

**HILLTOWN TOWNSHIP BOARD OF SUPERVISORS
REGULARLY SCHEDULED PUBLIC MEETING
Monday, March 26, 2007
7:30PM**

The regularly scheduled meeting of the Hilltown Township Board of Supervisors was called to order by Chairman Richard J. Manfredi at 7:30PM and opened with the Pledge of Allegiance.

Also present were: John B. McIlhinney, Vice-Chairman
Barbara A. Salvadore, Supervisor
Kenneth B. Bennington, Township Manager
Christopher E. Engelhart, Chief of Police
Francis X. Grabowski, Township Solicitor
C. Robert Wynn, Township Engineer

A. ANNOUNCEMENTS:

1. An Executive Session was held immediately prior to this meeting for the purpose of discussion of real estate (Ray Moyer Conservation Easement).

2. A Conditional Use Hearing for T-Mobile Northeast LLC will be held this evening at 8:00PM.

3. The annual Easter Egg Hunt will be held on Saturday, March 31, 2007 at 10:00AM at the Pearl S. Buck International Site, with a rain date of Saturday, April 7th at 10:00AM.

B. PUBLIC COMMENT ON AGENDA ITEMS ONLY: None.

C. CONSENT AGENDA – Approvals – Action on the following:

- Bills List dated March 27, 2007
- Solicitor's Report

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

D. CONFIRMED APPOINTMENTS: None.

E. LEGAL:

1. Kirk Termination Agreements – Motion was made by Supervisor Salvadore, seconded by Supervisor McIlhinney, and carried unanimously to accept and

approve the Kirk Termination Agreements for the original Arline Kirk Subdivision, as presented by Solicitor Grabowski. There was no public comment.

F. PLANNING:

1. Harrison Lot Line Adjustment – Mr. Mark Flaherty, the applicant's engineer, was in attendance to present the plan. At the Planning Commission meeting of March 19, 2007, the lot line adjustment subdivision located on Swartley Road was recommended for approval subject to completion of outstanding items as contained within the March 13, 2007 engineering review, and specifically, Items #1, relative to resolution of driveway permits, and Items #4, #6, #7, and #8. Additionally, all waivers requested under Item #5 from SALDO requirements, including the additional waiver requested pursuant to correspondence dated March 15, 2007 regarding Section 140-28.P, were unanimously recommended for approval. The plan proposes to convey 4.99 acres of lands of Harrison (TMP #15-22-194-1) to adjoining lands of Rosenthal (TMP #15-32-3). The resulting Harrison property will be reduced in area from 13.34 acres to 7.78 acres (net); while the Rosenthal Tract will increase in area from 15.58 acres to 20.57 acres (net). The Harrison property located within the RR Zoning District is an agricultural use, while the Rosenthal Tract located within the PC-1 Zoning District has a recreational use (paintball).

Supervisor Salvadore asked if the land being transferred from Harrison to Rosenthal would then become CR-1. Mr. Wynn replied that the land will remain RR, however Mr. Rosenthal indicated to the Planning Commission that he would, in the future, be requesting a change to the entire property to commercial zoning. Mr. Wynn noted that such a request would be subject to another application.

Motion was made by Supervisor McIlhinney, seconded by Supervisor Salvadore, and carried unanimously to grant conditional preliminary/final plan approval to the Harrison/Rosenthal Lot Line Adjustment, pending completion of all outstanding items as noted in Mr. Wynn's March 13, 2007 engineering review, including approval of the requested waivers as noted in Item #5 of the review and the additional waiver as requested pursuant to correspondence dated March 15, 2007. There was no public comment.

2. Orleans/Bennett Tract – The sketch plan reviewed by the Planning Commission at their meetings held on February 19, 2007 and March 5, 2007 were discussed. The applicant is seeking direction from the Supervisors regarding the lot/open space and street design. Various development alternatives were previously submitted in sketch plan format for consideration, which were reviewed by Mr. Wynn within correspondence dated November 2, 2005 and February 28, 2006; and by the Bucks County Planning Commission within

correspondence dated November 10, 2005.

The current sketch plan proposal identifies subdivision of the site into 42 single family detached dwelling lots utilizing requirements of a single-family detached cluster (B3) use. The sketch plan identifies that the site layout is prepared utilizing conservation planning/low impact development techniques in an effort to maximize preservation of natural resources. The site area also includes TMP #15-22-75 (Kelly Tract), which adds approximately 2.07 acres to the overall site area, and facilitates roadway access along Keystone Drive.

Mr. Ed Murphey, the applicant's legal counsel, and Mr. Glitzer, the applicant's engineer, were in attendance to present the plan. Mr. Glitzer explained that the site now includes five separate tax map parcels for a total of 89.23 acres. The biggest difference in the base site area is the addition of the adjacent Kelly property, which opens opportunities for access to Keystone Drive. The primary conservation features on the site include steep slopes, and secondary conservation features, which are not necessarily protected by the Zoning Ordinance, but remain significant to the applicant for defining the site, including the long view off Fairhill School Road and the existing tree-lined driveway into the site.

The proposed roadway system was discussed. The Planning Commission expressed concern with the number of lots proposed on a single-access street. The site layout includes construction of an internal roadway network, which provides frontage for 42 single-family detached dwelling lots. The roadway design has been revised to propose a through road system, with intersections along Fairhill School Road and Keystone Drive, and the roadway layout has been designed utilizing a series of horizontal curves, and internal intersections, to reduce vehicular speeds and to discourage through traffic. Mr. Wynn's review notes that based on the revised roadway layout, it is questioned whether the boulevard access to Fairhill School Road is appropriate or necessary, considering the alternate roadway access now proposed along Keystone Drive. Further, the review states that if the boulevard access is proposed merely to preserve the existing row of trees located within the landscape islands, consideration may be given to relocating the trees within the future road right-of-way as an alternate to requiring a wider entrance driveway design that will increase the amount of impervious surface area within the site.

Open Space Area #1 (gross area of 9.77 acres; net area of 8.71 acres without the lane) contains a multi-purpose path between the parking area and Fairhill Road via the existing 55 ft. wide lane between TMP #15-24-60 and #15-24-61. This area of the site is currently a combination of meadow and forest, with existing structures that are to be removed located in the vicinity of proposed Lot #16.

Open Space Area #2 (20.96 acres) contains a proposed hiking trail with a footbridge across a watercourse, a 15 space parking lot, and a tot lot. This open space area is

predominately wooded and contains regulated waters associated with an unnamed tributary of the West Branch of the Neshaminy Creek, and steep slopes. Existing structures including a dwelling, accessory structure, and swimming pool associated with the Kelly Tract are located within the open space area nearest to Lot #21, and are proposed to be removed.

Open Space Area #3 (9.09 acres gross; 9.06 acres net without the lane) is located in the northwest corner of the site nearest to Fairhill School Road, and contains a mixture of forest area, meadow, and some steep slopes. No improvements are proposed within this area; however open space area has frontage along Fairhill School Road, and the internal roadway network between Lots #6 and #7.

Open Space Area #4 (0.61 acres) is bounded by Keystone Drive, the proposed internal roadway, TMP #15-22-76 and 77, and Lot #41. The area contains forest, and an existing driveway that serves the Kelly Tract. No improvements are proposed within the open space area. The plan also identifies that other open space is provided within the naturalized stormwater management areas consisting of 7.35 acres, and by use of on-lot conservation easements consisting of 1.00 acres.

The applicant had been asked to consider some conservation planning concepts for the site, which they feel they accomplished by arranging home sites in order to preserve existing hedgerows, tree lines and paddocks that form the walls of "outdoor rooms." Mr. Glitzer advised that this concept permitted the developer to preserve the views of the property by incrementally revealing it while you travel through the site. There are also large breaks of lawn, which the developer has termed "suburban lawn refuge areas," which allows for stormwater to hit the natural lawn filters before it is collected and conveyed into stormwater treatment areas. Since "green building" is an up and coming topic, the applicant has been able to provide for windbreaks for energy conservation, and the hedgerows and tree lines allowing access for wildlife connectivity and recreational use. Mr. Glitzer stated that the road geometry works with the existing gaps in the woodlands and hedgerows, and reverse curves have been utilized, which provide flexibility, preserve resources, and discourages high-speed traffic.

The sketch plan shows a net buildable site area of 39.288 acres while applying all the resource protection land. For the proposed cluster use, there is 55% open space ratio on the base site, which equates to 48.01 acres. The applicant has determined that 57 units would be allowable, however that would be difficult to achieve with a good plan. Therefore, 42 units have been proposed with the conservation plan, which includes 40 new building lots, plus the existing Bennett lot and the existing Kelly lot.

At the March Planning Commission Worksession meeting, Supervisor McIlhinney recalls that an extensive period of time was spent reviewing this sketch plan. He feels the

applicant should consider many of the Planning Commission's suggestions and that they should revise their plan accordingly. Supervisor McIlhinney questioned the calculation used by the developer to determine the number of lots suitable for the site, and advised that the number of lots remains to be determined after the applicant provides information showing the on-site sewage that could be attainable for the property.

Supervisor Salvadore also attended the March PC Worksession meeting, though she does not necessarily agree with all of the suggestions that were put forth. She would like to congratulate the developer on using conservation planning techniques, which she feels uses the land appropriately. Supervisor McIlhinney agreed with those sentiments. Chairman Manfredi suggested that the applicant provide the Board with a performance standard comparison with the original 24-lot sketch plan. Discussion took place.

Public Comment:

1. Mr. Richard Moebius advised that his family home is located on a 7-acre tract at 530 Fairhill Road, and the 650 ft. eastern boundary of his property is immediately adjacent to the 50 ft. easement of the Bennett property that takes access to Fairhill/Cherry Road. Mr. Moebius recently became aware of the failing septic system on his property while attempting to sell it. The Bucks County Health Department advised that correcting the problem requires the design and installation of a new on-site septic system. As a result, Mr. Moebius contracted with Del Val Soils and Environmental to design an acceptable system, however it was determined that there is poor soil absorption, a very shallow limiting zone, the proximity to the existing on-site well, and the rather long and narrow lot shape (approximately 200 ft. wide and approximately 700 ft. deep) which creates great difficulty. One of the previous sketch plans presented by the applicant proposed running the public sewer line through that 50 ft. easement, which Mr. Moebius would like to connect to if at all possible.

In the past, Supervisor McIlhinney advised that the Board has taken the surrounding properties and their potential need for public sewers into consideration, and have acted accordingly. Supervisor Salvadore asked if Mr. Moebius is aware of any of the neighboring properties experiencing failing systems as well. Mr. Moebius knows of two property owners in the area along Cherry Road who are experiencing difficulties at this time. The Board stated that they would consider Mr. Moebius's request during the planning process for the Orleans/Bennett tract.

2. Mr. Paul Groeber of 1506 Keystone Drive asked how close the proposed second access through the Kelly property would be to his home. Mr. Glitzer advised that the current plan shows the edge of the road approximately 50 ft. from Mr. Groeber's rear property line, however the applicant would be willing to be flexible about its location.

Mr. Groeber asked if the applicant intends to permit construction vehicles to utilize the proposed access near his home. Mr. Glitzer replied that it is too early to tell, however construction access will be necessary at some point to build the roadway itself.

There was no further public comment. The sketch plan was tabled.

***8:08PM – Chairman Manfredi recessed the regularly scheduled meeting of the Hilltown Township Board of Supervisors to enter into an advertised Public Hearing to consider the Conditional Use Application of T-Mobile to install nine antennas on an existing telecommunication tower (Use F6) on a 53.9 acre parcel located along the east side of Minsi Trail within the RR Zoning District.**

*****Please note: The fully executed Decision of the Hilltown Township Board of Supervisors in this matter is attached to these minutes and constitutes the minutes of this Public Hearing.**

Solicitor Grabowski explained that the Public Hearing was appropriately advertised in the Doylestown Intelligencer on March 9th and March 16th. A Proof of Publication has been provided, and a posting certification by the Hilltown Township Zoning Officer has been provided. A copy of the legal notice of this Public Hearing was also sent to adjacent property owners or those in the general vicinity of the applicant address as required.

Solicitor Grabowski asked if anyone was interested in being granted party status, which would provide the opportunity to ask questions of any of the sworn witnesses, the applicant's legal counsel, or the Board of Supervisors; or would provide the opportunity to make a statement, either in support of or opposed to the application. No visitors to the hearing requested party status. Mr. William Benner, legal counsel for the applicant, was in attendance to present the plan, along with the following representatives of the applicant to provide sworn testimony – Mr. Larry Washington and Mr. Philip Burtner.

The applicant proposes to install nine antennas on an existing telecommunications tower (Use F6) within a 53.9-acre parcel located along the east side of Minsi Trail within the RR Zoning District. In addition to existing residential and accessory structures, the site contains a 60 ft. by 60 ft. fenced compound, 145.5 ft. high telecommunications tower, and various equipment shelters for telecommunication facilities, within the fenced compound. As the telecommunication facility is unmanned, no water and sewer facilities exist, or are proposed to serve the telecommunications use on the property. Mr. Wynn's review dated February 12, 2007 and Exhibits A-1 through A-9, as presented by Mr. Benner, was discussed. Testimony in the T-Mobile Northeast LLC Conditional Use Hearing continued.

As a result of the structural analysis of the existing transmission tower and further testimony provided by Mr. Washington, and Mr. Burtner, it appears that the requirements of compliance with the ability to withstand wind gusts have been met, and that in all other respects, the proposed Conditional Use application complies with the requirements of the Hilltown Township Zoning Ordinance.

***8:51PM - Chairman Manfredi called for a brief recess to enter into Executive Session. The Conditional Use Hearing was reconvened at 8:57PM.**

Public Comment:

1. Mrs. Marilyn Teed of Mill Road spoke to Mr. Benner, Mr. Washington and Mr. Burtner prior to the meeting, suggesting that the tower be of the type that resembles a tree with antennae that look like branches, which she feels is less intrusive. She was told that since the tower currently exists, this type of tower could not be used in this instance. Mrs. Teed suggested that the Township consider adopting an Ordinance that requires telecommunication towers to be constructed to resemble trees, similar to the Ordinance that was adopted by Warrington Township.

There was no further public comment.

Following testimony and questions/comments by the Board of Supervisors, motion was made by Supervisor McIlhinney, and seconded by Supervisor Salvadore, to grant the T-Mobile Northeast, LLC request for the Conditional Use subject completion of all outstanding items as noted in Mr. Wynn's review dated February 12, 2007, that Items #1 and #2 of the previous Conditional Use Hearing decision for the construction of this tower from 1996 be incorporated, and with the following conditions as noted:

- The nine (9) antennas proposed by the applicant shall be attached at a height no greater than one hundred twenty five feet (125') on the existing tower located upon the parcel and currently owned by Crown Atlantic Company, LLC.
- In accordance with Section 160-23.F(6)(d){2} of the Hilltown Township Zoning Ordinance, design information associated with proposed equipment building shall be submitted to the Township to verify that the equipment, and/or building is at the minimum height necessary to house equipment of the facility.
- In accordance with Section 160-23.F(6)(d){8} of the Hilltown Township Zoning Ordinance, approval is hereby conditioned upon the agreement by

the applicant to promptly remove its facility should it cease to use such facilities for receiving a transferring telecommunications signal.

- The proposed improvements have been determined to cause only a “de minimus” increase in stormwater runoff; and as a result, the applicant has offered a fee in-lieu-of stormwater management facilities in an amount as determined by the Hilltown Township Stormwater Management Ordinance and its regulations; and said fee shall be paid at the time of application for the appropriate zoning permits and building permits.

Motion carried unanimously. There was no public comment.

9:05PM – Chairman Manfredi adjourned the advertised Conditional Use Hearing and reconvened the regularly scheduled Board of Supervisors meeting at this time.

G. ENGINEERING:

1. AQRC Zoning Amendment – Motion was made by Supervisor McIlhinney, and seconded by Supervisor Salvadore to consider and review the revised draft Ordinance for Age-Qualified Residential Community (AQRC).

The Board of Supervisors participated in a lengthy discussion and review of the revised draft AQRC Ordinance. The following are key points that were raised, and corrections that the Board directed to be made to the draft Ordinance:

- Supervisor McIlhinney questioned page 3, Item 4 (d), which states “Area and bulk requirements for single family detached dwellings within an Age Qualified Residential Community shall meet the bulk and area requirements of Section 160-23 (B1) of this Ordinance for the VC District.” It was the consensus of the Board to change “VC” to “RR.”
- With respect to page 4, Item 4 (f) [2], it was the consensus of the Board that the last sentence should state “Required open space shall be owned and maintained by a Homeowner’s Association, **except that which is dedicated to the Township, at the discretion of the Board of Supervisors.**”
- With respect to Page 4, Item 4 (f) [3] – Supervisor McIlhinney believes that language should be included as follows “**Private streets and sidewalks, like public streets and sidewalks, shall not be counted as part of the impervious surface calculations.**” Supervisor Salvadore and Chairman Manfredi agreed.

- Concerning Page 8, Item 4 (g) [2], Supervisor McIlhinney believes that the Board previously revised the trail minimum width to **six (6) feet**. Supervisor Salvadore and Chairman Manfredi concurred.
- Supervisor McIlhinney referred to the minimum size of the Community Center as noted at the top of Page 6, Item 4 (h) [3], which he feels should be revised to “**2,100 sq. ft. plus 33.0 sq. ft. per unit**” with no reference to the number of dwelling units. Supervisor Salvadore and Chairman Manfredi agreed.
- Page 7, Item 4 (i) [2] [e] “Lighting,” Supervisor McIlhinney feels a note should be included that the lighting itself shall be “**down lighting only.**”
- Page 7, Item 4 (i) [2] [f] “Screening,” Supervisor McIlhinney believes that the last sentence should be changed as follows: “All required perimeter buffering (plantings and berms where applicable) shall be installed in the initial phase of construction to minimize impacts to adjacent residents during construction **where practical.**” Chairman Manfredi felt the language should be revised to “**...where practical as determined by the Board of Supervisors during the Subdivision/Land Development approval process.**” The Board unanimously agreed with Chairman Manfredi’s proposed language, or something similar as proposed by Mr. Wynn.
- With respect to Page 7, Item (i) [2] [c], Supervisor Salvadore believes the Board previously directed the following change “Areas for loading and unloading of delivery trucks and other vehicles and for the servicing of refuse collection, fuel, and other service shall be provided and shall be adequate in size and shall be so arranged that they may be used without blockage or interference with the **use of vehicular and pedestrian circulation.**”
- With respect to Page 8, Item (j) Unit Occupancy [1], Supervisor Salvadore suggested that the following language be added to the last sentence “No persons under the age of nineteen (19) shall occupy a dwelling or unit more than three (3) months (cumulative) in a calendar year **unless that individual is a handicapped dependent protected by the Fair Housing Act.**” Chairman Manfredi believes that a handicapped individual would still be protected under the Fair Housing Act regardless of what the Ordinance says. Solicitor Grabowski explained that the applicant is required to prepare a Declaration of Age Qualification that must be submitted to the Township, which binds the property owner to meeting all

requirements of both Federal and State Law, including the Fair Housing Act. That document would be much more extensive than this proposed Ordinance. Solicitor Grabowski suggested that when that document is presented to the Township, the Supervisors might wish to appoint special counsel with expertise in this matter to review it. He noted that this would be the time for the Board to insure that the particular language concerning handicapped dependents is properly addressed. Supervisor Salvadore acquiesced.

- Concerning Page 8, Item (j) Unit Occupancy [1], Supervisor McIlhinney believes the language should be revised to state "The **qualified resident** of an Age Qualified Residential Community dwelling shall be fifty-five (55) years of age or older." Discussion took place.

It was unanimously determined that the language should be revised to state "The owner **or** permanent occupant of an Age-Qualified Residential Community dwelling shall be fifty-five (55) years of age or older."

- With respect to Page 8, Item (k) Essential Services – Supervisor McIlhinney suggested this paragraph be revised to "**Community Assets**" and that the language of that paragraph should state, "**In light of the community assets and desirable amenities currently provided by the Township taxpayers for the benefit of all Township residents, an Age Qualified Residential Community must provide similar community assets for the benefit of Township residents. Financial contribution shall be made to Hilltown Township in an amount deemed appropriate by the Hilltown Township Board or Supervisors or in lieu thereof, mutually agreed in-kind services and improvements as directed by the Board of Supervisors.**"

Chairman Manfredi noted that the Board previously directed that the word "Essential" in the header be replaced with the word "Community." He suggested that perhaps the word "Community" be defined in the Zoning Ordinance. After discussion, Chairman Manfredi recommended that Solicitor Grabowski craft a paragraph based upon the Board's wishes and the definition of "Community Services" with respect to an Age-Qualified Residential Community.

Very lengthy discussion occurred concerning community services vs. essential services, and whether or not funds or in-kind services should be designated specifically for fire, rescue and emergency services. Supervisor Salvadore had previously argued unsuccessfully for a provision in this Ordinance that would require the developer to

provide certain essential services either on-site, or if not practical, to provide a fee in-lieu-of those services. She explained that by "essential services," she means providing adequate and timely ambulance, fire and rescue services. Within the last week, Perkasio Ambulance has closed, and Dublin Ambulance is at financial risk, and will most likely close since they must move from their current location. Supervisor Salvadore is most concerned about the response time for emergency services in Hilltown Township, and since age qualified housing is for older residents such as herself, statistically speaking, she believes those residents will require ambulance services sooner rather than later. It is her personal opinion that the day is coming when there will be paid fire fighters, rescue squads and paramedics, and feels that if the issue is addressed in this proposed Ordinance, the Township could continue to provide the needed services without increasing taxes. That being the case, Supervisor Salvador would like to tie funding for those services to this particular Ordinance due to the age qualification, and does not want to lose the opportunity to obtain funds for the Township that might come with an AQRC development. Supervisor Salvadore recalls that McGrath Homes initially pledged a monetary contribution to the Township, and asked if that offer had been withdrawn. Mr. Hecker, legal counsel for McGrath Homes, replied that the applicant remains committed to providing a monetary contribution.

Chairman Manfredi stated that not requiring essential services or a fee in-lieu-of those services in this Ordinance precludes the Board from doing just what Supervisor Salvadore has suggested. He feels that it is the responsibility of the Board to consider the issue of emergency services throughout the Township, not just in age-qualified communities. Recognizing the critical needs the property owners and the taxpayers in Hilltown are facing right now, Supervisor Salvadore wishes to insure that funds come from an AQRC development, and that part of those funds would be restricted for use for essential services. Chairman Manfredi asked if Supervisor Salvadore is asking the Board to make a decision on what services should be required for one development versus the entire community. Supervisor Salvadore explained that she is suggesting that in this Ordinance or in any location that an AQRC development is constructed the Board would give serious consideration to all of the essential services – either on-site, off-site, or a fee in-lieu-of those services. Chairman Manfredi commented that the Township has been patiently waiting for results of an analysis by the State, which will suggest how the municipality should be providing emergency services, and suggested that this discussion be tabled until the results of that study can be reviewed by this Board.

Supervisor McIlhinney felt that Supervisor Salvadore was asking for an entitlement specifically for emergency service agencies and fire companies, at the expense of all of the residents of the community. He believes that the whole purpose of the applicant making an offer of funding is for use by all members of the Township, not just one group, and that the use of those funds should be determined by the Board of Supervisors at the appropriate time.

- Supervisor McIlhinney suggested that the entire paragraph on Page 8, [j] “Unit Occupancy” [4] be removed since the issue of persons younger than age 18 residing in the dwelling was addressed in a previous paragraph. Supervisor Salvadore and Chairman Manfredi agreed.
- With respect to Page 9, Item 6 – Table of Performance Standards – Supervisor McIlhinney asked if language should be included specifying 2.5 units **per net building area** in the “Maximum Density” column. Mr. Wynn did not feel it was necessary since the net buildable site area is multiplied by the density.
- Page 10, “Table of Use Regulations” listing of Zoning Districts across the top of the page – Supervisor McIlhinney noted that “AQC” should be changed to “AQRC.”
- With respect to Page 10 – Table of Use Regulations, Chairman Manfredi believes that the Board had agreed to make the uses in the AQRC District Conditional Uses, rather than permitted uses. Specifically, he feels that the A2-Nursery Use, C5-Recreational Facility, and C7-Private Recreational Facility should be Conditional Uses. Discussion took place as to whether A1-Agriculture should be a permitted use or a Conditional Use. The Board agreed to allow A1-Agriculture as a permitted use.
- Page 10 - Supervisor McIlhinney also noted that B9 - Age Qualified Community should be revised to “B9 – Age Qualified **Residential** Community.”

When the Board previously discussed the issue of arterial roads and arterial roads access for this Ordinance, Chairman Manfredi recalls that as a compromise, the Supervisors agreed to direct Mr. Wynn to prepare a draft SALDO amendment to have that same provision be applied throughout all zoning districts in the Township. It was the Board’s consensus that Mr. Wynn and Solicitor Grabowski begin crafting language for that Ordinance amendment.

Mr. Bennington commented that if any financial contribution is offered by the applicant, he would suggest depositing that money in a long-term high interest fund that could generate interest between \$135,000.00 and \$270,000.00 per year for the Board to use in any way they see fit.

Public Comment:

1. Mr. Tom Hecker, legal counsel for McGrath Homes, noted the following:

- Mr. Hecker expressed concern with use of the word “owner” on Page 1, Item 1, and suggested that the phrase “**permanent occupant**” be used in its place.
- Page 4, paragraph 5 – Mr. Hecker suggested that the phrase “**Pennsylvania State Human Relations Act**” remain.
- Page 5, paragraph 8 – Mr. Hecker believes the language in this paragraph appears to be an attempt to regulate aesthetics, which is not permitted by law unless the site is located within an historical district. He suggested that the Board consider a Statement of Intent, rather than that language in the body of the Ordinance.
- With respect to the size of the Community Center size, Mr. Hecker explained that the higher the unit count, the lower the square footage of the Community Center becomes, generally speaking. The lowest range is 20 to 23 sq. ft., and it can go up to 40 sq. ft. for the less dense projects. Mr. Hecker felt that 2,100 sq. ft. would be fine as a minimum, however he would suggest that it should be an additional 30 sq. ft. per unit, which is the average between the low end and the high end.

Supervisor McIlhinney relied on his background, noting that when designing classroom occupancy it is based on 30 sq. ft. per child, plus the hallway calculation. Therefore, he does not feel that 33 sq. ft. is excessive for a Community Center.

Since a majority of Mr. Hecker’s comments and questions are of a legal nature, Chairman Manfredi suggested that he consult with Solicitor Grabowski so that he may make a recommendation on Mr. Hecker’s suggested language to the Board of Supervisors. Supervisors McIlhinney and Salvadore agreed.

2. Mr. Joe Marino of Redwing Road wondered what the next step of the process would be. Further, he agreed with Supervisor Salvadore that the Township needs services and protection, however he does not believe it is necessary to require a developer to provide ambulance or fire services on-site since it could become a major annoyance for the residents of that community.

3. Mrs. Nancy Boice of Mill Road questioned the unit lot sizes of 40 ft. by 60 ft. as proposed by McGrath Homes, and asked if the design would allow for the inclusion of porches, patios or decks. Mr. Hecker replied that outside the unit itself, there is typically an area of 12 or 15 ft. that would allow for patios and decks, which would be optional. Discussion took place.

With respect to postal service, Mrs. Boice asked if the developer would anticipate individual mailboxes for each unit on both or one side of the street, or if a central mailbox would be proposed. Mr. Hecker replied that the applicant typically seeks the direction of the municipality and of the post office as to their preference for postal delivery service.

Discussion took place concerning page 9, Table of Performance Standards – Bulk and Area under “Other Uses,” where it states “See principal uses permitted.”

There was no further public comment.

Motion was made by Supervisor McIlhinney, and seconded by Supervisor Salvadore to direct the Township Engineer and Solicitor to proceed with revisions to the AQRC Ordinance as proposed by the Board this evening for further review by the next meeting of April 9, 2007. Prior to a vote, Supervisor Salvadore asked that Mr. Hecker’s comments and recommendations be provided to the Township Solicitor for review. Motion carried unanimously. There was no public comment.

2. Trades Business, Farmstead and Barn Ordinance Amendments – Mr. Wynn provided a status of review of these proposed Ordinances, which were redrafted and forwarded to the Township and Bucks County Planning Commissions on January 22, 2007.

Farmstead Ordinance: The Bucks County Planning Commission review dated March 7, 2007 was discussed. Supervisor McIlhinney feels that this Ordinance no longer bears much resemblance to the original intent, which was supposed to be to protect existing farms and their outbuildings. Supervisor McIlhinney wondered what would preclude someone from constructing a new dwelling and a pole barn, and then calling it a “farmstead.” Mr. Wynn quoted the Ordinance, which states “Farmstead use is for preservation of an existing single-family dwelling and associated agricultural buildings by designated farmstead lot within the B-1 detached or B-3 single family detached conservation design development within the Rural Residential District. The 3-acre lot must be designated as a farmstead lot on the approved subdivision plan recorded at the Bucks County Courthouse.” Therefore, Mr. Wynn explained that if a 3-acre lot is not designated as a farmstead lot on an approved and recorded subdivision plan, it would not qualify. Discussion took place. Solicitor Grabowski suggested the following language “The lot shall be designated as a farmstead upon execution of a Declaration of Covenant by the property owner.” Supervisor McIlhinney suggested that both sentences remain in the Ordinance. The Board directed Solicitor Grabowski to prepare a draft Farmstead Ordinance including both the original sentence and the one he suggested this evening for the Board’s review and consideration for advertisement at the next meeting.

Public Comment:

1. Mr. Joe Marino requested clarification of the sentence that states “not less than 100 feet from a side or rear property boundary” noting that his property contains an 150 ft. long outbuilding that is located very close to the road. Mr. Wynn explained that this proposed Ordinance was drafted using Mr. Marino’s property as an example, and that it would comply since the requirement refers to either the side or rear property boundary, not the front property boundary.

There was no further public comment.

Trades Business Ordinance: The Bucks County Planning Commission review dated March 7, 2007 was discussed. Supervisor McIlhinney was opposed to the stipulation that no more than four employees other than members of the immediate family currently residing at the residence may be employed. Further, he was opposed to the stipulation that a maximum of three trades business vehicles shall be permitted and the stipulation that a maximum of six off-street parking spaces are permitted. Supervisor McIlhinney feels that the number of employees, trades business vehicles and off-street parking spaces should be limited to five.

Chairman Manfredi has serious concerns with the fact that the specific trades are not limited, and feels that the language could be interpreted as such that what some might consider a “trade” may actually become a commercial enterprise. Supervisor McIlhinney disagreed, and noted that there is a requirement that no wholesale or retail sales shall be conducted on the property. Chairman Manfredi stated that specific requirement would not preclude a lawn care or landscaping business from having flatbed trucks or other large vehicles being warmed up in the early morning hours that might disturb neighboring property owners. Supervisor McIlhinney referred to the requirement that all vehicles, equipment and materials must be stored within a building. Chairman Manfredi recalls that this Ordinance was originally designed to address those individuals who wished to use barns or other out buildings to operate a trades business to supplement their income. However, he believes the proposed Ordinance in its current form now includes other businesses that are not necessarily a trade use. Chairman Manfredi expressed concern with the following sentence in the Ordinance: “The proposed new use is intended to allow the use of a residence as a base of operations for certain businesses including but not limited to electrical, plumber, carpenter, mason, painter and, roofer.” Supervisor McIlhinney recalls that another purpose of the original Ordinance was to preserve three acre zoning by providing an alternative to supplement income without subdividing a property. Discussion took place. Chairman Manfredi suggested that the words “**but not limited to**” be stricken from the above noted sentence. Mr. Wynn suggested the following language “**Trades included in this home occupation use are electrical, plumber, carpenter, mason, painter, and roofer. Other uses may be**

permitted subject to conditional use approval of the Board of Supervisors.” The Supervisors were agreeable to Mr. Wynn’s suggested language change. Further, the Board unanimously agreed with Supervisor McIlhinney’s suggestion to change the number of employees, trades business vehicles and off-street parking spaces to five.

Barn Ordinance: The Bucks County Planning Commission’s review dated March 7, 2007 was discussed. The BCPC review questions the use of the year 1910 as the cut-off date for eligibility. Supervisor Salvadore noted that the State of Pennsylvania conducts a barn survey every year, and their cut off date is 1920. Supervisor McIlhinney and Chairman Manfredi were agreeable to changing the date to 1920. Discussion took place concerning the BCPC’s comment that some barns constructed after 1910 may have historical and architectural significance and may warrant the opportunity to be reused. They recommended that consideration be given to allowing additional use opportunities for barns constructed after 1910 provided they meet certain criteria as to the structure’s historic and architectural significance. The BCPC notes that this would provide a two-tiered approach to permitting additional use opportunities, one for those barns constructed prior to 1910 and another for those constructed post-1910. Chairman Manfredi and Supervisor Salvadore were amenable to this language change. Supervisor McIlhinney questioned the two-tier approach and asked what criteria would be established for the second tier. After considerable discussion, the Board unanimously agreed to establish the cutoff date at 1920, and to disregard the suggested two-tier approach.

3. First Service Bank – PennDot approval of improvements required along the frontage of the site has been received.

Motion was made by Supervisor Salvadore, seconded by Supervisor Manfredi, and carried unanimously to accept completion of the required public improvements and authorize the commencement of the 18-month maintenance period for First Service Bank. There was no public comment.

4. Chairman Manfredi noted that correspondence was received from Mr. Wynn dated March 20, 2007 concerning the proposed Zoning Ordinance amendment for Impervious Surface requirements, which had been discussed by the Board at their March 12th meeting. It was the general consensus of the Supervisors to increase the permitted maximum impervious surface within the RR Zoning District from 9% to 12% at the time of subdivision plan review/approval, with an additional 3% of impervious surface to be permitted “post-development” on the individual lots.

Motion was made by Supervisor McIlhinney, seconded by Supervisor Salvadore, and carried unanimously to draft the necessary revisions to the Zoning Ordinance to increase the permitted maximum impervious surface within the RR Zoning District from 9% to 12% at the time of subdivision plan review/approval, with an additional 3% of

impervious surface to be permitted post-development on the individual lots. There was no public comment.

H. OLD BUSINESS: None.

I. NEW BUSINESS:

1. Bucks County seeking authorization to treat municipal properties for West Nile Virus – The Board unanimously agreed to authorize Bucks County Department of Health to treat municipal properties for West Nile Virus, with spraying to commence after April 1, 2007, and only on those properties where trap activity indicates that spraying is required.

2. Authorization for Park and Recreation Board to schedule Phillies Baseball Game Trip – The Park and Recreation Board is seeking authorization to sponsor an organized bus trip to the Philadelphia Phillies vs. Detroit Tigers baseball game to be held at Citizen's Bank Park on Friday, June 15, 2007 at a cost of \$50.00 per person, which would include Hagey's Bus Service, ticket to the game, and a \$10.00 food voucher. Supervisor McIlhinney was agreeable, as long as the Township's insurance carrier is notified and who sanctions the Township's participation. Discussion took place.

J. MYLARS FOR SIGNATURE: Gwen Kratz Subdivision

K. SUPERVISOR'S COMMENTS:

1. Chairman Manfredi commented that the RR Zoning District is the Township's Conservation District. When the review of the Zoning Ordinance amendments began, he noted that the Conservation Management was supposed to be a conservation design option within the RR District, however he believes that intent and purpose has been misinterpreted. Chairman Manfredi feels that this must be accomplished expeditiously, and that the Township should stop spending time on re-writing the RR District, since it should remain the Conservation District with a 3-acre minimum just as it is at the present time, which has been very effective. Further, he believes that the density bonus should be eliminated for public water, and that the Conservation Management Design Option should be included in the RR District. In principle, Supervisors Salvadore and McIlhinney agreed. Supervisor McIlhinney pointed out that Conservation Management Design Option does not mean that smaller lot sizes are necessary, and noted that the key is how the site is designed and laid out to minimize disturbances. Discussion took place.

2. Upon reading the Park and Recreation Board minutes, Chairman Manfredi noted that they are planning on participating in an "Adopt-A-Park" Program in

conjunction with Girl Scout Troop #2002 to do a one-day educational and spring clean-up at the Civic Park. He feels that the Board of Supervisors should be involved in that decision making process, and requested that Mr. Bennington obtain more information from the Park and Recreation Board before proceeding with scheduling this program with the Girl Scouts.

L. PUBLIC COMMENT:

1. Mrs. Marilyn Teed of Mill Road commented that the podium is not properly set this evening, with the cords obstructing access to the microphone.

At the last meeting, Mrs. Teed stated that the Board of Supervisors appointed Wendy Barish to provide legal advice the Board of Supervisors with respect to the Teed lawsuit. She asked if Wendy Barish is being hired as special counsel to replace Jack Wuerstle to fight the Teed lawsuit. Solicitor Grabowski explained that Ms. Barish was retained by the Board of Supervisors to defend the interest of Hilltown Township in an existing, pending lawsuit brought by Mr. and Mrs. Teed against the Township. Ms. Barish will be replacing Mr. Wuerstle. Mrs. Teed recalls that the motion that evening was to appoint Ms. Barish as special counsel to simply "advise" the Board of Supervisors, and she is offended that the Board of Supervisors was not forthright in their communication with the public. Mrs. Teed feels that the Board should have made it very clear what Ms. Barish's role would be in this lawsuit. Chairman Manfredi commented that Ms. Barish's role is that of legal advisor.

2. Supervisor Salvadore pointed out that two Hilltown Police Officers were recently able to successfully revive an individual with an AED, and expressed her appreciation for their efforts.

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

O. ADJOURNMENT: Upon motion by Supervisor Salvadore, seconded by Supervisor Manfredi, and carried unanimously, the March 26, 2007 Board of Supervisors meeting was adjourned at 11:00PM.

Respectfully submitted,


Lynda Seimes

Township Secretary

*(These minutes were transcribed from tape recordings taken by Mr. Kenneth B. Bennington, Township Manager, and are not considered official until adopted by the Board of Supervisors at a public meeting).