

**HILLTOWN TOWNSHIP BOARD OF SUPERVISORS
REGULARLY SCHEDULED MEETING
Monday, March 25, 2002
7:30PM**

The regularly scheduled meeting of the Hilltown Township Board of Supervisors was called to order by Chairperson John S. Bender at 7:34PM and opened with the Pledge of Allegiance.

Also present were: Kenneth B. Bennington, Vice-Chairperson
Betty P. Snyder, Supervisor
Gregory J. Lippincott, Township Manager
Francis X. Grabowski, Township Solicitor
C. Robert Wynn, Township Engineer
Lorraine E. Leslie, Township Treasurer

A. PUBLIC COMMENT ON AGENDA ITEMS ONLY:

1. Mrs. Marilyn Teed of Mill Road asked if any action will be taken this evening concerning the Open Space Committee. Chairperson Bender advised that the issue will be addressed during the Manager's Report or the Solicitor's Report portion of the agenda.

2. Mr. Jack McIlhinney of Broad Street asked which proposed Zoning Ordinance amendment would be discussed this evening. Mr. Wynn replied that he will be presenting the recommendation from the Planning Commission concerning proposed amendments to the new Use I-17, Residential Agricultural Use, Use A-1, Agricultural Use, and A-3, Intensive Agricultural Use, amending the allowable impervious surface from 3% to 9%.

3. Mr. Glenn Mallaro, a resident of Harleysville, who is also a member of the executive board of the Souderton Area Youth Football Association, would like to address the Home Depot project. Supervisor Bennington advised that the Board will entertain public comment during discussion of the Home Depot project.

B. APPROVAL OF MINUTES – Action on the minutes of the February 25, 2002 Board of Supervisor's Meeting – Supervisor Bennington noted the following correction to page 11, first paragraph, which should read: "Supervisor Bennington commented that for people to **inject** Deep Run into the equation made a mockery of the whole system, which he feels was uncalled for."

Motion was made by Supervisor Snyder, seconded by Supervisor Bennington, and carried unanimously to approve the minutes of the February 25, 2002 Supervisor's Meeting as corrected. There was no public comment.

Action on the minutes of the March 11, 2002 Supervisor's Worksession Meeting – Motion was made by Supervisor Snyder, seconded by Supervisor Bennington, and carried unanimously to approve the minutes of the March 11, 2002 Supervisor's Worksession Meeting, as written. There was no public comment.

C. APPROVAL OF CURRENT BILLING – Chairperson Bender presented the Bills List dated March 26, 2002, with General Fund payments in the amount of \$64,835.81 and State Highway Aid Fund payments in the amount of \$1,515.74; for a grand total of all payments in the amount of \$66,351.55.

Motion was made by Supervisor Snyder, seconded by Supervisor Bennington, and carried unanimously to approve the Bills List dated March 26, 2002. There was no public comment.

D. CONFIRMED APPOINTMENTS: None.

E. MANAGER'S REPORT – Mr. Gregory J. Lippincott, Township Manager –

1. The Township received correspondence from PennDot dated March 3, 2002 regarding the Home Depot project and the right-turn-out-only egress they have proposed to Central Avenue. Further, correspondence from Souderton Borough Council and Telford Borough concerning the Home Depot project will be discussed under the Planning portion of the agenda.

F. CORRESPONDENCE – Mr. Gregory J. Lippincott, Township Manager --

1. Correspondence was received from legal counsel for the Car Sense Land Development. The applicant is seeking a waiver from Township policy concerning final plan approval. In order to meet certain financing contingencies and their obligations under the Agreement of Sale for this site, the applicant would like to receive final plan approval from the Supervisors and obtain their building permit prior to obtaining the PennDot Highway Occupancy Permit. The applicant's lender will proceed with the closing only requiring recordation of the final plan. The applicant acknowledges that the PennDot Highway Occupancy Permit would be required before they obtain their Occupancy Permit from the Township for the site.

Solicitor Grabowski recommended that the Supervisors not grant this request. It has been the Township's policy not to issue building permits until all conditions of plan approval, including PennDot permits, have been satisfied. Further, the Township is aware of ongoing litigation between this project and the neighboring property owner.

Motion was made by Supervisor Bennington, seconded by Supervisor Snyder, and carried unanimously to deny the waiver request for the Car Sense Land Development, as specified above. There was no public comment.

2. A request was received from Calvary Church Ambassador's Sunday School Class to waive rental fees for the Scout Cabin for use on May 19, 2002. The church will provide the required security deposit for use.

Motion was made by Supervisor Bennington, seconded by Supervisor Snyder, and carried unanimously to waive the rental fees for the Scout Cabin for use on May 19, 2002 for the Calvary Church Ambassador's Sunday School Class. There was no public comment.

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

1. Solicitor Grabowski noted that at the last worksession meeting, the Supervisors discussed advertisement of an Ordinance to reduce the speed limit of Fairhill School Road for its entire length to 40 m.p.h., and to reduce the speed limit of Twinbrook Road for its entire length to 35 m.p.h. The Ordinance has been prepared and must be advertised for Public Hearing at the April 22, 2002 meeting.

2. With regard to the Open Space Committee, Solicitor Grabowski explained that there is a proposed Resolution that would provide for the confirmation and re-establishment of the Committee. As the draft is proposed, it would provide for five members of this committee. A final draft could be available for the Board's consideration at their April 8, 2002 worksession meeting or the April 22, 2002 regular meeting.

Supervisor Snyder suggested that the Open Space Committee be permitted to establish their own rules for running their meeting.

Public Comment:

1. Mr. Joe Marino of Redwing Road suggested that term limitations be imposed so that a variety of people would have the opportunity to serve on this committee. Discussion took place.

3. Solicitor Grabowski advised that the proposed draft Zoning Ordinance amendment that relates to Section 406, Item A.2 – Nursery Use has been forwarded to the Bucks County Planning Commission for review. The Bucks County Planning Commission response to this amendment will be reviewed by the Hilltown Planning Commission at their next meeting. The Supervisors unanimously tabled the proposed draft Zoning Ordinance amendment (Section 406, Item A.2 – Nursery Use) pending

review of the Bucks County Planning Commission review by the Hilltown Planning Commission.

4. The next hearing of the Telvil challenge to the Township's Zoning Ordinance will be held on Thursday, April 4, 2002 at 7:30PM.

H. PLANNING – Mr. C. Robert Wynn, Township Engineer --

1. Jefferson Tract Subdivision (Final) – The Planning Commission unanimously recommended conditional final plan approval of this three lot subdivision located on Keystone Drive subject to the following conditions:

- A capital contribution in the amount of \$8,892.00 must be received for waiver of installation of concrete sidewalk (based upon \$12.00 per lineal foot). At the Planning Commission meeting, the applicant indicated this condition is acceptable.
- Written verification of approval of sewage facilities planning modules must be received from PADEP unless waived by PADEP.
- Property monumentation must be installed as proposed on the plan and be certified in writing by the responsible surveyor prior to plan recordation.
- The ultimate right-of-way of Keystone Drive must be delineated along the frontage of TMP #15-22-13 and must be monumented in accordance with Section 522 of the Subdivision Ordinance. Ultimate right-of-way area must be dedicated to the Township as an easement.
- A fee-in-lieu-of recreational land in the amount of \$4,500.00 (\$1,500.00 per dwelling unit) must be received by the Township prior to plan recordation.
- Development/Financial Security Agreements must be executed between the applicant and the Township to guarantee installation of required improvements.
- The existing source of water supply for buildings to be removed must be identified, and if same is to be abandoned, well closure must be noted to be in accordance with PADEP well abandonment procedures.

Motion was made by Supervisor Bennington, seconded by Supervisor Snyder, and carried unanimously to grant conditional final plan approval to the Jefferson Tract Subdivision, pending completion of all outstanding items as noted above. There was no public comment.

2. Proposed Zoning Ordinance Amendment – Mr. Wynn presented a draft of revisions to the Zoning Ordinance, which must be revised to Ordinance format, relative to a new Use I-17, Residential Agricultural Use, and revisions to Use A-1, Agricultural Use, and A-3, Intensive Agricultural Use, amending the allowable impervious surface ratio from 3% to 9%. The Planning Commission unanimously approved a motion recommending that the Board of Supervisors authorize preparation of a Zoning Ordinance amendment to address these items; and forwarding the amendment for review by the Bucks County Planning Commission and final review by the Township Planning Commission. Additionally, at the Planning Commission meeting, Marilyn Teed questioned the definition of land development as contained within the Land Development Ordinance. The Planning Commission also requests that the Township Solicitor review the definition of land development within the Land Development Ordinance to determine if same is consistent with requirements in the latest Municipalities Planning Code. A lengthy discussion took place.

Public Comment:

1. Mrs. Marilyn Teed of Mill Road believes that there is an area allowance for a barn in the amount of 1,250 sq. ft. for the first floor, and suggested that provisions be included for additional livestock. Mr. Wynn explained that the number of livestock is dependent upon the acreage of the site. Mrs. Teed asked if the proposed amendment allows for the addition of another stall. Mr. Wynn replied that it does not. He noted that a property owner would be permitted another stall while still being exempted if the initial building was smaller than the 1,250 sq. ft. maximum area. In other words, the maximum size of a building that would be exempted from land development is 1,250 sq. ft. Discussion took place.

Motion was made by Supervisor Bennington, seconded by Supervisor Snyder, and carried unanimously to authorize preparation of a Zoning Ordinance amendment to address a new use, Use I-17, Residential Agricultural Use, and revisions to Use A-1, Agricultural Use, and Use A-3, Intensive Agricultural Use, to increase the allowable impervious surface ratio from 3% to 9%; and to forward the proposed amendment to the Bucks County Planning Commission for review and final review by the Township Planning Commission; and to authorize the Township Solicitor to review the definition of land development within the Land Development Ordinance to determine if same is consistent with requirements in the latest Municipalities Planning Code. There was no public comment.

3. Home Depot – Mr. William Benner, legal counsel for the applicant, was present to seek conditional final plan approval of the Home Depot Land Development Plan. In addition to the Planning Commission's recommendation for conditional plan approval as noted below and the outstanding items still remaining in the January 10, 2002 engineering review, Mr. Wynn advised that the amount of the capital contribution towards the recreation fund, must still be resolved. It is Mr. Wynn's understanding that Home Depot has offered a contribution in the amount of \$85,000.00 to the Township's Park and Recreation Fund.

The Home Depot final plan was unanimously recommended for conditional approval by the Planning Commission at their meeting held on February 18, 2002, subject to the following:

- At the Planning Commission meeting, the applicant's attorney, William Benner, represented that PennDot has "assumed jurisdiction" of the Home Depot access from Central Avenue. According to Mr. Benner, the re-design of the driveway at this location to a right-turn-only exit is required by PennDot, which has jurisdiction over Township requirements. The Planning Commission recommendation provides that, in the event the applicant can provide written verification that PennDot has required the entrance as currently designed, and has assumed jurisdiction over this portion of Central Avenue; and the ability of PennDot to assume jurisdiction over Central Avenue is verified by the Township Solicitor, the entrance may remain as a right-turn-exit-only. Alternatively, the Central Avenue exit/access must be revised to that shown on the preliminary approved plan as a full access driveway. The Heinrich and Klein Associates, Inc. review dated February 18, 2002 concludes, "I question the effectiveness of the proposed access driveway design revisions and see no compelling reason to restrict access to/from Central Avenue for the Home Depot." Subsequently, the Township received correspondence dated March 3, 2002 from Louis R. Belmonte, District Traffic Engineer, which purports to address this issue.
- Compliance with all remaining items as contained within the engineering review dated January 10, 2002.

Public Comment:

1. Mr. Glenn Mallaro, executive board member of the Souderton Area Youth Football Association, advised that practices and home games are played on Romanowski Field, which is located on Central Avenue. He is very concerned about the additional traffic that the Home Depot will generate on Central Avenue, and the issue of safety at

Romanowski field. While Mr. Mallaro certainly supports the construction of the Home Depot, he has many concerns about traffic, and implored the Board to reconsider the limited access on Central Avenue.

Mr. Ed Wild, the applicant's legal counsel, advised that the plan received preliminary plan approval from the Township with a full access intersection onto Central Avenue. However, PennDot then reconsidered and suggested that the egress onto Central Avenue should be right-turn-out-only. The applicant then drafted and submitted the final plan with PennDot's recommendation for a right-turn-out-only exit onto Central Avenue. Mr. Wynn explained that Mr. Heinrich, the Township's Traffic Consultant, agreed with the applicant's traffic consultant that a very small percentage of the traffic, approximately 2%, leaving the Home Depot site would actually be turning left onto Central Avenue when exiting the site. Traffic that would be coming from Telford to Home Depot would still utilize Central Avenue to come through the intersection at Bethlehem Pike and Central Avenue, to enter the site that way. Further, Mr. Heinrich felt that the traffic that would make a right-turn-only onto Central Avenue out to Bethlehem Pike would, depending on their destination, go either to Rt. 113 to County Line Road, or turn left onto Bethlehem Pike and then left onto Reliance Road toward Telford. Mr. Heinrich also expressed concerns about the traffic attempting to use the right-turn-out-only to enter the property, especially when coming from Bethlehem Pike. Discussion took place.

Supervisor Bennington advised that after the Township granted conditional preliminary plan approval to this project, State Representative Godshall from Montgomery County persuaded PennDot to change their recommendation for the Central Avenue access, without discussion with Hilltown Township or State Representative Watson, who represents Hilltown. Mr. Wynn confirmed that was correct, and noted that no Hilltown representatives were in attendance at the meeting, and therefore were not privy to those discussions. Further, the concerns expressed by Representative Godshall was discussed with Home Depot's traffic design engineer, McMahon Associates, who then subsequently changed the plans. Supervisor Snyder commented that Hilltown Township is paying professionals to make traffic determinations to develop a plan, and she is upset that the advice of those professionals can just be set aside by political whim.

Public Comment:

1. A Telford resident, whose name was unintelligible via the tape recording, was confused as to why the Supervisors would even want traffic feeding out to Central Avenue, which is a residential neighborhood with a great deal of foot traffic, especially small children utilizing Romanowski Field.

Supervisor Snyder replied that the access to Central Avenue would be a convenience for the residents of Telford, Souderton, Franconia, etc. who wish to patronize the Home

Depot, and can be spared the traffic nightmare on Rt. 113, plus the risks of traffic accidents through all those intersections they'd have to travel through to reach the Rt. 113 access. Supervisor Snyder believes it divides the risk. The resident commented that it then sends the greater risk for accidents through a rural residential area. Supervisor Snyder advised that the traffic problem will not go away if a "band-aid" is slapped over Home Depot. Hilltown Township will continue to grow, with more businesses proposed on Bethlehem Pike and more developments proposed throughout the entire Township. Discussion took place.

Mr. Wynn explained that an access intersection was originally proposed onto Bethlehem Pike, not Central Avenue, however the same amount of traffic would have traveled on Central Avenue to get to the Bethlehem Pike entrance. Further, the signalized intersection at Bethlehem Pike and Rt. 113 and the proposed access to Home Depot along Bethlehem Pike would have caused major traffic problems due to their close proximity. Mr. Wynn noted that the traffic study anticipates only a 2% traffic increase on Central Avenue.

2. Ms. Maria Gallagher of 4023 Bethlehem Pike, who travels Central Avenue every day, disagreed that there will be incidences of vehicles attempting to enter the Home Depot left-turn-out-only from Central Avenue.

Ms. Gallagher asked if consideration was given to lowering the speed limit on Central Avenue. Chairperson Bender advised that the Township recently lowered the speed limit on Central Avenue, however he believes that additional signage is required. Further, Chairperson Bender feels that some sort of traffic calming techniques or a crosswalk area at the Romanowski Field should be considered for Central Avenue. Supervisor Snyder recalls that consideration had been given to installing crosswalk/road striping right at Romanowski Field, and perhaps even lowering the speed limit to 15 m.p.h. in that area. Discussion took place.

Ms. Gallagher feels that an additional traffic study, independent of both the Township and Home Depot, should be conducted to determine what affects this proposal might have on Central Avenue. Due to the increased traffic that will come with additional development, Supervisor Snyder commented that there are a number of long-term issues that must be studied and considered. The Township recently joined the N.P.R.I.A. Traffic Consortium, as have a number of the Montgomery County municipalities, to look at long term traffic issues. The Comprehensive Plan Task Force has also suggested that a Traffic Committee be formed to study and review future traffic issues. These are areas that it is appropriate for the Township to do that, however Supervisor Snyder does not believe that the Township is in the position to delay the applicant, who is up against a deadline, as is the Township, to make a decision concerning an additional traffic study at this time.

Ms. Gallagher felt it would be very disappointing for the Township to make a decision just because there is a deadline, while not considering what is best for the residents. Supervisor Snyder explained that by State law, the Supervisors failing to make a decision at this time grants an automatic approval to Home Depot.

Mr. Wild asked if, in the event that the Highway Occupancy Permit from PennDot cannot be secured for a dual in and out access to Central Avenue, Home Depot would have the right to revisit the issue with the Township to consider the right-turn-out-only access to Central Avenue. The Supervisors were agreeable.

Supervisor Bennington suggested that correspondence be sent to Representative Godshall, in conjunction with the other municipalities in Montgomery County, advising that if they wish to conduct an independent traffic study, the Township will consider those results. Supervisors Snyder and Bender were agreeable.

Public Comment:

1. Mr. Peter Gallagher of 4023 Bethlehem Pike asked if the traffic study conducted by the Township's Traffic Consultant takes into account both the existing traffic, or if it also considers the anticipated traffic that Home Depot brings to the area. Mr. Wynn replied that the study was conducted taking into account the existing traffic and the anticipated traffic. Mr. Gallagher supports the idea of a right-turn-out only access onto Central Avenue.

2. Mr. Glenn Mallaro hopes that additional measures will be taken to insure the safety of the children using Romanowski Field. He intends to urge Representative Godshall to conduct that independent traffic study as suggested by the Board of Supervisors.

Motion was made by Supervisor Bennington, seconded by Supervisor Snyder, and carried unanimously to grant conditional final plan approval to the Home Depot Land Development, pending completion of all outstanding items as listed in Mr. Wynn's engineering review dated January 10, 2002; pending receipt of \$85,000.00 contribution to the Hilltown Township Park and Recreation Fund; with the original Home Depot access from Central Avenue as approved with the preliminary plan approval; and with the condition that an additional independent traffic impact study of the proposed Central Avenue access as conducted by Telford Borough, Souderton Borough, and Representative Godshall would be considered by Hilltown Township upon review by the Township Traffic Engineer, Township Traffic Consultant, and Board of Supervisors. There was no public comment.

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

1. Heritage Executive Campus and Orchard Hill Subdivision – Mr. Wynn provided an update of the status/schedule for construction of these projects as proposed by Heritage Building Group. During the past few weeks, pre-construction meetings have taken place for both projects. Permits have been obtained from the Bucks County Conservation District and DEP for wetland involvement, and from NPDS for stormwater runoff during construction. The applicant has also received PennDot approval for construction access to the site. Heritage has demolished the existing building on the Orchard Hill site and has done some erosion control on the Heritage Executive Campus site. Mr. Wynn advised that there would be more activity on both sites in the coming weeks. At this time, the developer will be providing erosion control measures, sediment control measures, and installation of stormwater detention basins, as well as other infrastructure. The developer is aware that they may not obtain any building permits at this time, since plans have not been recorded, due to other outstanding conditions, including execution of development agreements.

2. Harleysville National Bank – Improvements required by the land development plan have been completed. Mr. Wynn recommends acceptance of improvements and commencement of the maintenance period.

Motion was made by Supervisor Snyder, seconded by Supervisor Bemington, and carried unanimously to accept public improvements and commencement of the 18-month maintenance period for the Harleysville National Bank, as noted above. There was no public comment.

3. Longleaf Estates Phase II – Correspondence was received from Heritage Construction Company dated March 18, 2002 requesting an extension for completion of improvements. The original deadline for completion of Phase II is June 12, 2002. The applicant is requesting authorization to pave all roads in the development, which is currently scheduled for April, with the exception of Victoria Lane. Mr. Wynn explained that Victoria Lane is that section of roadway that extends from the Orchard Station Subdivision, which has been blocked off through the course of the development to prevent major construction vehicles from accessing the roadway. The reason the applicant does not want to pave Victoria Lane at this time is because there are twelve dwellings they cannot obtain building permits for because of inadequate sewer capacity. All twelve of these dwellings abut the open space area. Heritage would like to extend the development completion period until June 12, 2003. Mr. Wynn does not know when the sewage capacity situation will be resolved. Therefore, he recommended that the developer be permitted to pave Victoria Lane to finish the entire development, and build the twelve dwellings when possible in the future. If this is the case, Mr. Wynn believes that Heritage could finish this development by August 1, 2002. Discussion took place.

Motion was made by Supervisor Bennington, seconded by Supervisor Snyder, and carried unanimously to grant an extension to Heritage Building Group for completion of Longleaf Estates II until August 1, 2002. There was no public comment.

4. Mill Road Storm Drainage – Mr. Wynn met with Mr. Buzby, Director of Public Works, to discuss the possibility of stormsewer piping to correct erosion and drainage problems along Mill Road, near Park Road. Currently, stormwater drains down Mill Road, then turns the corner down Park Road to a culvert. Mr. Buzby would like to extend the stormsewer directly across Park Road to lands owned by the County at the flood control dam. This would save the Township money because less piping, inlets and junction boxes would be required. Mr. Wynn noted that it has been very difficult to get direction from the County concerning this request. A letter was finally sent to the County Commissioners, after repeated attempts to contact the County Parks Department, Public Works Department, and Administration Department went unanswered. Mr. Wynn will keep the Board informed as to the status of this project.

Public Comment:

1. Mrs. Marilyn Teed of Mill Road advised that there are many very mature trees on one side of Mill Road in this area, and on the opposite side there is one very old tree right on the corner. She is concerned that the very old tree on the opposite side of the road will be killed if the pipe is installed across Mill Road in that location. Mrs. Teed hopes that this will be taken into consideration during discussions with the County.

J. MYLARS FOR SIGNATURE: None.

K. PUBLIC COMMENT:

1. Mrs. Marilyn Teed of Mill Road suggested that 20% of the \$85,000.00 donation to the Park and Recreation Fund from Home Depot be utilized toward road improvements/safety measures at Romanowski Field.

Mrs. Teed opposes the reduction in the number of members on the Open Space Committee, because it will reduce the opportunity for other Township residents to serve on that Committee, and will also reduce the quorum figure for vote.

Mrs. Teed requested a copy of the Bucks County Planning Commission review of the proposed A.2 Nursery Use Ordinance amendment. Mrs. Teed was directed to complete a Request to Review Records form, as required.

2. Mrs. Jean Bolger was very disappointed with the decision made by the Board of Supervisors concerning the Home Depot project. She believes that the

additional traffic caused by the construction of a Home Depot will be a nightmare, especially with the existing traffic already in that area. Mrs. Bolger feels that Representative Godshall of Montgomery County had no business interfering or attempting to influence PennDot with regard to Home Depot or any other project that is taking place in Hilltown Township.

L. SUPERVISOR'S COMMENTS:

1. Supervisor Snyder explained the definition of a "deemed approval," stating that when the 90-day time period expires, and the applicant refuses to grant any further extensions, the Board of Supervisors must make a decision or the project is deemed approved, which is a requirement of the Municipalities Planning Code.

2. Chairperson Bender announced that the Supervisors met in Executive Session prior to this meeting in order to discuss legal matters.

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

N. ADJOURNMENT: Upon motion by Supervisor Snyder, seconded by Supervisor Bennington, and carried unanimously, the March 25, 2002 Board of Supervisors Meeting was adjourned at 9:07PM.

Respectfully submitted,



Lynda Seimes

Township Secretary

(*These minutes were transcribed from tape recordings taken by Mrs. Lorraine Leslie, Township Treasurer).