

**HILLTOWN TOWNSHIP BOARD OF SUPERVISORS
REGULARLY SCHEDULED MEETING
Monday, June 28, 2010
7:00PM**

The regularly scheduled meeting of the Hilltown Township Board of Supervisors was called to order by Chairman John B. McIlhinney at 7:05PM and opened with the Pledge of Allegiance.

Also present: Barbara A. Salvadore, Vice-Chairperson
James C. Groff, Supervisor
Christopher S. Christman, Township Manager
Christopher E. Engelhart, Chief of Police
Francis X. Grabowski, Township Solicitor
C. Robert Wynn, Township Engineer
Lynda S. Seimes, Township Secretary

A. ANNOUNCEMENTS:

1. The Board met in Executive Session prior to this meeting in order to discuss legal issues and for informational purposes.

B. PUBLIC COMMENT ON AGENDA ITEMS ONLY: None.

C. CONSENT CALENDAR:

- Minutes of June 14, 2010 Supervisors Meeting
- Bills List dated June 29, 2010
- Financial Report for month of May 2010
- Manager's Report
- Solicitor's Report

Motion was made by Supervisor Salvadore, seconded by Supervisor Groff, and carried unanimously to accept and approve the above noted items on the Consent Calendar, as written. There was no public comment.

D. CONFIRMED APPOINTMENTS:

1. Hilltown Walk (aka: Guttman Tract) Concept Plan – Mr. Robb Gundlach, the applicant's legal counsel, along with Mr. David Guttman, legal owner of a portion of the tract, Mr. Paul Catinella of Middletown Mortgage the legal owner of the balance of the tract, Mr. Joe Duckworth of Arcadia Land Co., and Mr. David Horner, the applicant's traffic engineer, were in attendance to present the plan. It was noted that additional correspondence was received from the applicant today.

Mr. Wynn's review dated May 7, 2010 was discussed. The 83+ acre site located in the CR-2 Zoning District is proposed to be subdivided into 99 single-family detached dwelling lots designed with a minimum area of 10,000 sq. ft. and arranged in a cluster layout providing for 47+ acres of open space, as well as preservation of the existing farmstead in the northwest corner of the site. Building lots contain frontage on an internal roadway network, with three proposed access points along Green Street. The layout of the open space is designed to preserve environmental resources, and provide active recreation opportunities, including walking trails and open space near the Al Reese Park in Silverdale Borough.

Mr. Wynn's review provides background information regarding the site, which has been the subject of various subdivision proposals in the past, including a petition approved by the Supervisors in March 2005 to rezone the property from RR to CR-2 subject to a "Declaration of Intent" filed by the then-applicant, D'Angelo Construction, Inc. This Declaration of Intent stipulated that the applicant could not exceed a total of 45 lots, including three existing single-family detached dwelling lots. The total number of permitted building lots was determined on the basis of a yield plan designed to maximize density considering area and dimensional requirements for single-family detached dwelling uses in the RR District. Subsequently, a preliminary plan was filed with the Township proposing a total of 45 lots, four open space areas totaling 32.278 acres as designed under provisions of Use B-3 Single-Family Detached Cluster Option 2 (minimum lot area – 20,000 sq. ft.) and permitted by-right in the CR-2 District. The plan also incorporated extensive street improvements along Green Street along the entire frontage of the site, extension of public water and sewer to serve the proposed uses as well as providing for interconnection of homes within identified problem areas referenced in the Act 537 Plan. This plan also contemplated development of recreation facilities, including two playfields, pedestrian paths, and a 50 space parking lot nearest to the Al Reese Park in Silverdale Borough. This preliminary plan received approval from the Township on August 28, 2006, however final approval is still pending. Most recently, the applicant filed a petition to rezone the property from CR-2 to VC in order to develop the property as a Traditional Neighborhood Development. Several concept plans identifying a mixture of residential and commercial uses have been filed in conjunction with the rezoning petition, which have been reviewed at various Township meetings during the last year.

Mr. Duckworth and Mr. Horner provided a Power Point presentation, showing that the latest revised plan proposes a 99 lot development as strictly residential with no commercial units. This proposal also includes traffic calming measures along Green Street, consisting of landscaped islands at both entrances to the site. There are 47 acres of open space proposed along with preservation of the existing farmhouse, sidewalks and trails along Green Street to provide a safe connection Silverdale Borough.

Improvements are also proposed at Green Street and Rt. 113, with re-striping to delineate more clearly the left turn areas and facilitate more effective traffic flows. It was noted that this project will also permit gravity sewers to serve the site, and to address neighboring properties currently

experiencing failing systems. The proposed traffic calming will improve the traffic flow at the Rt. 113/Green Street intersection, which Mr. Horner believes will operate better than under its current conditions. Green Street is proposed to be widened near the development's entrances along with installation of landscaped islands in the same area. He noted that the Green Street improvements will address what the applicant believes is an existing safety issue. Mr. Horner does not believe there are any capacity issues with the proposed 99 dwelling development. It is the applicant's intent to extend the 25 mph speed zone from Silverdale Borough to beyond the development frontage in conjunction with the proposed traffic calming improvements. Restriping of Rt. 113 at the Rt. 113/Green Street intersection in Silverdale Borough is proposed to allow for the ability of left turns from Green Street and perhaps additional widening or curb radius improvements. The applicant also intends to provide a recreation contribution to the Township in the amount of \$265,000.00 in addition to the recreation improvements pursuant to Ordinance requirements.

Supervisor Groff asked if current site calculations permit a density of 99 units for this zoning district. Mr. Wynn explained that during the consideration process to rezone the site from RR to CR-2, it was determined that 45 units were permitted under the RR Zoning District. While the density calculations may permit 99 units, due to the environmental features of the site, that number may simply not be feasible or possible. Mr. Wynn commented that this may be the reason the applicant is also seeking a reduction of lot size.

Discussion occurred. Supervisor Groff stated he would not be amenable to amending the Declaration of Intent to permit 99 dwelling units. Both Chairman McIlhinney and Supervisor Salvadore agreed that they were not interested in removing the 45 lot maximum restriction for this site.

It was Chairman McIlhinney's personal opinion that a TND is a very viable solution for this property with the benefits to the Township in the form of taxes on commercial operations, and virtually no impact on the School District. Supervisor Salvadore commented that the applicant has presented several sketch versions of a TND, none of which she felt were suitable for the site. Supervisor Salvadore further cited the current designated villages located in Hilltown, including Blooming Glen, Line Lexington, and Hilltown, and stated that she personally would not be receptive to rezoning this particular property to VC. Supervisor Groff agreed.

Chairman McIlhinney referred to the traffic calming islands the applicant proposed near the development's entrances on Green Street, noting that those islands would create a one-way situation for the homeowners living opposite the site and would prohibit them from exiting their own property to the left toward Silverdale Borough. He was further opposed to reducing the lot sizes to 10,000 sq. ft. During the approval process for the original 45 lot development, Chairman McIlhinney recalls that a great deal of time and effort was put forth by the Board of Supervisors and the Planning Commission to insure that there was a mixture of lot sizes from 1 acre up to 8 acres.

Mr. Gundlach commented that the property owner has been stymied by the economy and its impact on the possible sale of larger lots/larger homes, as well as the costs associated with accomplishing the many required improvements for the previously approved 45 lot plan. Chairman McIlhinney noted that the previously approved 45 lot subdivision was a fine piece of planning, which was created in conjunction with the community, the Planning Commission, the Board of Supervisors and the developer at the time, and in his opinion, is a very appropriate use for that piece of property. There was no further discussion and no public comment was offered.

E. SOLICITOR'S REPORT – Mr. Francis X. Grabowski, Township Solicitor –

1. Traynor Subdivision – Financial Security, Subdivision, and Stormwater Maintenance/Monitoring Agreements – Lots #1 and #2- Motion was made by Supervisor Salvadore, seconded by Supervisor Groff, and carried unanimously to accept and approve the Financial Security Agreement, Subdivision Agreement, and Stormwater Maintenance/Monitoring Agreements for Lots #1 and #2 of the Traynor Subdivision. There was no public comment.

2. Univest Bank Land Development – Motion was made by Supervisor Salvadore, seconded by Supervisor Groff, and carried unanimously to accept and approve the Substitution Agreement for Univest Bank Land Development with a direct deposit of cash in the amount of \$195,641.99. There was no public comment.

F. PLANNING – Mr. C. Robert Wynn, Township Engineer –

1. Carson Helicopter Land Development Waiver Request – Mr. Steve Harris, the applicant's legal counsel, was in attendance to present the plan. Mr. Wynn's review dated June 7, 2010 was discussed. The applicant is seeking a waiver of land development submission requirements to construct a 25 ft. X 40 ft. office addition to an existing warehouse building; and to construct an engine testing building adjacent to an existing paved area at the rear of an existing office/hangar structure on the 53.02 acres (net) site located in the RR Zoning District. In conjunction with the land development plan approved by the Supervisors on May 29, 2008, the applicant recently completed construction of a two-story warehouse (Building A) and associated parking improvements to expand an existing non-conforming manufacturing (H1)/Warehouse (G1) use of the approved land development plan, but were not constructed to date. The original approved land development plan contained a note requiring further land development plan approval for construction of the office addition. In addition to the building construction, the applicant proposes to install two wells adjacent to the engine testing building and office addition, as well as installation of a new sewage disposal system to serve the proposed office addition, existing office/hangar building, and existing single-family detached dwelling on TMP #15-28-174.

Mr. Harris requested the Board's consideration to obtain a building permit prior to receipt of the approved sewage permit from the Bucks County Board of Health, for which the applicant would be willing to condition occupancy of the office building. Mr. Wynn noted that the Township cannot issue a building permit without Bucks County Health Department approval. The Board deferred to Mr. Wynn and would not be amenable to the applicant's request for a building permit at this time.

Motion was made by Supervisor Salvadore, and seconded by Supervisor Groff, to grant conditional approval to the Carson Helicopters, Inc. Land Development Waiver, pending completion of all outstanding items in the June 7, 2010 engineering review. Prior to a vote, Public Comment was heard.

Public Comment:

1. Mr. Hans Sumpf of 9 Beverly Road, speaking on behalf of Deep Run Valley Sports Association, commented that Carson Helicopter has been a very supportive neighbor of the Deep Run organization, allowing them to utilize approximately 14 acres for play and practice fields. Mr. Sumpf appreciates the Board's willingness to grant the approval of this land development waiver request.

There was no further public comment. Motion carried unanimously.

2. Koszarek Lot Line Adjustment Subdivision – Mr. Wynn's review dated June 21, 2010 was discussed. The common property boundary between TMP #15-29-26-1 (lands of Nace) and TMP #15-29-27 (lands of Koszarek) is proposed to be adjusted for conveyance of 0.135 acres from TMP #15-29-26-1 to TMP #15-29-27. Both parcels are zoned within the CR-2 and RR Zoning Districts, with the area to be conveyed between parcels zoned exclusively within the RR District. TMP #15-29-26-1 (1.098 acres, gross, existing) currently contains a single-family detached dwelling and driveway access along Blooming Glen Road. TMP #15-29-27 (0.675 acres, gross, existing) contains an existing single-family detached dwelling and driveway access along Blooming Glen Road. Both parcels are served by on-lot water and public sewer facilities. No development activity is proposed in conjunction with the lot line adjustment. Mr. Paul Dietz, the applicant's engineer, was in attendance to present the plan.

Motion was made by Supervisor Salvadore, seconded by Supervisor Groff, and carried unanimously to grant conditional preliminary/final plan approval to the Koszarek Lot Line Adjustment Subdivision, pending completion of all outstanding items as noted in Mr. Wynn's review dated June 21, 2010. There was no public comment.

G. ENGINEERING – Mr. C. Robert Wynn, Township Engineer –

1. Bid #2010-1 – Installation of Superpave 9.5 mm Wearing Course Material – Reliance Road and Summit Street – Bid results are as follows:

Blooming Glen Contractors	\$117,398.00
Miller and Son Paving, Inc.	\$127,352.50
Harris Blacktopping Inc.	\$131,072.50
Associated Paving Contractors, Inc.	\$132,869.00
James D. Morrissey, Inc.	\$134,800.00
Kehoe Construction, Inc.	\$145,437.50
A.H. Cornell and Son	\$148,906.25

Mr. Wynn noted that the project is being partially funded in the amount of \$112,200.00 by the Bucks County Office of Community Development, with the balance of approximately \$5,000.00 from the Liquid Fuels Fund.

Motion was made by Supervisor Groff, seconded by Supervisor Salvadore, and carried unanimously to award Bid #2010-1 for installation of Superpave Wearing Course for Reliance Road and Summit Street to Blooming Glen Contractors in the amount of \$117,398.00, subject to receipt of a contractor bond and insurance certificate, as well as project approval by both the Bucks County Community Development and PennDot. There was no public comment.

2. Univest Land Development – Motion was made by Supervisor Salvadore, seconded by Supervisor Groff, and carried unanimously to grant an extension in the timeframe for completion of improvements of the Univest Land Development for one year until July 22, 2011. There was no public comment.

3. Sunoco Land Development – Motion was made by Supervisor Salvadore, seconded by Supervisor Groff, and carried unanimously to accept completion of the maintenance period for the Sunoco Land Development, subject to the applicant paying any outstanding costs incurred by the Township during the maintenance period. There was no public comment.

H. UNFINISHED BUSINESS:

1. Draft Nuisance Ordinance Amendment – ATV Usage – Mr. Christman's memo dated June 22, 2010 was discussed. With respect to the issue of dust and fumes, Supervisor Salvadore researched health care literature noting that there is a higher probability that fumes and dust from ATV's could trigger a very serious asthmatic attack for those afflicted. If there is a way to monitor or limit the dust and fumes aspect of ATV usage, Supervisor Salvadore would suggest that it be included in the Ordinance. Chief Engelhart commented that there is no way for the Police Department to measure and enforce dust or fumes omitted from an ATV or any

other vehicle for that matter. If an officer can physically see that dust is accumulating on vehicles or entering dwellings through windows/doors, or can smell fumes, it would be at the officer's discretion as to whether to cite an individual, or at least intervene on behalf of a neighbor to address those issues. Chairman McIlhinney recalls that the Board had agreed to limit this Ordinance to noise restriction only. Supervisor Groff stated that it would be difficult to enforce dust issues, and does not see how the emission of fumes could be regulated. He agreed that the Board should concentrate on noise restrictions only. Supervisor Groff did suggest that the hours of operation for Sunday be amended from 11:00AM to 7:00PM to the hours of 11:00AM to 5:00PM.

Motion was made by Supervisor Groff, seconded by Supervisor Salvadore, and carried unanimously to authorize the advertisement of the Nuisance Ordinance for consideration and possible adoption at the July 26, 2010, as per Solicitor Grabowski's letter of May 19, 2010 and to include Supervisor Groff's suggestion to amend Sunday hours of operation to 11:00AM to 5:00PM. There was no public comment.

2. Draft Zoning Ordinance Amendment – Development Signs – Mr. Christman's memo dated June 22, 2010 was discussed.

- Supervisor Salvadore referred to the limitations of what a development sign could be constructed of, such as metal, concrete, or stone, or a combination thereof. She wondered if newer, synthetic materials should also be considered as an appropriate product. Mr. Christman pointed out the section of the proposed amendment that states that "architectural details of the sign must receive approval from the Board of Supervisors," which he feels would be an opportunity for the Board to consider alternative building materials.
- Supervisor Groff referred to item #7, which states "Signs must be maintained in perpetuity by the development Homeowner's Association" and asked if that means a development sign would not be permitted unless a Homeowner's Association is proposed. Solicitor Grabowski replied that was correct.
- Chairman McIlhinney noted that the proposed maximum sign height is 10 ft. and cannot exceed 32 sq. ft. in size, and asked if the posts on either side are included in the size of the sign. Discussion took place.

The Board directed the Zoning Officer/Building Inspector, Mr. Taylor to review the proposed draft amendment for his assessment of the proposed permitted size of signs with or without the post measurements as raised by Chairman McIlhinney, and to provide his opinion of whether to permit synthetic materials in the construction of the sign, as raised by Supervisor Salvadore.

I. NEW BUSINESS:

1. Adopt Resolution authorizing Township Manager to sign the Mill Road Bridge Supplemental Agreement for Final Design – Motion was made by Supervisor Salvadore, seconded by Supervisor Groff, and carried unanimously to **adopt Resolution #2010-18, authorizing the Manager to sign the Mill Road Bridge Supplemental Agreement for Final Design.** There was no public comment.

J. ZONING HEARING BOARD ADVISORIES: None.

J. SUPERVISOR'S COMMENTS:

1. Supervisor Salvadore complimented a recent news article in the News Herald highlighting Hilltown Township's expanding recreational program.

K. PUBLIC COMMENT:

1. Mr. Herb Young of Rickert Road, along with his neighbor, Mr. Jerry Rush, were in attendance to express their concern and dissatisfaction with the lack of maintenance and upkeep at the neighboring Ashland Meadows Subdivision, which recently was granted an additional five year extension for completion of improvements. Mr. Young specifically cited the sediment runoff from the existing dirt piles, and the proliferation of noxious weeds such as thistle, while Mr. Rush cited the deterioration of silt fence, which he would like replaced. If the sediment is washing off the site onto the roadway, Mr. Wynn advised that it is a clear violation. Solicitor Grabowski explained that the property is now being managed by Rausch Chamberlain Construction Company who was appointed by a Federal court to be the receiver for this project, and that the original developer, DeLuca is no longer involved. Discussion occurred.

The Board directed Mr. Taylor, the Zoning Officer/Code Enforcement Officer to investigate these complaints, and to include the Bucks County Conservation District to determine if any enforceable violations exist.

L. PRESS CONFERENCE: No questions were asked of those reporters present.

M. ADJOURNMENT: Upon motion by Supervisor Salvadore, seconded by Supervisor Groff, and carried unanimously, the June 28, 2010 meeting was adjourned at 8:24PM.

Respectfully submitted,
Lynda Seimes *Lynda Seimes*
Township Secretary

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