion took place. Mr. Wynn explained that otherwise, the hands of a future Board of Supervisors would be bound on a subdivision that may be submitted ten years from now. Mr. McIlhinney agreed, but noted that this applicant should either have been required to include the area of Lot #26 as part of this subdivision to gain additional lots, or restrict that lot from further subdivision, both of which the property owner has chosen not to do. In that respect, Chairperson Rush felt that perhaps that is the reason this requirement is appropriate, since the owners of Lot #26 have chosen not to be included in this subdivision, while understanding that it may be a requirement of them in the future. Mr. McIlhinney reminded the Commission that the Township is not aware of how much control has remained in the hands of the landowner of Lot #26, and referred to the retention basin, which was originally included within the development but is now included within the area of Lot #26. Mr. Benner commented that the retention basin has since been removed from Lot #26. Discussion took place concerning the minimal amount of improvements that are required at the intersection.

Mr. Kulesza was opposed to the motion. Motion passed.

- From Section 140-33, which requires that local streets shall not intersect with collector streets on the same side at intervals of less than 800 ft.

This waiver is requested to permit the proposed intersection of Road A and Fairhill Road to be located at an interval less than 800 ft. from the existing intersection with Diamond Street, to provide required sight distance along Fairhill Road. The proposed intersection is offset approximately 460 ft. from the existing intersection, and it is noted that the intersection cannot be located to meet the requirement of 800 ft. within the property frontage, based on the limiting frontage of the site available along Fairhill Road.

Motion was made by Mr. McIlhinney, and seconded by Mr. Beer, to recommend waiver from Section 140-33, requiring that local streets shall not intersect with collector streets on the same side at intervals of less than 800 ft. for the Gitlin/Johnson Subdivision. Mr. Kulesza was opposed. Motion passed.

Motion was made by Mr. McIlhinney, and seconded by Mr. Beer, to recommend conditional preliminary plan approval to the Gitlin/Johnson Subdivision, pending completion of all outstanding items as noted in the November 9, 2005 engineering review, and with the waivers as specified above. Mr. Kulesza was opposed. Motion passed.

3. Kirk Tract Subdivision (Preliminary) – Mr. Robb Gundlach, the applicant's legal counsel, Mr. Scott Guidos, the applicant's engineer, and Mr. Sam Perlo of DeLuca Homes, were in attendance to present the plan. Mr. Wynn's most recent review dated November 14, 2005 was discussed.

Mrs. Hermany asked for clarification of the buffer that is proposed along Upper Stump Road. Mr. Guidos replied that the applicant has proposed an undulating, industrial-type berm with a dense buffer to include standard street trees, and additional low-lying vegetation and trees in the rear of the berm as well. The berm will be raised to limit the sight view into the development itself and will extend along the entire length of the property. Chairperson Rush asked how the utilities for this property would be addressed. Mr. Guidos replied that any poles that need to be relocated will be, and all utilities to serve the development will be placed underground in front of the berm in the right-of-way. The berm is proposed at varying heights, anywhere between 4 to 5 ft. elevations in a rolling effect. Mr. Guidos noted that other plantings have been proposed in addition to those that were shown on the plan in the past. The applicant's landscaping engineer will provide a complete listing of those plantings for review by the Township. Mr. Wynn explained that approximately 23 plants per every 100 ft. have been proposed, which if evenly spaced would be planted approximately every 4 ft. Mr. Guidos stated that additional buffer is proposed along Skunkhollow Road and noted that there is a natural terrain barrier along that road.

For the record, Mrs. Hermany advised that the Planning Commission changed their process for review of sketch plans after this sketch plan was submitted to them at a regular meeting and then went before the Supervisors just one week later. Mrs. Hermany believes that if there had been more time between the Commission's review of the sketch plan and the Supervisor's review of the sketch plan, the Planning Commission could have come up with an alternate plan. Mrs. Hermany feels that the permanent cul-de-sac could have been removed and replaced with a through street, which would have resulted in two less lots, but in her opinion would have been a far better plan.

Mr. Gundlach advised that the site would be served by individual on-lot sandmound systems, however there is an A/B system as a back-up reserve to serve the existing dwelling. According to Mr. Guidos, the existing system is not in compliance with the current Bucks County Health Department requirements. The site will be served by public water from the Hilltown Water and Sewer Authority.

A Traffic Impact Study dated March 9, 2005 was submitted by the applicant and reviewed by Mr. Heinrich, the Township's Traffic Consultant within correspondence dated April 4, 2005. Correspondence from the applicant's engineer dated October 31, 2005 indicates that the traffic engineer's comments have been addressed accordingly, however Mr. Wynn noted that correspondence has not been received from Mr. Heinrich confirming resolution of his review comments, and it appears that some of the plan revision comments were not addressed. For example, comment #5 from the April 4, 2005 Heinrich and Klein letter requires painted tapers at specific locations for the Upper Stump Road and Skunkhollow Road widening areas, though painted tapers have not been shown on the plan. Mr. Gundlach advised that painted tapers would be added to the plan.

During sketch plan consideration, reference was made by the Board of Supervisors to relocate or otherwise address the affect of headlight glare on the Rohrbach parcel (TMP #15-34-129-1). The applicant indicated that an offer to provide landscaping has been made, however the property owner is not interested at this time. Chairperson Rush requested that a copy of the notification and the property owner's response be provided to the Township. Mr. Gundlach advised that another property owner requested an easement and some additional land, which will be shown on the plan. Mr. Guidos explained that this adjacent property is basically locked due to the lot configuration, which would prevent any front or side yard expansion. That being the case, the applicant has agreed to provide this property owner with an additional 100 ft. piece of land that would allow future expansion of his property. Because this site will be served by public water, this adjacent property owner asked if he would be permitted to connect to the public water system. Mr. Guidos noted that a water line easement would be reflected on the plan to allow the neighboring property owner to access public water. Mr. Wynn noted that providing the neighboring property owner with additional land is considered a lot line adjustment and therefore, would require the property owner's acknowledgement, which Mr. Gundlach agreed would be accomplished.

Chairperson Rush asked how the extension of the waterline to serve this site would be achieved. Mr. Guidos explained that the water line will run through Skunkhollow Road, through an easement of the Haines and Kibblehouse quarry site along the property boundary line to the Oskanian Tract Subdivision, and then will follow a 90 degree angle along the PECO property to a point where an easement will be provided to allow the applicant to tie into the public water system from Rt. 152. Mr. Beer asked where, along the H & K property, the waterline is proposed to be extended. Mr. Wynn replied that the

waterline is proposed to run along the Murphey property at the western edge of the quarry site. Lengthy discussion took place.

The applicant has requested the following waivers:

- From Sections 304.J.4.A and B – Maximum depth of detained runoff shall be 24 inches for a 2 or 10-year event; and maximum depth of detained runoff shall be 36 inches for a 100-year storm event.

Motion was made by Mr. McIlhinney, seconded by Mrs. Hermany, and carried unanimously to recommend waiver from Sections 304.J.4.A and B, as noted above, for the Kirk Tract Subdivision, conditioned upon the use of concrete fence posts for the basin.

- From Section 140-27.B.11 – Requires residential lot depths to not be less than one (1) nor more than three (3) times the lot width.

The applicant's request notes that Lots #1 and #15 require this waiver because of the desire to front the home on a lower class roadway. By placing the house parallel to the proposed roadway the side property depth becomes shorter than the lot width. Lots #10 and #11 require this waiver because of the proposed roadway configuration. To avoid environmental issues, the roadway has been placed to the northeast corner of Skunkhollow Road. This produces irregular shaped lots and thus a depth to width ratio less than 1 to 1 on Lot #10 and a depth to width ratio greater than 3 to 1 on Lot #11.

Motion was made by Mr. Beer, seconded by Mrs. Hermany, and carried unanimously to recommend waiver from Section 140-27.B.11 as noted above, for the Kirk Tract Subdivision.

- From Sections 140-29.B and D – Requires the minimum right-of-way width of an existing major/minor collector street shall not be less than 40 ft. from the half-width of one side of Upper Stump Road; and requires the minimum cartway width of an existing major/minor collector street shall not be less than 34 feet total width.

Motion was made by Mrs. Hermany, and seconded by Mr. Beer, to recommend waiver from Sections 140-29.B and D, as noted above, for the Kirk Tract Subdivision. Discussion took place before a vote was taken.

The applicant's request notes that a half-width of 14 ft. has been proposed to maintain the rural landscaping and trees directly adjacent to the existing driveway. Mrs. Bush commented that the justification for this waiver request is inaccurate since the existing

landscaping and trees are proposed to be removed for construction of the undulating berm and the installation of the buffer. Discussion took place. Mr. Wynn suggested that perhaps the applicant's justification should be changed to traffic speeds and impervious surface. The applicant was agreeable to amend their justification for request as suggested by Mr. Wynn.

Motion passed unanimously.

- From Sections 140-47.B.1 and 140-60.A – For all subdivisions of 25 or more dwelling units, recreational facilities shall be provided by the developer; and all residential subdivision or land development plan submissions to the Township shall be required to provide for public dedication of land suitable for park and/or recreation use in accordance with the provisions of this Ordinance.

Motion was made by Mr. McIlhinney, seconded by Mr. Beer, and carried unanimously to recommend waiver from Sections 140-47.B.1 and 140-60.A, as noted above, for the Kirk Tract Subdivision, pending submission of the required fee in-in-lieu of.

- From Section 140-30.A and 140-30.C – States cul-de-sac streets shall not be permitted.

The applicant's request notes that this matter was discussed during the sketch plan phase and agreed upon that a cul-de-sac would serve the development better than extending the roadway to Upper Stump Road.

Motion was made by Mr. Beer, and seconded by Mr. McIlhinney to recommend waiver from Section 140-30.A and C, as noted above, for the Kirk Tract Subdivision. Discussion took place before a vote was taken.

Mrs. Hermany was opposed to a cul-de-sac street for this site. Mr. McIlhinney felt that cul-de-sac streets are nice, quiet, calming areas, which would be appropriate in this development. Mrs. Hermany commented that the problem could have been solved by eliminating two lots and the cul-de-sac street, and adding a through street. Mr. Bradley shared Mrs. Hermany's opinion regarding the cul-de-sac street, as did Mr. Kulesza. Mr. Gundlach reminded the Commission that all of the proposed additional berming and landscaping is a result of the cul-de-sac street, which was supported by the neighboring residents of this subdivision, as well as by the Board of Supervisors.

Mrs. Hermany, Mr. Bradley, and Mr. Kulesza were opposed. Due to a 3 to 3 vote, the motion did not pass.

- From Section 140-25.C – Lot lines shall follow Township boundaries rather than cross them.

The applicant's request notes that the boundary line for Lot #1 crosses the boundary between New Britain Township and Hilltown Township. New Britain's portion is very small and it would be impractical to place a lot line at this location. Mr. Wynn explained that the applicant's comment stating "no construction improvements would be placed across municipal boundaries" is not accurate, because the roadway will be improved across the Township lines. However, he also noted that New Britain Township has provided correspondence stating that they would be agreeable to waiving the submission of a subdivision application, conditioned upon the applicant paying for New Britain's engineer to review the roadway design.

Motion was made by Mr. Bradley, seconded by Mrs. Hermany, and carried unanimously to recommend waiver from Section 140-25.C as noted above for the Kirk Tract Subdivision.

Motion was made by Mr. McIlhinney, and seconded by Mr. Beer to recommend conditional preliminary plan approval pending completion of all outstanding issues as noted in Mr. Wynn's November 14, 2005 engineer review. Mrs. Hermany, Mr. Bradley, and Mr. Kulesza were opposed. Due to a 3 to 3 vote, the motion did not pass.

4. RVC Investments (Preliminary) – Mr. Patrick Cox was in attendance representing RVC Investments to present the plan. This 1.99-acre (gross) tract located along the west side of Route 313 in the PC-2 Zoning District is proposed to be developed for a 5,600 sq. ft. (two-story) office building (Use D3). 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 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 a 3,000-gallon holding tank.

The applicant previously submitted various sketch plans for development of this site, which were reviewed by Mr. Wynn within correspondence dated January 27, 2004, March 17, 2004, and May 3, 2004. The site layout shown on the current plan conforms substantially with the layout proposed on the most recently reviewed sketch plan dated December 19, 2003, latest revision date of April 1, 2004, which was never discussed at a public meeting with the Planning Commission. The original preliminary plan application was reviewed within correspondence dated January 24, 2005 by Mr. Wynn and via correspondence dated February 23, 2005 from the Bucks County Planning Commission, however was not discussed at a public meeting with the Planning Commission.

Chairperson Rush referred to Item 2.F of the October 21, 2005 engineering review, which states that “Pursuant to Section 160.26 of the Zoning Ordinance, all lots within the PC-2 Zoning District must be served by public water provided by a Municipal Authority. If Zoning Hearing Board variance approval is received for use of the on-site well, this office recommends that a four-hour pump test be completed for the existing well to verify that the well will provide enough water to project the demand of the office building. Water quality testing should also be completed to verify that the water supply meets minimum requirements of Section 140-41 of the Land Development Ordinance.” As a matter of procedure, Chairperson Rush believes that a Zoning Hearing Board variance decision should be rendered prior to the Planning Commission making a recommendation on any of the requested waivers or on the plan itself. Mrs. Bush agreed that it is a good policy to follow.

Lengthy discussion took place concerning roadway improvements along Rt. 313.

The plan was tabled pending a decision being rendered by the Zoning Hearing Board.

The applicant presented a written extension for further review of the plan.

5. Rutledge Land Development Waiver Request – Mr. and Mrs. Carl Rutledge were present to seek waiver from submission of land development for a proposed 2,625 sq. ft. garage/shop at the subject parcel located within the LI Zoning District. The site contains an existing non-conforming single-family dwelling. Submitted with the application was an 11” X 17” garage permit plan dated March 21, 2002 and “partial plot plan” dated October 30, 2005. Additionally, submitted was a copy of the 100-year Floodplain Analysis prepared for the Thomas Derstine site dated November 25, 1991. It is Mr. Wynn’s understanding that the proposed detached garage/shop will be used for a workshop, offices, and exercise room. Mr. Wynn noted that the applicant should provide more detailed information to determine whether or not the proposed use of the building is in conformance to requirements within the LI Zoning District. The use of the structure may be for a proposed type of home occupation, which is a permitted accessory use to a non-conforming residential structure within that Zoning District.

In January of 2004, Mr. Rutledge applied for a permit to construct this outbuilding, but was told by Mr. Lippincott, the former Zoning Officer, that since he was a general contractor, there could be a question of whether or not a home occupation would be established. Further, Mr. Lippincott told him that he was a good candidate for land development waiver, which Mr. Rutledge applied for. Mr. Rutledge explained that his son presently resides on the site, however once he and his wife are no longer caring for his elderly mother, they intend to live at the site and use the proposed outbuilding as a multiple use building.

Mr. Wynn suggested that perhaps this proposal should be considered an accessory residential use structure, which would not require land development at all. Mr. Rutledge noted that has been his premise all along. However, Mr. Lippincott was aware that Mr. Rutledge was a contractor, and therefore, due to the size of the proposed building, assumed that this would be a home occupation contracting business. Mr. Rutledge advised that he is self-employed with no employees, and he has four vintage vehicles to store. Mrs. Rutledge commented that most of the area of the proposed building would be used for her and her husband's hobbies – including storage of vintage cars, an exercise room, and other recreational pursuits. Mr. Rutledge advised that two offices are also proposed – one for himself and one for his wife, as well as a workshop for his wife's hobby of furniture restoration, and for his own hobby of carpentry. He acknowledged that he would be storing materials for his contracting business in a section of the proposed building.

Discussion took place regarding Item #3 of Mr. Wynn's November 15, 2005 review, which states "A stormwater seepage pit is proposed on a partial plot plan submitted with the application prepared by William J. Mohan, P.E.. No documentation was received as required by the Stormwater Management Ordinance relative to the viability of the seepage pit based upon on-site soil testing. The design engineer should review Ordinance #2000-5 and submit appropriate documentation relative to the selected Best Management Practice and on-site conditions to support same. If soil conditions are not satisfactory for construction of a seepage pit, an alternative method for stormwater management must be considered." Mr. Rutledge stated that because the seepage pit is in somewhat closer proximity to the existing septic system, which has much more stringent regulations than the seepage pit, he believes the soil would accommodate that seepage pit. Mr. Rutledge is actually in possession of a statement from the Board of Health from 1991 stating that it is functional. Mr. Wynn commented that the applicant has proposed an infiltration bed with 1 ½ ft. of cover and which is 5 ft. deep to the bottom. However, he has no idea how deep that septic system is or what the conditions might be 6 ½ feet down. It may be that when you go that deep, seasonal groundwater will fill the bottom part of the infiltration bed, which could render it non-functional. Mr. Rutledge is not opposed to having a soil analysis completed for the seepage pit. Mr. Wynn stated that many sites can only have the percolation accomplished seasonally, however it is important to note that the system should be designed basically as a stormwater detention basin with an over-flow to be kept above the seasonally high water table so that it can function at all times of the year.

Chairperson Rush asked if there are any floodplain issues involved. Mr. Wynn replied that there would be floodplain issues if the proposal is considered a land development, however there would be less floodplain issues if it is not determined to be a land development, because the requirement for calculating and determining the 100-year floodplain when FEMA mapping is approximate, is a SALDO requirement, not a Zoning Ordinance requirement. Discussion took place.

After hearing the comments this evening and considering the November 15th review, Chairperson Rush suggested that the applicant resubmit this proposal to the current Zoning Officer for his opinion. Mr. Rutledge withdrew his Land Development Waiver request in the hopes that the Planning Commission and Mr. Wynn's review and the Planning Commission's discussion this evening would perhaps influence the Zoning Officer to consider the proposal an accessory building.

D. PLANNING – None.

E. OLD BUSINESS – None.

F. NEW BUSINESS –

1. Due to meeting and/or holiday conflicts, Chairperson Rush advised that the Commission must discuss rescheduling three Worksession meetings for 2006. It was agreed that the following Planning Commission Worksession meetings would be rescheduled as follows:

- January Worksession meeting changed to Thursday, January 5, 2006
- July Worksession meeting changed to Thursday, July 6, 2006
- September Worksession meeting changed to Thursday, September 7, 2006

2. Mr. Wynn was advised by the Township Manager to forward 11" X 17" copies of all new plans involving open space or the requirement for recreational facilities, to the Park and Recreation Board and Open Space Committee for review.

3. Mrs. Hermany wondered what sort of procedure could be put in place to insure that the Bucks County Planning Commission reviews subsequent revised plans. Procedurally, Mr. Wynn is aware that procedurally, when the BCPC receives a preliminary plan for review, the applicant is given one additional free courtesy review, after which time a fee is involved when resubmitting revised plans. Mrs. Bush commented that there is a fee required for an additional review, with the alternative being the applicant paying for the BCPC's review time. She believes that it is much more economical for the applicant to pay the \$150.00 revised preliminary plan review fee, than it is to pay for six or seven hours of the Bucks County Planning Commission's time. Mr. Wynn explained that Hilltown Township does not permit applicants to submit directly to the BCPC, which is to insure that the Township is reviewing the same plans that the County is reviewing. Mr. Wynn could very easily send copies of revised subdivision plans to the Bucks County Planning Commission, however that must be a policy decision at the direction of the Board of Supervisors. Discussion took place.

Motion was made by Mrs. Hermany, and seconded by Mr. Bradley, to recommend that the Board of Supervisors change the current policy of Hilltown Township, by directing Mr. Wynn to forward copies of all revised subdivision/land development plans to the Bucks County Planning Commission, since the BCPC has been retained to aid the Planning Commission with review of plans. Discussion took place before a vote was taken. Mr. McIlhinney was opposed, stating that no thought was given to the cost that might be involved. Motion passed.

G. PLANS TO ACCEPT FOR REVIEW ONLY:

1. Penn Foundation II Subdivision(Preliminary)–Group Home–Diamond St.
2. Kratz (Gwen) Subdivision(Minor)-2 Lots-Central Avenue
3. Coventry Meadows II Subdivision(Prel.)-17 Lots-Keystone Drive
4. Murphey Subdivision(Final)-3 Lots-Skunkhollow Road

H. PUBLIC COMMENT: None.

I. PLANNING COMMISSION COMMENTS:

1. Mr. Beer wondered if the Planning Commission would be further discussing or reacting to the letter from the Hilltown Authority with respect to failing systems, the extension of public sewer, and A/B systems. It is Mr. Beer's concern that A/B systems will fail within a few years of being installed, and then the Township will be responsible for the cost of the extension of public sewer to service those failing systems, long after the developer has moved on. There is a great deal of maintenance required for A/B systems, which is really a mini-sewage plant. Mr. Beer commented that most property owners do not maintain their regular sewage systems by having the septic tank pumped on a regular basis. He has a real fear of the eventual problems that failing A/B systems will cause in the future, and believes that the Planning Commission should discuss this matter at great length in order to make a recommendation to the Board of Supervisors.

Mr. Kulesza stated that the Planning Commission should only provide recommendations during the review of the revisions to the Zoning Ordinance. He does not feel it is appropriate for the Township to change or revise their Ordinances on a development-by-development basis, when considering public sewer or on-lot systems. With respect to A/B Systems, Mr. Kulesza believes that DEP recently took a different stance on these types of disposal systems and that they are no longer automatically approved. Chairperson Rush noted that it is a planning issue with DEP, which has recently changed. Mr. Wynn commented that as long as A/B Systems are not planned for, DEP would permit their installation after the Planning Modules have been approved. He knows of another municipality where the developer is proposing spray irrigation systems, with every intention of replacing them with A/B Systems once Planning Module approval is

granted. Chairperson Rush believes that once these types of systems are more widely used, there will be a change in the way they are maintained and the Township will be required to monitor that maintenance. He feels that a discussion about this issue is appropriate and should occur at a Worksession meeting. Mr. Kulesza agreed, but noted that the overall policy should be discussed, not just relevant to one specific subdivision, as noted in the correspondence from the Hilltown Authority. He does not believe the Planning Commission should be re-directing their process because of one specific development. Chairperson Rush commented that the Planning Commission has considered this discussion during their review of the Zoning Ordinance amendments, and has previously made recommendations related to this matter. Mr. Kulesza finds it ironic that the Township thinks of itself as independent and does not want government “looking over their shoulders” yet in this instance, because some homeowners cannot be trusted to properly maintain septic systems, the Township would welcome and encourage higher government stepping in.

Mr. Beer would venture a guess that over 35% to 40% of on-lot septic systems in Hilltown are failing at present, due to the types of soils found in the Township. Mr. McIlhinney agreed with all of Mr. Beer’s comments and observations.

Mr. Kulesza wondered if Mr. Beer would agree that an A/B System, if properly maintained, could function properly. Mr. Beer agreed that it would, however he does not believe that the average homeowner will spend the necessary time, money, and effort needed to do so. Discussion took place.

Mr. Wynn’s firm represents another municipality that recently had a meeting with DEP over a treatment plant they are opposing. At that meeting, the DEP representative told the Supervisors to either sign the Planning Module and forward it to DEP, or they would order the Township to amend their Act 537 Plan to require a sewage treatment facility on the site. Therefore, Mr. Wynn noted that when push comes to shove, the regulations are not Township regulations, they are State regulations.

Chairperson Rush requested copies of the letters from DEP that were referred to in Mr. Groff’s recent correspondence so that the Planning Commission can discuss the matter at a future Worksession meeting.

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. McIlhinney, and carried unanimously, the November 21, 2005 Planning Commission meeting was adjourned at 10:17PM.

Respectfully submitted,

Lynda Seimes
Township Secretary