

HILLTOWN TOWNSHIP PLANNING COMMISSION
REGULARLY SCHEDULED MEETING
Monday, October 17, 2005
7:30PM

The regularly scheduled meeting of the Hilltown Township Board of Supervisors was called to order by Chairperson D. Brooke Rush at 7:35PM and opened with the Pledge of Allegiance. Also present were Planning Commission members Mike Beatrice, Bill Bradley, Denise Hermany, and Chuck Kulesza; along with Mr. C. Robert Wynn – Township Engineer; and Lynda Seimes, Township Secretary, to record and take minutes of this meeting.

A. PUBLIC COMMENT ON AGENDA ITEMS ONLY: None.

B. CONFIRMED APPOINTMENTS:

1. Hawk Valley Estates Subdivision (a.k.a. Jakubowitch) – (Preliminary) – Mr. Michael Yanoff, the applicant’s legal counsel, and Mr. Robert Showalter, the applicant’s engineer, were in attendance to present the plan.

Mr. Wynn’s most recent correspondence dated September 28, 2005 was discussed. At the September 19th meeting, there had been discussion regarding the width of adjoining TMP #15-22-165 and viability of that property being subdivided in a manner as suggested in the sketch plan provided by Mr. Showalter. Review of the deed information indicates that there is a width of approximately 346 ft, which would permit the development of a roadway and lots as shown on the “Future Lot Expansion Plan,” prepared by Showalter and Associates dated January 31, 2005, latest revision date of September 21, 2005. This plan also identifies a small area to be conveyed to adjoining TMP #15-22-180. The purpose of this conveyance is unclear, and this level of detail appears to Mr. Wynn to be unnecessary for consideration of the future lot expansion plan. The future lot expansion plan also identifies a proposed permanent cul-de-sac street between Lots #3 and #4, which would serve three potential lots on the adjoining Schafsteller tract immediately to the southeast of the site. Based upon review of the adjoining properties south of the Schafsteller site and their available access to Mill Road, it would appear unnecessary to further extend this roadway to Mill Road.

No additional plan or revisions were submitted for consideration. The current preliminary plan submission was reviewed by Mr. Wynn within correspondence dated August 8, 2005.

Chairperson Rush requested an explanation of the proposed future access to the Schafsteller property (TMP #15-22-164-3 and 2). Mr. Showalter explained that the roadway Chairperson Rush is referring to is a 50 ft. right-of-way through the applicant’s property to the Schafsteller property to show how that adjacent property could potentially be developed. The proposed roadway would be less than 500 ft. in length and would be through a 50 ft. access right-of-way, which would be in favor of the Township. Mr.

Showalter noted that no construction would be done at this time, however in the event the Schafsteller property is ever developed in the future it would be the responsibility of the then owner of the Schafsteller property to construct the roadway and install all the necessary public improvements.

Mrs. Bush advised that revised plans have not been submitted to the Bucks County Planning Commission for review since the initial submission in February of 2005. Mr. Yanoff commented that Mr. Wynn had indicated that the revisions to this plan are not drastically significant enough to require a resubmission to the Bucks County Planning Commission. Further, Mr. Yanoff believes that most of the stormwater management comments in the Bucks County Planning Commission review have been addressed this plan revision. Lengthy discussion took place concerning the Bucks County Planning Commission's initial review of the plan, dated March 7, 2005. Mrs. Bush expressed concern with a few continuing outstanding items that the BCPC mentioned in their review of March 7th, that are still outstanding in Mr. Wynn's review of August 8, 2005.

Mrs. Hermany suggested that the Commission consider what the criteria should be for resubmitting revised plans to the Bucks County Planning Commission.

Mr. Kulesza referred to Lots #4 and #5, where the proposed "future roadway" is shown on the plan. If and when that neighboring property is developed and the roadway is extended, Mr. Kulesza reminded the Commission that a possible non-conformity would be created on those two lots, in a situation similar to what occurred in the Holly Farms Subdivision.

The applicant is requesting the following waivers from the Subdivision/Land Development Ordinance:

- From Section 140-27.B(11), which requires that residential lot depth shall not be less than one, nor more than three times, the lot width. Waiver is requested for Lots #5 and #6, which do not meet the minimum depth to width ratio requirements.

Motion was made by Mrs. Hermany, seconded by Mr. Beatrice, and carried unanimously to recommend waiver from Section 140-27.B(11), for the Hawk Valley Estates Subdivision, as noted above.

- From Section 140-27.B(4), which requires lot lines to be oriented substantially at right angles or radial to the street line, from the street line to the rear of the lot. The request notes that the common property boundary between Lots #9, #10, and #11, does not conform to this requirement.

Discussion took place.

Motion was made by Mrs. Hermany to recommend waiver from Section 140-27.B(4), for the Hawk Valley Estates Subdivision, as noted above. There was no second. Motion failed.

Motion was made by Mr. Kulesza and seconded by Mr. Beatrice, to recommend denial of the waiver request from Section 140-27.B(4), for the Hawk Valley Estates Subdivision, as noted above. Lengthy discussion took place. Chairperson Rush wondered if there was any way for the applicant to address the lot line issue so that a waiver request would not be required. Mrs. Hermany, Mr. Bradley, and Chairperson Rush were opposed. Motion failed.

Motion was made by Mrs. Hermany, and seconded by Mr. Bradley to recommend waiver from Section 140-27.B(4) for the Hawk Valley Estates Subdivision, as noted above. Mr. Kulesza and Mr. Beatrice were opposed. Motion passed.

- From Sections 140-28.P, 140-29.D(1), 140-35, and 140-36, which require cartway reconstruction/overlay, cartway widening, drainage improvements, curb, and sidewalk along existing roadways within the frontage of the site. Waivers are requested from installation of full street improvements along Church Road and Park Road, in consideration of installation of full width cartway leveling/overlay along Park Road, from the intersection of Church Road to the easternmost property boundary; installation of shoulder and drainage improvements along Park Road, within the frontage of the site; and installation of drainage improvements at the proposed driveway location along the frontage of Lot #11.

The plan has been revised to generally incorporate recommendations previously made by Mr. Wynn relative to street improvements. In lieu-of installing required curb and sidewalk along Park and Church Roads within the frontage of the site, the Township may desire a fee in-lieu-of installation of such improvements to be deposited in the Sidewalk/Pedestrian Path Capital Improvements Fund for use elsewhere in the Township.

Mr. Beatrice felt that improvements should be made to Church Road, rather than Park Road, which is currently in better condition. Mr. Wynn explained that there is only 163 ft. of frontage along Church Road with one driveway proposed, and that amount of frontage would not provide sufficient room for full roadway improvements along Church Road. Mr. Yanoff reminded the Commission that the applicant is not required to do off-site improvements, other than along the road frontage of the site on Park Road. Further, the applicant has agreed to continue road improvements along the frontage of the site to the intersection of Church and Park Roads, to include the existing dwelling lot at the

intersection. Mr. Beatrice believes that the money spent for road improvements would be better served to improve Church Road, which has heavier use and is in poor condition. While Mr. Beatrice may be right, Mr. Yanoff advised that the law does not require the applicant to do that. In lieu of any street improvements along Park Road, Mr. Kulesza asked if the applicant would consider installing the street improvements along Church Road, for the same dollar amount. Mr. Yanoff commented that the applicant only owns 163 ft. of frontage along Church Road. Mr. Wynn pointed out that improvements made to Park Road, which is a Township road, would reduce the municipality's future costs, as opposed to Church Road, which is a State road. Mr. Beatrice commented that he pays taxes to Hilltown Township and to the State, and therefore, it shouldn't matter where those funds are used. Mr. Wynn advised that his recommendation is based on his interest in the Township, not the State. Discussion took place.

Motion was made by Mrs. Hermany, seconded by Mr. Bradley, and carried unanimously to recommend waiver from Sections 140-28.P, 140-29.D(1), 140-35, and 140-36, for the Hawk Valley Estates Subdivision, and to require a fee in-lieu-of those improvements as recommended by Mr. Wynn, as noted above.

Motion was made by Mr. Kulesza, and seconded by Mrs. Hermany, to recommend conditional preliminary plan approval to the Hawk Valley Estates Subdivision, pending completion of all outstanding items as noted in the August 8, 2005 engineering review, including the revision to the setback on Lots #5 and #6 from a side yard to a rear yard, and with the stipulation that a Homeowner's Association will maintain the basin on Lot #1. Mr. Beatrice was opposed. Motion passed.

2. Gitlin/Johnson Tract Subdivision (Preliminary) – Chairperson Rush advised that the applicant canceled their Confirmed Appointment and has provided a written extension until January 31, 2006.

3. Robinson Land Development Waiver Request – Ms. Cheryleen Strothers, the applicant's engineer, and Mr. and Mrs. Earl Robinson were in attendance to present a Land Development Waiver Request to construct a 5,000 sq. ft. storage building near the rear of their site located on Rt. 313. Ms. Strothers advised that the site contains an existing residence, store, and some storage trailers on the adjacent parcel, for which the applicant has permission for use. Mr. Robinson stated that the adjacent property located just north of the site is currently vacant. He has an agreement with the adjacent property owner to the south, Mr. Zecca, to maintain the property in exchange for use of the mobile storage structures that are placed there. Mr. Robinson advised that there is no water or sewer service in either of the neighboring residential homes because they have both been condemned. Discussion took place.

The applicant has filed a stormwater management plan application and report (dated August 22, 2005). This relatively narrow lot with 100 ft. of frontage on Rt. 313 is located in the PC-2 Zoning District between two properties identified on the plan as residential. Both adjoining lots contain dwellings, although the dwellings are not located immediately adjacent to the subject property. Mr. Wynn's review of September 26, 2005 notes that in accordance with Section 160-33 of the Zoning Ordinance, a Class "C" buffer yard, 50 ft. in width, is required where a retail/consumer use is proposed adjacent to an existing residential use. Based on the Zoning Ordinance requirement, no area on the parcel is located outside of the required buffer yards, measured 50 ft. from the side property boundaries, which would require a variance from the Zoning Hearing Board.

The review further notes that the plan identifies "existing mobile storage structures" and a sign located on the adjoining lands of N/L John J. Zecca (TMP #15-35-45). Additionally, part of the adjoining property is used for other outdoor storage in conjunction with the commercial use on this property. While the plan identifies the existing mobile storage area as to be removed, the plan does not identify the proposed disposition of the sign or other outdoor storage on the adjoining parcel. A portion of the driveway paving radii at the intersection with Rt. 313 also encroaches on the neighboring property, however the entire encroachment is within the ultimate right-of-way of Rt. 313.

Chairperson Rush noted that there is a large housing development located across Rt. 313 from this site in Bedminster Township, and it appears that full street improvements are proposed for that development. If street improvements are required on this 100 ft. wide property, Mr. Wynn advised that it would create a huge problem for the property owner since the two driveways are not located wholly on their property. Lengthy discussion took place.

Mrs. Bush commented that it is very rare for a Township to approve a waiver of land development for a building of this size. Mr. Beatrice agreed that the proposed building is quite large. Mrs. Hermany would be in favor of waiving land development requirements provided the applicant would be willing to dedicate the ultimate right-of-way to the Township. Due to the size of the proposed building, and because of all the existing non-conformities, Mr. Bradley would not be inclined to recommend waiver of land development. Mr. Kulesza and Chairperson Rush agreed. Discussion took place.

Motion was made by Mr. Bradley, and seconded by Mr. Beatrice to recommend denial of the Robinson Land Development Waiver Request. Mrs. Hermany was opposed. Motion passed.

4. Braccia Subdivision (Final) – Mr. Bill Benner, the applicant's legal counsel, along with Mr. Robert Showalter, the applicant's engineer, and Mr. Sam

Braccia, the applicant, were in attendance to present the plan. Mr. Wynn's most recent review dated September 22, 2005 was discussed.

With respect to Item #7 of Mr. Wynn's review regarding access and utility easements, Mr. Benner advised that there is an existing driveway easement that serves the lots along the east side of the property, and the applicant will be submitting evidence that these easements are already in place. Mr. Wynn commented that PennDot has begun taking dedication of right-of-way five feet behind a curb line (fee simple).

Motion was made by Mr. Kulesza, seconded by Mrs. Hermany, and carried unanimously to recommend conditional final plan approval to the Braccia Subdivision, pending completion of all outstanding items as noted in Mr. Wynn's September 22, 2005 engineering review.

4. Scott Lot Line Adjustment – Ms. Cheryleen Strothers, the applicant's engineer, was in attendance to present the plan to convey approximately 5.19 acres of rear yard area from TMP #15-17-9 (Scott) to TMP #15-17-44-2 (Pennridge Full Gospel Tabernacle). The resulting lot area of TMP #15-17-9 is proposed as 0.69 acres (net), while TMP #15-17-44-2 will increase in area from 10.59 acres to 16.08 acres. The portion remaining as TMP #15-17-9 following the lot line adjustment is located entirely within the Village Center Zoning District (currently the rear area proposed to be conveyed to Pennridge Full Gospel Tabernacle is located within the adjoining CR-2 Zoning District). Upon recordation of the plan, the entire reconfigured area of TMP #15-17-44-2 (Pennridge Full Gospel Tabernacle) will be located within the CR-2 Zoning District. TMP #15-17-9 currently exists as an extremely awkwardly shaped lot. Conveyance of 5+ acres of rear yard area to the adjoining lands of Pennridge Full Gospel Tabernacle will create more uniform lot lines for both parcels and separate the parcels along the zoning district boundary between the VC and CR-2 Zoning Districts. Mr. Wynn's engineering review dated September 29, 2005, and the Bucks County Planning Commission's review dated September 26, 2005, were discussed.

Currently, Ms. Strothers noted that both properties are served by public sewer, however each property is served by individual private wells. Since the existence of the wells automatically trigger the requirement for the lot to be 50,000 sq. ft. in size, Mr. and Mrs. Scott have made application to the Zoning Hearing Board, and the hearing has been scheduled for this Thursday evening.

Mr. Dave Scott of 1256 Rt. 113 explained that the church had expressed interest in obtaining additional acreage when the property was placed on the market. At this time, Mr. Scott is not aware of what the church's plans might be for that land.

The applicant has requested the following waivers:

- From Section 140-28.P – Street Widening and Drainage- The applicant notes that no new traffic will be generated by this lot line adjustment, and suggests that the existing cartway and drainage are adequate for the existing uses.
- From Sections 140-35 and 140-36 – Curb and Sidewalk – The applicant notes that no construction is proposed, and therefore no change in existing vehicle or pedestrian traffic is being generated.
- From Section 140-48 – Street Lights – No street lights exist in this area of the Township.

The Planning Commission members would prefer not to comment on the waiver requests until the Zoning Hearing Board decision has been rendered, and therefore, the plan was tabled.

- C. PLANNING – None.
- D. OLD BUSINESS – None.
- E. NEW BUSINESS –

1. Chairperson Rush stated that at the October 10, 2005 Supervisor's Worksession meeting, a motion was made and approved to direct the Bucks County Planning Commission to prepare a progress-to-date revision of the proposed Zoning Ordinance amendments, which would then be forwarded to the Supervisors for review. He then requested that the Planning Commission be permitted to continue review and completion of the Conservation Management District section of the Ordinance amendment. Chairperson Rush was told by the Supervisors that the Planning Commission could continue their review, and therefore, he hopes that the complete Conservation Management District portion of the review can be included with that progress-to-date plan to be prepared by the Bucks County Planning Commission. Mr. Kulesza asked why the Supervisors wanted a copy of that document at this point in the review. Chairperson Rush believes the Supervisors wanted to see where the Planning Commission is in their review in terms of direction and status. Mrs. Hermany understands that the Board of Supervisors also plans to schedule a joint meeting with the Planning Commission in the future. Chairperson Rush agreed that was correct, though no date has yet been determined. Discussion took place.

2. Nyce Subdivision - Motion was made by Mr. Kulesza, seconded by Mr. Beatrice, and carried unanimously to recommend denial of the Nyce Subdivision, if a written extension is not granted by the applicant by November 11, 2005.

F. PLANS TO ACCEPT FOR REVIEW ONLY:

1. Penn Foundation Subdivision (Minor) 2 lots – Diamond Street

G. PUBLIC COMMENT: None.

H. PLANNING COMMISSION COMMENTS:

1. Mrs. Hermany asked for a status report of the Holly Farms Subdivision. Mr. Wynn explained that the applicant was directed by the Board of Supervisors to install Norway spruce trees along the property boundaries of the two newly created corner lots. Mr. Beres has also agreed to re-grade a swale in the rear of the Limbert property in order to cut off the existing sheet flow. The other property owner, Mr. DiCarlantonio, requested that the Norway spruce trees be installed along the rear of his property line, rather than along the proposed interior roadway. A temporary access easement has been provided for riprap installation on the Eshelman property where the discharge exists, and Mr. Beres will also be replacing the Township culvert beneath Schoolhouse Road and installing an inlet on the Eshelman's side of the roadway.

Mrs. Hermany wondered if the Planning Commission, for the sake of good planning, could require a developer to convey ground to a neighboring property owner at no cost, due to its odd shape or configuration. Mr. Wynn does not believe it would be permissible. Discussion took place.

2. Mr. Beatrice presented the property analysis to the Board of Supervisors prior to their October 10th Worksession meeting, who requested an electronic copy to review at their leisure.

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

J. ADJOURNMENT: Upon motion by Mr. Beatrice, seconded by Mr. Kulesza, and carried unanimously, the October 17, 2005 Hilltown Township Planning Commission was adjourned at 10:11PM.

Respectfully submitted,

Lynda Seimes
Township Secretary