

**HILLTOWN TOWNSHIP BOARD OF SUPERVISORS
ADVERTISED PUBLIC HEARING TO CONSIDER AMENDING THE ZONING
ORDINANCE TO CHANGE THE ZONING CLASSIFICATION OF TMP #15-I-8
FROM LIGHT INDUSTRIAL (LI) ZONING TO HEAVY INDUSTRIAL (HI) ZONING
Monday, December 9, 2013
7:30PM**

A. CALL TO ORDER: The advertised Public Hearing was called to order by Chairperson Barbara A. Salvadore at 7:30PM.

Also present were: John B. McIlhinney, Vice-Chairman
James C. Groff, Supervisor
Richard C. Schnaedter, Township Manager
Francis X. Grabowski, Township Solicitor
Christopher E. Engelhart, Chief of Police
Randy Tanghe, Lt. Detective
Lynda S. Seimes, Township Secretary

B. GENERAL INFORMATION: Solicitor Grabowski explained that the purpose of this Public Hearing is to consider amending the Zoning Ordinance map for TMP #15-1-8 from the Light Industrial (LI) Zoning District to the Heavy Industrial (HI) Zoning District. Said property is located on the west side of Bethlehem Pike, south of its intersection with Keystone Drive.

This hearing is a continuation of the original Public Hearing held on Sept. 25, 2013 at which time the Board heard testimony from both the proponent of the Zoning Map change as well as the general public. It is the intention of the Board of Supervisors that tonight's Public Hearing shall be to render a decision on the Zoning Map change. The proposed Ordinance was properly advertised in the Doylestown Intelligencer on November 18th and November 25th, 2013. In addition to the Proof of Publication, the Zoning Ordinance requires that a copy of the legal notice be sent to all property owners located within 500 ft. of said parcel, which was accomplished and certified by Township Administrative Assistant, Lisa Faust as of October 31, 2013. Additionally, as required by the Municipalities Planning Code, a copy of the legal notice was sent to the neighboring municipalities of Sellersville, Silverdale and Perkasie Boroughs; East Rockhill, Bedminster, New Britain, Hatfield, and West Rockhill Townships, as well as the Pennridge School District. Last week, Mr. Taylor, the Zoning Officer, posted the property pursuant to both the Zoning Ordinance and the MPC. Copies of the Ordinance were filed with the Bucks County Law Library; the Doylestown Intelligencer, and also on file here at the Township building.

C. PUBLIC COMMENT:

1) Ms. Arlene Anders, Centennial Road, expressed concerns with decreased property values and increased truck traffic, citing the erroneous information found in the Traffic Impact Study presented by the applicant's engineer.

2) Mr. Doug Smith of Fox Lane asked the Board to reconsider their decision not to respond to questions asked by the general public. He is adamantly opposed to the rezoning of this property, stating that the unknown benefits to the Township would be far outweighed by the damage that would be done to the surrounding properties to this site.

3) Mr. Richard Felix, Sellersville, was disappointed that the Board refused to answer questions asked by concerned residents on this matter. He voiced his opinion against the proposed zoning change.

4) Ms. Doreen Cooper, Reliance Road, reminded the Board that the sale of the property in question to SWS is contingent upon this re-zoning request being granted. Therefore, she contended that if the Board votes to approve this request, they are essentially voting to approve SWS constructing a trash transfer station in this area. Ms. Cooper implored the Board to deny this re-zoning request, and in effect, denying an additional trash transfer station for this area of the Township, greatly affecting the residents who may have purchased their homes under specific zoning regulations.

5) Mr. Marvin Rohrs of Village of Dorchester noted that there are glaring inaccuracies with the traffic study presented by the applicant, particularly with the presumed path that trash trucks would follow from the site to access Rt. 309. Mr. Rohrs commented that the current heavy traffic presents a nightmare for residents, and he can only imagine the difficulties that will arise with additional truck traffic passing through the already congested intersections in the area.

6) Mrs. Susie Apple, Church Road, commented that no one can control traffic traveling on a public road, citing that she lives on a roadway that she believes is one of the most heavily traveled in the Township, which is used as a connector to major arteries by passenger vehicles and quarry trucks alike. She supports the SWS facility relocating to Hilltown Township, rather than having this profitable company move to a neighboring municipality with the additional truck traffic using our roads anyway, but with the revenue going to another township.

7) Mr. Mark Geitz disagreed with Mrs. Apple's comments, noting that the three Supervisors can certainly control the addition of several hundred trash trucks per day by denying this re-zoning request. He challenged SWS to consider constructing their trash transfer station in another municipality that may be better suited for this use.

There was no further Public Comment at this time.

Motion was made by Supervisor McIlhinney and seconded by Chairperson Salvadore to **adopt Ordinance #2013-4, amending the Zoning Map of the Zoning District Classification of Bucks County TMP #15-1-8 located on the west side of Bethlehem Pike, south of its intersection with Keystone Drive, from Light Industrial (LI) Zoning District to Heavy Industrial (HI) Zoning District.** Prior to a vote, Public Comment was heard.

Public Comment:

- 1) Mr. Patch Bassett urged the Board to not move forward with approval of the re-zoning request and requested that SWS find another location to construct their plant.
- 2) Mrs. Barbara Geitz hopes that the Township will put so many restrictions on SWS that it will not be profitable for them to run their business here.

(NOTE: At this point in the meeting, members of the audience were shouting comments, questions, and statements from their seats without approaching the microphone. Therefore, none of these comments/questions/ and/or statements were recorded, nor were they transcribed to become a part of these minutes).**

Original motion carried with a vote of 2:1, with Supervisor Groff opposed.

Supervisor's Comments:

Supervisor Groff apologized to those residents who called, wrote letters or emails, or approached him while out in public regarding this issue, explaining that his lack of response was an effort to remain impartial until this evening's hearing. His decision was not an easy one, and one that he has not taken lightly. Supervisor Groff explained that the reason for his vote was because to re-zone that parcel with no specific plan in place exposes the Township to any number of uses which would now be permitted in the HI zoning district. Further, Supervisor Groff believes that the applicant's traffic study should have been reviewed by the Township's Traffic Engineer.

Supervisor McIlhinney stated that the reason he voted for this zoning change is because Hilltown Township has an industrial area that has been compromised. Hilltown's industrial area is minuscule compared to the 16,000 acres which makes up the entire Township. He believes that anyone wishing to challenge the Township's Zoning Ordinance could do so on those grounds alone. Secondly, Supervisor McIlhinney noted that both the local and Bucks County Planning Commissions have recommended approval of this re-zoning request because it fits with the zoning classification in that area of the Township. Further, Supervisor McIlhinney explained that Heavy Industrial zoning will allow the Board of Supervisors more leeway to place stringent restrictions on any proposal that may be submitted. The Light Industrial zoning district had more lenient zoning requirements which permits many more intense uses by-right. He believes

that Hilltown Township needs to strengthen the tax base, and the income generated by the SWS proposal would also be a great benefit

Chairperson Salvadore noted that the application before the Board this evening was to change zoning on a parcel from LI to HI. She advised that the re-zoning request has nothing to do with the plan which may or may not be submitted by SWS in the future. The conceptual design previously submitted by SWS was not a preliminary plan, and therefore did not get the scrutiny that a preliminary plan will get in the future when being submitted as a land development.

(NOTE: Some members of the audience continued to ignore repeated requests for order as well as requests to approach the podium if they wished to provide public comment. Therefore, those individuals who refused to comply with Public Comment rules did not have their comments recorded and/or transcribed).**

Public Comment:

- 1) Mr. Terry Carnes, chairman of the Hilltown Planning Commission, gave a concise explanation of why the PC voted unanimously to recommend approval of the re-zoning request. He commented that permitted by-right uses in the Light Industrial Zoning District run the gamut of high impact uses, including the following – Truck Terminal, Research, Wholesale, Printing, Contracting, Warehousing, Crafts-Commercial/Industrial, and Truck Business; while the Heavy Industrial zoning district by-right permitted uses are much more limited, and most are not permitted at all, or require a Conditional Use Hearing or Special Exception from the Township.
- 2) Mr. Charles Baker of Rt. 113 suggested that everyone recognize that this proposal creates a positive tax impact for the Township, which may also offer opportunities for employment. He noted that a housing development for this site would not only be a negative impact on the schools, but it would also create a traffic problem.
- 3) Mr. Mark Geitz disagreed with Mr. Baker's comments.
- 4) A resident of Spur Road (whose name could not be transcribed due to lack of sound clarity) expressed concern with the possible use of Spur Road as a shortcut for additional trash trucks to get to Rt. 309. She further advised that there is no posted speed limit on Spur Road and asked that consideration be given to lowering the speed limit. Mr. Schnaedter and Chief Engelhart were directed to investigate the speed limit issue on Spur Road.

There was no further public comment taken by the Board of Supervisors.

D. ADJOURNMENT: Upon motion by Supervisor McIlhinney, seconded by Supervisor Groff and carried unanimously, the advertised December 9, 2013 Public Hearing to consider re-zoning was adjourned at 8:17PM.

Respectfully submitted,

Lynda Seimes
Township Secretary

(*NOTE: These minutes were transcribed from recordings and notes, and should not be considered official until approved by the Board of Supervisors at a public meeting).