

**HILLTOWN TOWNSHIP BOARD OF SUPERVISORS**  
**REGULARLY SCHEDULED MEETING**  
**Monday, January 28, 2002**  
**7:30PM**

The regularly scheduled meeting of the Hilltown Township Board of Supervisors was called to order by Chairperson John S. Bender at 7:31PM and opened with the Pledge of Allegiance.

Also present were: Kenneth B. Bennington, Vice-Chairperson  
Betty P. Snyder, Supervisor  
Gregory J. Lippincott, Township Manager  
Kerry L. Trauger, Chief of Police  
Francis X. Grabowski, Township Solicitor  
C. Robert Wynn, Township Engineer  
Lynda S. Seimes, Township Secretary

Chairperson Bender announced the Board met in Executive Session following the January 7, 2002 Reorganization meeting in order to discuss real estate and legal matters; and also met in Executive Session prior to this meeting in order to discuss legal and personnel matters.

A. PUBLIC COMMENT ON AGENDA ITEMS ONLY:

1. Mrs. Marilyn Teed of Mill Road asked if public comment would be permitted prior to any vote being taken on agenda items. Chairperson Bender replied that it would. Mrs. Teed requested that additional information and justification be provided to the residents whenever the Township is considering amending the Zoning or Subdivision Ordinances.

2. Mr. Dan Traynor of Fairhill School Road wished to discuss the proposed Ordinance reducing the speed limit on several Township roadways. Chairperson Bender advised that a Public Hearing would be held at 8:00PM for that purpose.

B. APPROVAL OF MINUTES – Action on the minutes of the December 26, 2001 Supervisor’s Meeting – Motion was made by Supervisor Snyder, seconded by Supervisor Bennington, and carried unanimously to approve the minutes of the December 26, 2001 Supervisor’s Meeting, as written. There was no public comment.

Action on the minutes of the January 7, 2002 Supervisor’s Reorganization Meeting – Motion was made by Supervisor Snyder, seconded by Supervisor Bennington, and carried unanimously to approve the minutes of the January 7, 2002 Supervisor’s Reorganization Meeting, as written. There was no public comment.

C. APPROVAL OF CURRENT BILLING: Chairperson Bender presented the Bills List dated January 29, 2002, with General Fund payments in the amount of \$122,125.94, Fire Fund payments in the amount of \$17.18, Debt Service Fund payments in the amount of \$34.36, and State Highway Aid Fund payments in the amount of \$14,695.08; for a grand total of all payments in the amount of \$136,872.56.

Supervisor Snyder noted that there are three invoices for heating system repair. Mr. Lippincott explained that there have been continuing problems with the heating system, and a meeting will be held on Thursday, January 31<sup>st</sup> with Mr. Dave Hersh and representatives of Diversified Refrigeration, who Mr. Hersh has recommended to the Township, in order to determine exactly what must be done to repair the system once and for all.

Supervisor Snyder questioned two separate bills for backhoe repairs. Mr. Buzby explained that the repairs were for two different backhoes.

Supervisor Bender questioned two separate bills for long distance charges -- both in the amount of \$76.09. Mr. Lippincott explained that it is actually one bill that had been split in half, with half being charged to the Police Department and half being charged to the Administrative Department.

Motion was made by Supervisor Snyder, seconded by Supervisor Bennington, and carried unanimously to approve the Bills List dated January 29, 2002. There was no public comment.

D. CONFIRMED APPOINTMENTS:

1. Mr. John Howard – Architectural Studios – Proposed Maintenance Building – Mr. Howard has worked very closely with the Township administrative staff to develop the proposed plan for the new maintenance storage building to be constructed behind the municipal building. The proposed building is approximately 19,000 sq. ft. and includes eight bays for storage of vehicles (approximately 16 trucks) on the western end of the building. There are two work bays, which would accommodate four vehicles, and two lifts, with one existing and one new. There is also a small equipment lift proposed to work on small-scale motors, lawnmowers and tractors. Two office areas are included with room for parts storage. On the eastern end of the building, there are accommodations for up to 15 employees, including locker rooms, toilets, and shower facilities. There is a mezzanine level, which is non-occupied space scheduled for storage only. On the eastern end of the building, there is also an alternate for a police bay, with a second level for storage. Supervisor Bennington asked if the second level mezzanine would be conducive to storing documents if conditions are humidified. Mr. Howard advised that storage of documents could be accommodated.

Mr. Tom Buzby, the Director of Public Works, advised that a new building is long overdue, noting that the potential to work on equipment is limited at the existing location. Chairperson Bender asked how many vehicles there are at present. Mr. Buzby replied that there are 17 vehicles, including some that are smaller in size and will be able to be accommodated in the proposed building.

Mr. John Gillespie of the Silverdale Fire Company asked if an alarm system and sprinklers are proposed. Mr. Howard replied that the plan presented this evening is simply a draft in the preliminary stage of the process. The need for fire protection will be addressed at the next stage of planning.

Mr. Harry Mason wondered why the Township would want to store documents in a building where heavy equipment is being stored and maintained. Chairperson Bender commented that the Township building is rapidly reaching capacity for storage of necessary documents, and the Board is simply considering other options to address the problem. Discussion took place. Mr. Buzby commented that much of the proposed storage area has already been earmarked for storage of Public Works equipment for signage and other roadwork.

Mrs. Jean Bolger asked the cost of the project and what will be done with the former maintenance building at Rt. 113 and Diamond Street. Mr. Lippincott replied that no firm cost has been designated, however it is anticipated that the cost could be anywhere from \$1 million to \$1.2 million dollars. Mr. Jackson Teed commented that the cost seems extremely high for a simple pole building. Mr. Howard explained that the proposal is more than a pole building; it is actually a pre-engineered insulated metal building, with insulated metal roof assembly, insulated metal walls, and a poured concrete foundation.

Mr. Buzby sought authorization to advertise for the purchase of a 2002 Dump Truck. The amount budgeted for this purchase is \$85,000.00.

Motion was made by Supervisor Bennington, seconded by Supervisor Snyder, and carried unanimously to authorize the advertisement of the purchase of the 2002 Dump Truck, as specified. There was no public comment.

2. Mr. Richard McBride – Berry Brow Subdivision – After meeting with the Supervisors in September, Mr. McBride presented a proposed draft Ordinance to the Planning Commission, which would permit the 150 acres of open space in the Berry Brow Subdivision to be configured to support a golf course, if the Township ever decided to do so. The Planning Commission was unanimously in support of the Township accepting the open space configured to construct a golf course in the future, but to do so through a compromise stipulation agreement, which would be site specific, rather than an Ordinance amendment that might have application elsewhere. If this avenue is to be

pursued, Mr. McBride noted that the developer intends to proceed with plans for an open space community with a total of 185 dwelling units, rather than the originally pending 226 lot plan.

Solicitor Grabowski explained that a Stipulation Agreement allows the Township to direct the developer to follow the guidelines of the Zoning Ordinance, Subdivision/Land Development Ordinance, and other Ordinance's of the Township, without actually amending the Ordinance, except for those issues that the Supervisors would agree to have modified by a stipulation. In this case, those modifications would specifically include the reduction of lots and the location of the open space land with its golf course configuration. Solicitor Grabowski believes that the deadline for action on the Berry Brow Subdivision is February 19, 2002, and therefore, suggested that the developer provide an extension in order to allow sufficient time to prepare a Stipulation Agreement. Mr. McBride agreed to provide a written extension for this purpose.

Public Comment:

1. Mr. Wally Rosenthal of Rosie Lane asked what contingencies for traffic on Hilltown Pike would be considered with this proposal, and how the subdivision will be served for water and sewer. Mr. McBride explained that what is before the Board this evening is simply the direction with regard to the open space on the site, however when preliminary plans are actually submitted, the applicant is looking toward moving traffic away from the Hilltown Pike area. There are 60 new dwellings on 30,000 sq. ft. lots proposed on the Keystone Drive side of Hilltown Pike. Further, Mr. McBride noted that the subdivision is proposed to be served by public water and by an on-site package treatment plant for sewer service.

Motion was made by Supervisor Bennington, seconded by Supervisor Snyder, and carried unanimously to direct the Township Solicitor and staff to work toward a proposed Stipulation Agreement with the developer of the Berry Brow property with regard to reducing the number of lots and with the open space configuration for a possible golf course in the future, based upon receipt of a 30-day extension from the applicant. There was no public comment.

**\*8:00PM – PUBLIC HEARING – Chairperson Bender adjourned the regularly scheduled meeting of the Board of Supervisors of January 28, 2002 in order to enter into an advertised Public Hearing to consider the adoption of an Ordinance reducing the speed of motor vehicles on Highview Road, Maron Road, Fairhill School Road, Audrey Lane, Beverly Road, and Central Avenue.**

Solicitor Grabowski explained that the proposed Ordinance was advertised in the Doylestown Intelligencer on January 21, 2002. The Hilltown Police Department

conducted traffic surveys and investigation through its traffic expert, Sgt. Robert Miller, who provided recommendations to the Township to reduce the speed limits on the above noted roadways. Based upon the Police Department's surveys and recommendations, the Ordinance was prepared indicating the following: Highview Road and Maron Road's speed limits are proposed to be reduced to 35 m.p.h. for their entire lengths; Fairhill School Road to 45 m.p.h. for its entire length; Audrey Lane and Beverly Roads to 25 m.p.h. for their entire length; and Central Avenue's speed limit is proposed to be reduced to 35 m.p.h. for the portion between Bethlehem Pike and Rosewood Drive, and to be reduced to 25 m.p.h. from Rosewood Drive to the Telford Borough boundary line.

Public Comment:

1. Mr. Dan Traynor of 413 Fairhill School Road has lived in Hilltown for 28 years and was surprised to see a proposed speed limit of 45 m.p.h. for Fairhill School Road. He was not aware that if a speed limit is not posted, the legal speed is 55 m.p.h. Mr. Traynor explained that Fairhill School Road sees a great deal of pedestrian and bicycle traffic, and is a very small, curvy, country road. There is a "hump" in the roadway near his home that often causes vehicles to go airborne if they are traveling at a high rate of speed. Mr. Traynor believes the speed limit should be reduced even further to 35 m.p.h., and asked what criteria was used to determine that 45 m.p.h. would be a safe speed.

Chief Trauger explained that speed surveys were conducted on all of these roadways by averaging the speed of motor vehicles traveling those roadways, plus the volume of traffic itself, according to PennDot standards. He noted that Fairhill School Road is not as heavily traveled as Fairhill Road or Church Road, which is a State Road. Chairperson Bender understands the criteria, however he asked if other factors such as the number of accidents, or a curvy road as opposed to a straight road, are taken into consideration. Chief Trauger replied that they are, noting that the criteria is subjective to various other elements such as those suggested by Chairperson Bender

A lengthy discussion took place as to the Township's power to unilaterally reduce speed limits on local roadways to whatever speed limit they choose, which Chief Trauger believes was permitted as of two years ago.

2. Mrs. Jean Bolger of Rt. 152, who is a member of the Comprehensive Plan Task Force, noted that at a recent meeting, consideration was given to recommending that speed limits on all Township roadways be reduced to 35 m.p.h., in order to keep the Township roads "small and slow," in order to retain the country atmosphere.

3. Mrs. Pat Traynor of 413 Fairhill School Road feels that a speed limit of 45 m.p.h. on Fairhill School Road is unacceptable. She is very concerned for the safety of the residents of this Township.

Supervisor Bennington asked if the Board could approve the proposed Ordinance, minus the Fairhill School Road speed limit reduction. Solicitor Grabowski commented that the Fairhill School Road speed limit reduction could be deleted from the proposed Ordinance, for consideration in the near future to reducing that speed to 35 m.p.h., once an additional speed study/survey is conducted on Fairhill School Road. A lengthy discussion took place.

4. Mr. John Gillespie of 310 Moyer Road asked who establishes the speeds for new developments. Mr. Wynn replied that all new residential subdivisions have a speed limit of 25 m.p.h.

Motion was made by Supervisor Bennington, seconded by Supervisor Snyder, and carried unanimously to **adopt Ordinance #2002-2, to reduce the speed limit of motor vehicles on Highview Road to 35 m.p.h.; on Audrey Lane to 25 m.p.h.; on Beverly Road to 25 m.p.h.; and on Central Avenue to 35 m.p.h. from its intersection with Bethlehem Pike to Rosewood Drive, and on Central Avenue to 25 m.p.h. for that portion from Rosewood Drive to the Telford Borough boundary line with Hilltown Township and/or County Line Road.** There was no public comment.

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

1. Sgt. Miller conducted a speed survey on Hillcrest Road, and determined that a speed of 35 m.p.h. is applicable to this roadway. This recommended speed limit takes into consideration the conditions of the roadway and the expected surge of additional vehicular traffic due to the approval of several new housing developments in the areas.

Motion was made by Supervisor Snyder, seconded by Supervisor Bennington, and carried unanimously to authorize the advertisement of an Ordinance to reduce the speed limit on Hillcrest Road to 35 m.p.h., in conjunction with conducting a speed survey to possibly reduce the speed limit on Fairhill School Road to 35 m.p.h., as previously discussed. There was no public comment.

2. The bid for the Pleasant Meadows Walking Trail has been re-advertised for opening on February 21, 2002, with bids to be awarded at the February 25, 2002 Supervisor's Meeting.

3. The Seylar Elementary School mylars are once again on the agenda for signature. Signed mylars were released to the School District for recordation at Bucks County on November 27<sup>th</sup>, however no recorded mylar was ever returned to the Township as required. Mr. Lippincott notified Mr. McCall that a recorded mylar had to be returned to the Township by Friday, January 25<sup>th</sup>, or a "Stop Work Order" would be issued for the site. Mr. McCall explained that the County refused to record the plan due to some wording on the plan itself, and advised that new mylars were being created for signature once again in order to address the County's concern.

4. The Agricultural Security Committee has provided a recommendation for a policy on allocating and leasing Township-owned lands for farming operations, for the Board's consideration.

5. With regard to which newspapers the Township advertises in, which was a topic of discussion at a previous meeting, the Board unanimously agreed to advertise meeting dates, administrative matters, and budget items in the News Herald, and to advertise public hearings for Ordinances and bids in the Daily Intelligencer.

6. At a recent meeting, discussion took place concerning the Township's policy with regard to Zoning Complaints. Currently, the individual who files a Zoning Complaint has the option of being copied on any correspondence or violation notices, or they may choose to remain anonymous to the individual they have complained about.

Public Comment:

- Mr. Jack McIlhinny of Broad Street sees nothing wrong with divulging the identity of the complainant.
- Mrs. Marilyn Teed of Mill Road implored the Board to revise this policy so that property owners have the opportunity to face their accuser. Supervisor Bennington commented that the Township is the "accuser" if a reported zoning violation is investigated and further action is taken.
- Mr. Joe Marino asked if the Township responds to anonymous written or verbal complaints, and Mr. Lippincott replied that the Township disregards any anonymous complaints.

Discussion took place. The Supervisors unanimously agreed not to change their current policy with regard to Zoning Complaints, in that the complainant will continue to remain anonymous if they so choose.

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

1. Correspondence was received from the legal counsel for First Service Bank, requesting a meeting with Township staff (Manager, Engineer, Solicitor) to discuss the possible development of the former Sernoff Seafood property located at the corner of Bethlehem Pike and Rt. 113. The applicant has agreed to provide a \$500.00 escrow to cover the cost of this meeting.

Motion was made by Supervisor Snyder, seconded by Supervisor Bennington, and carried unanimously to authorize a meeting with First Service Bank representatives and Township representatives to discuss the possible development of the former Sernoff Seafood property, with the submission of a \$500.00 escrow, as noted above. There was no public comment.

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

1. Solicitor Grabowski presented the Myers Minor Subdivision Declaration of Easement and Shared Driveway Agreement for the Board's consideration.

Motion was made by Supervisor Bennington, seconded by Supervisor Snyder, and carried unanimously to **adopt Resolution #2002-10, accepting the Declaration of Easement and Shared Driveway Agreement for the Myers Minor Subdivision.** There was no public comment.

2. Solicitor Grabowski presented the St. Phillips Orthodox Church Cemetery Land Development and Financial Security Agreement, Snow Storage Easement Agreement, and Sunny Road cul-de-sac Easement Agreement, for the Board's consideration.

Motion was made by Supervisor Snyder, seconded by Supervisor Bennington, and carried unanimously to **adopt Resolution #2002-11, to accept the Land Development and Financial Security Agreement, Snow Storage Easement Agreement, and Sunny Road Cul-de-sac Easement Agreement for the St. Phillips Orthodox Church Cemetery, as noted above.** There was no public comment.

3. Solicitor Grabowski presented a proposed Declaration of the Levitties property, which is the site that Township and Dublin Borough are jointly purchasing in conjunction with the Bucks County Open Space Program. Closing is tentatively scheduled for February 15, 2002. The project will be approved for funding on February 6, 2002 by the Bucks County Commissioners. Solicitor Grabowski explained that one of the requirements of the program is that the local municipality who uses Bucks County open space funding must adopt a Condition of Covenant and Restrictions for that



property. This document provides for the municipality to agree that the lands acquired through this process can be used for specific things, such as a wildlife refuge/sanctuary, open space, agriculture, recreation, historical, cultural, and natural resource conservation purposes; and that any disposal of the land in the future must be consistent with State law and also occur with the approval of the Bucks County Commissioners.

Motion was made by Supervisor Snyder, seconded by Supervisor Bennington, and carried unanimously to approve the Bucks County Open Space Condition of Covenance and Restrictions for the Levitties property for the joint purchase with Dublin Borough, as specified above. There was no public comment.

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

1. Equestrian Court – This 29 acre site located on Mill Road within the Rural Residential Zoning District is proposed to be subdivided into 16 lots served by a loop road. The latest engineering review is dated January 9, 2002. Mr. Dave Shafkowitz, the applicant's legal counsel, and Ms. Sharon Dotts, the applicant's engineer, were in attendance to present the plan. Waivers of Subdivision Ordinance requirements were requested as follows:

- From Section 504.2.D – Lot lines intersecting street lines shall be substantially at right angles or radial to street lines from the street line to the rear lot line.
- From Ordinance #2000-5, Section 305.J.4.b and 4.d – Maximum depth of detained runoff shall be 36 inches for a 100-year storm event; and ponded water shall never exceed a depth of 24 inches for more than four hours.
- From Subdivision/Land Development Ordinance, Section 516.1.A – Lots shall be laid out and graded with a minimum slope of two percent (2%).

The Planning Commission unanimously recommended waivers from Ordinance #2000-5, Section 305.J.4.b and 4.d, and from SALDO Section 516.1.A, however by a vote of 6-1 with Jack Fox opposed, the Planning Commission recommended denial of the waiver request from Section 504.2.D of the Subdivision Ordinance, which requires lot lines to intersect street lines substantially at right angles from the street line to the rear lot line. A non-perpendicular lot line has been proposed for Lot #15 to include an area for a new septic system for the existing dwelling. Additionally, the Planning Commission unanimously recommended denial of the preliminary plan due to non-compliance with Section 504.2.D relative to non-perpendicular lot lines.

With respect to the January 9, 2002 engineering review, the following is noted:

- Item #1 discusses the impervious surface ratio which is near the maximum permitted within the Rural Residential Zoning District (9%). The Planning Commission expressed concern that future owners will be limited in the amount of impervious surface they will be allowed to install in the way of sheds, pools, etc. The applicant has proposed to include language in a Disclosure Statement for each dwelling identifying impervious surface limitations on the lot. Additionally, at the Planning Commission meeting, the design engineer advised that the footprint for the dwellings is actually larger than will be proposed. Plans, however, do not identify the smaller footprint referenced by the design engineer.
- No recreation land has been proposed on the plan. Based on the number of dwelling units, 0.4897 acres of recreation land is required or a fee must be paid to the Township in an amount of \$1,500.00 per new dwelling unit for a total contribution of \$22,500.00.
- As noted on Item #4 of the engineering review, the applicant agrees to extend concrete sidewalk from Lot #11 to the Civic Field Park located on Rt. 152 provided the Township acquires the right-of-way easements necessary for construction, and provided the recreation contribution is reduced in the amount of the cost of the acquisition of right-of-way easements and construction of off-site sidewalk. The extension of sidewalk to the Civic Park is desired by the Planning Commission, however this matter must be resolved as it relates to acquisition of rights-of-way easements and adjoining private property.

Public Comment:

1. Mr. John Kachline, chairperson of the Planning Commission, expressed concern with the lack of available impervious surface for new residents who may wish to construct sheds, swimming pools, patios, or decks, etc. Even though a Homeowner's Association is to be created and a Disclosure Statement will be required, Mr. Kachline believes that the new residents of this development will invariably complain to the Township if they cannot construct amenities without paying additional fees to seek a variance from the Zoning Hearing Board, of which they are not guaranteed approval. This was the reason that the Planning Commission recommended denial of the waiver concerning lot lines. Mr. Kachline suggested that the developer eliminate one lot, then divide that 50,000 sq. ft. among the remaining lots, which would provide all the other

residents of the development the opportunity to construct sheds, swimming pools, patios, or decks. Discussion took place.

2. Mr. Jack McIlhinny of Broad Street believes that the Township's impervious surface ratio calculations should be revised.

Motion was made by Supervisor Bennington, seconded by Supervisor Snyder, and carried unanimously to grant conditional preliminary plan approval to the Equestrian Court Subdivision, pending completion of all outstanding items as noted in Mr. Wynn's engineering review dated January 9, 2002; with the stipulations as outlined by the Planning Commission at their January 21, 2002 meeting; and with the stipulation that the final plan will come into compliance with Section 504.2.D of the Subdivision Ordinance. There was no public comment.

2. Wild Subdivision – This minor subdivision located on Schultz Road was unanimously recommended for approval subject to completion of the items of the engineering review dated January 4, 2002. Mr. Ed Wild was in attendance to present the plan. Waivers have been requested from Subdivision Ordinance requirements, and were recommended for approval, as follows:

- From Sections 505.16, 506.2.B, 512, and 513, which require drainage improvements, cartway widening, cartway reconstruction/overlay, curb, and sidewalk to be installed within the frontage of the site.
- From Section 403.4, which requires existing features within 100 ft. of the tract boundary be shown.
- From Section 504.2.E of the Subdivision Ordinance, which requires proposed lots to front on a public street, or a street to be dedicated to the Township. As proposed, Lot #1 does not contain frontage on a public street. The creation of Lot #1 is a subject of a Zoning variance request, which according to the applicant has received approval from the Zoning Hearing Board.

The Planning Commission unanimously recommended approval of the above noted waivers.

As noted under Item #5 of the engineering review, the shared driveway does not comply with requirements of Section 511.2 of the Subdivision Ordinance with respect to the entrance drive width. The Subdivision Ordinance requires that the portion of driveway within the ultimate right-of-way shall be paved with a minimum width of 18 ft., while the lot width at this point is only 16.5 ft. Additionally, the Zoning Hearing Board has

approved variances for this property including a condition requiring that the driveway width be limited to 10 ft. The Planning Commission approved a motion by a 5-2 vote, which Betty Snyder and Keith Miller opposed, to recommend waiver of requirements of Section 511.2 of the Subdivision Ordinance, provided the servicing fire company verifies that there is adequate access to the site from Schultz Road.

Item #6 of the engineering review discusses the Stormwater Management Report and the "No Harm Option" as documented by the design engineer. The applicant has agreed to add a note on the plan indemnifying the Township against potential claims due to increased runoff, and to provide a contribution in the amount of \$500.00 per dwelling unit payable to the Township Stormwater Management Fund.

As noted in Item #13 of the engineering review, recreation land dedication or fee-in-lieu-of is required pursuant to Sections 802 and 805 of the Subdivision Ordinance. The applicant has agreed to provide a fee-in-lieu-of in the amount of \$1,500.00 per dwelling unit.

Solicitor Grabowski noted that the applicant has prepared and offered a Conservation Easement document, assuring that there will be no further subdivision of this property in the future or any earth disturbance of the heavily wooded area or the watercourse that is located to the rear of the property, which is the habitat of a great number of species of wildlife. The applicant has offered to provide an escrow for this Conservation Easement until the plan is finally approved and all conditions of approval have been met. Discussion took place.

Motion was made by Supervisor Bennington, seconded by Supervisor Snyder, and carried unanimously to grant conditional final plan approval to the Wild Subdivision, pending completion of all outstanding items as noted in Mr. Wynn's January 4, 2002 engineering review, and with the stipulation of an escrow as discussed with regard to the Conservation Easement across the rear of the property. There was no public comment.

3. Fedele Subdivision – Mr. Phil Kashner, the applicant's engineer, was in attendance to present the plan. This minor subdivision located on Rt. 152 was unanimously recommended for conditional final approval subject to completion of all outstanding items in the January 7, 2002 engineering review. Additionally, the Planning Commission unanimously recommended approval of the following waiver requests:

- From Section 504.2.K requiring that a residential lot depth shall not be more than three times the lot width, is requested to be waived due to the depth of the existing original lot. A note has been added to sheet 1 of 3, specifying, "Lot #1 will be deed restricted from further subdivision."

- From Sections 506.4, 512, and 513, requiring cartway widening, curb, and sidewalk along the frontage of the site. The applicant notes that there is no widening, curb, or sidewalk existing along Rt. 152.
- According to correspondence dated October 31, 2001, the applicant requests waiver from Section 504.2.D, which requires that lot lines be at right angles or radial to the street line from the street to the rear lot line. As proposed, the lot line between Lots #1 and #2 does not conform to this requirement. The applicant's request states that orienting the side lot line in conformance to Section 504.2.D does not appear feasible due to the configuration of the existing lot before subdivision.
- According to correspondence from the applicant dated December 20, 2001, the applicant is requesting waiver from Section 303.A.2 of the Stormwater Management Ordinance, which requires that volume for storm events up to the 2-year return frequency storm be reduced to within pre-development rates as existing soils on the site do not permit infiltration of stormwater runoff. Additionally, waivers are requested of various Stormwater Management Ordinance sections requiring design of stormwater management basins pertaining to basin berm width, freeboard, anti-seep collars, and cut-off trench. Based on the relative size of the stormwater management facility, Mr. Wynn recommends approval of the applicant's request.

Motion was made by Supervisor Bennington, seconded by Supervisor Snyder, and carried unanimously to grant conditional final plan approval to the Fedele Tract Subdivision, pending completion of all outstanding items as noted in Mr. Wynn's January 7, 2002 engineering review. There was no public comment.

4. Jefferson Tract Subdivision – Mr. Ronald Jackson, the applicant's engineer, was in attendance to present the plan. The three lot subdivision and lot line adjustment subdivision located on Keystone Drive with additional frontage on Cherry Road was unanimously recommended for conditional preliminary plan approval by the Planning Commission, subject to completion of items as listed in the January 8, 2002 engineering review, with the following noted:

- Request for waiver of street improvements along the frontage of the site as noted in Item 1.A including curb and sidewalk, was unanimously recommended for approval by the Planning Commission, provided the applicant contributes a fee-in-lieu-of sidewalk based on lot frontage of the Township Capital Fund.

- Waiver requested of Section 403.4 requiring additional plan information within 100 ft. of the tract boundary was unanimously recommended for approval by the Planning Commission.

Motion was made by Supervisor Bennington, seconded by Supervisor Snyder, and carried unanimously to grant conditional preliminary plan approval to the Jefferson Tract Subdivision, pending completion of all outstanding items as noted in Mr. Wynn's engineering review dated January 8, 2002, and the waivers as specified. There was no public comment.

5. Subdivision Ordinance Amendment – The proposed amendment to the Subdivision Ordinance was unanimously recommended for adoption by the Planning Commission. At that meeting, several residents objected to the Ordinance Amendment, specifically with respect to P-loop street design requirements. The Bucks County Planning Commission also recommended this Ordinance Amendment for approval via correspondence dated August 1, 2001.

The proposed amendment is as follows:

Article I, Section 305, Major Subdivision and Land Development Procedure, Paragraph 2.A(2) is revised to read as follows:

- The application form shall be accompanied by the requisite fee as set forth in Section 302 of this Ordinance and by not less than four (4) copies of all required materials and not less than seven (7) prints of the preliminary plans of the subdivision or development, or as amended by Township resolution from time to time, and thirteen (13) sets of the record plan reduced and presented on an 11" X 17" sheet. Reduced plans must be legible.

Article II, Section 404, Final Plan (Record), paragraph 1, is revised to read as follows:

- Upon completion of all conditions of preliminary and final plan approval, applicants shall submit two (2) clear and legible blue or black line prints on mylar and five (5) paper prints of the Record Plan of Subdivision and/or land development, including all sheets of the plan set. Major subdivision plan applications shall include a disk or compact disk of the record plan prepared on AutoCAD Version 14 or more recent edition.

Article III, Section 504, Blocks and Lots, paragraph 2.D is revised to read as follows:

- Lot lines intersecting street lines shall be substantially at right angles or radial to street lines from the street line to the rear lot line. "Substantially at right angles" shall mean an intersection angle of not less than 80 degrees.

Article IV, Section 505, Streets – General, paragraph 18, is added to read as follows:

- All new residential subdivisions or land developments containing twenty five (25) dwelling units or more, or generating two hundred fifty (250) daily vehicle trips or more shall have a minimum of two public street accesses to/from existing public roadways. No residential subdivision or land development of 25 units or more shall be served only with a p-loop street, but shall include construction of a new through street.

Article V, Section 506, Street Standards, paragraph 9, is added to read as follows:

- Speed limit, no parking, and advisory signs shall be installed along new development streets in accordance with PennDot Regulations, and as required by the Township.

Article VI, Section 513, Sidewalk, paragraph 4, is revised to read as follows:

- The minimum width of all sidewalk and pedestrian paths shall be four (4) feet wide for residential developments and six (6) feet wide for commercial/industrial areas.

Article VII, Section 513, Sidewalk, paragraph 5, is revised to read as follows:

- Sidewalks shall have a minimum depth of four (4) inches and shall be placed on a four inch thick bed of PennDot 2B stone base. Concrete driveways, driveway aprons, and sidewalks that will provide access for vehicles shall have a minimum concrete depth of six (6) inches reinforced with wire mesh, and placed on a six (6) inch thick bed of PennDot 2B stone base. All concrete shall be Class "AA", 3,750 psi, 28 day strength.

Article VIII, Section 515, Landscaping and Street Trees, paragraph 1.G is revised to remove *Acer plantanoides 'Erectum'* – Erect Norway Maple.

Article IX, Section 516, Stormwater Management, paragraph 1.F is revised to read as follows:

- Where a subdivision or land development is traversed by a natural watercourse, there shall be provided a drainage easement or right-of-way conforming substantially with the line of such watercourse. The width of the easement shall be adequate to provide for unimpeded flow of stormwater runoff from the 100-year return storm event based upon existing topography. Terms of the easement shall prohibit excavation, the placing of fill or structures, and any alterations which may adversely affect the flow of stormwater runoff within any portion of the easement. Periodic maintenance of the easement to ensure proper runoff conveyance shall be required by the landowner.

Article X, Section 516, Stormwater Management, paragraph 4, is added to read as follows:

- HEC I and HEC II study shall be performed where it is necessary to determine the limits of the 100-year floodplain. Technical Paper No. 40, U.S. Department of Commerce, "Rainfall Frequency Atlas of the United States" and NOAA Technical Memorandum NWS Hydro-35 shall be used to establish rainfall intensities for HEC programs.

Article XI, Section 517, Excavation and Grading, paragraph 16. is added to read as follows:

- No area designated as open space shall be used for storage of construction materials, construction trailers, sales trailers, or parking; or to stockpile fill or topsoil material upon occupancy of 50% of the dwelling units within the development phase. Removal of such materials/construction items shall be designated within the construction staging plan.

The only proposed amendment that received public comment at the Planning Commission was Section 505, Residential Subdivision Access, with regard to the P-loop street. This proposed amendment would limit the number of dwelling units to be constructed on a P-loop street to not more than 25 units. Similar to a cul-de-sac street, a P-loop design has only one way into and out of a development. Mr. Wynn explained that the design of a street, whether a through street, P-loop street, or a cul-de-sac street in the Township, are residential access street type designs. The Township's Ordinance requirements currently limit the number of dwelling units on a cul-de-sac street to twelve. Generally, this requirement is meant to reduce the number of one-way in/one-way out developments, and to encourage more through streets in the Township with two-way



access developments. It is also consistent with residential access street standards that actually allows more dwelling units than is recommended by the Bucks County Performance Street Ordinance for residential access streets, which recommends 200 vehicle trips per day past one point on a residential access street. Mr. Wynn noted that the Township's cul-de-sac street requirements are actually tighter than the recommendation of the Bucks County Performance Street Ordinance requirements. Further, the Township Ordinance currently does not allow any permanent cul-de-sac streets without waiver approval by the Board of Supervisors.

Public Comment:

1. Mr. Jack McIlhinny of the Hilltown Landowner's Association advised that last year when this proposal was first before the Planning Commission, Mr. Wynn had referred him to the Bucks County Performance Street Manual from the Bucks County Planning Commission, which supposedly supported the recommendation for Ordinance amendment with regard to P-loop streets. However, after obtaining that document, Mr. McIlhinny advised that their recommendation for a single-access P-loop street is for 50 dwelling units, not 25. Mr. Wynn disagreed, and explained that what Mr. McIlhinny is referring to is the requirements for a sub-collector roadway and a sub-collector design, which are wider. Mr. Wynn advised that the requirements for a residential access street, which is what Hilltown's design standards are for, limits the dwelling units to 25. A lengthy discussion took place concerning the definition of residential access streets, sub-collector streets, collector streets, and arterial streets.

On behalf of the Hilltown Landowner's Association, Mr. McIlhinny expressed opposition to the proposed Ordinance amendment with regard to Section 505 for P-loop streets.

2. Mr. Joe Marino of Redwing Road asked that the language specifying that the minimum of two public street accesses to/from existing public roadways be better defined in Section 505 so that people are aware that two accesses can be from the same roadway, not necessarily two separate roadways.

Motion was made by Supervisor Bennington, seconded by Supervisor Snyder, and carried unanimously to authorize the advertisement of the above noted Ordinance amendments for public hearing and possible adoption. There was no public comment.

6. Zoning Ordinance Amendment - The Planning Commission recommended adoption of an Ordinance amendment to omit the sentence "A landscape business will be permitted as a secondary and incidental use to the nursery" from requirements for Use A2, Nursery. The vote on the recommendation was 5-1-1, with Brooke Rush opposed, and Ken Beer abstaining. Prior to the vote, a number of residents commented in favor of and in opposition to the proposed Zoning Ordinance Amendment.

Mr. Lippincott noted that this amendment had been authorized for advertisement of a Public Hearing back in 1999, however the prior administration did not advertise it as directed, and therefore, a Public Hearing was never held, the amendment was never adopted, and the change was never officially made to the Zoning Ordinance. It is Mr. Lippincott's opinion that the language in that sentence is very difficult for him, as the Zoning Officer, to interpret or judge upon, because it is so ambiguous. That is the reason the removal of the sentence was originally recommended by the Zoning Officer and the Planning Commission back in 1999. The removal of this sentence would make the A2 Nursery Use requirements extremely clear.

Public Comment:

1. Mr. Jack McIlhinny of Broad Street has a copy of the 1997 Zoning Ordinance, where the language in question was still in it, and a copy of the 2000 Zoning Ordinance, where the language had been removed. He asked how that sentence could have been removed from the 2000 Ordinance. Chairperson Bender explained that one of the difficulties is that there was a change in Township administration in March of 2000, and therefore, there is no way to know how the error occurred.

Mr. McIlhinny asked what Zoning District a landscape business would be permitted in. Mr. Lippincott replied that it would be considered a contracting business, and therefore, permitted in the Light Industrial Zoning District. Mr. McIlhinny feels it is odd that a landscaping business would not be permitted in an agricultural setting, such as the Rural Residential Zoning District, where the trees and shrubs would actually be grown. Discussion took place.

2. Mr. Joe Marino of 519 Redwing Road believes that nursery and landscaping businesses go hand-in-hand, with one complimenting the other. If a nursery sells trees or shrubs to a customer, Mr. Marino believes that nursery should be permitted to plant those trees or shrubs for the customer. In order for a nursery to survive, Mr. Marino noted that they must maximize the return on their customers, and the best way to do that is to offer the service of caring for those trees and shrubs. He does not feel that the Township should remove the sentence from the A2 Nursery use, because by its removal, the Township would be limiting a resident's ability to earn income. It is Mr. Marino's contention that the issue is about complaints from neighboring property owners regarding the noise that the equipment makes, rather than the landscaping use itself.

3. Mrs. Marilyn Teed of Mill Road believes that the removal of this sentence from the Ordinance will severely limit land use in the RR District. Mrs. Teed feels that the Rural Residential Zoning District needs small businesses, which can retain the rural nature of the area. Mrs. Teed agreed with Mr. Marino that perhaps the language should

be better defined. She does agree that the language at present is ambiguous, however she does not feel it should be eliminated; rather the language should be made clearer.

4. Mr. Dale Ott of Mill Road urged the Supervisors to remove the verbiage as stated, because it is very vague and difficult to make a determination on. He noted that if the language is permitted to remain, there will be individuals throughout the Township who will take advantage of that "loophole."

5. Mrs. Jean Bolger of Rt. 152 agreed that the language in the Nursery Use should be removed. There are zoning laws in this Township to protect the residents, and she does not feel that businesses belong in the Rural Residential area. She believes that a landscaping business and a nursery business are two different things, even though they may compliment each other. The Township is not trying to prevent anyone from having a landscaping business if they have a nursery, or vice-versa, rather these businesses should be located in the proper Zoning District.

6. Mr. John Gillespie of Moyer Road owns a great deal of lawn equipment, including licensed trailers, commercial mowers, and \$60,000-\$70,000.00 of power equipment, which is not used for business purposes, but rather to maintain his 5 ½ acre parcel. It is Mr. Gillespie's opinion that a landscaping business does not take place on a resident's property, he feels that the business actually takes place at customer's homes, where trees and shrubs are planted and maintained. Unless the Township restricts the home office as a business, landscapers go out to do their job at some place other than their own property.

7. Mrs. Gisela Schafsteller of 31 Park Road disagreed with Mr. Gillespie, and explained that she shares a boundary line with Mrs. Teed, who would very much like the Nursery Use language to remain. Mrs. Schafsteller commented that the difference between the equipment that Mr. Gillespie privately uses on his own property and the equipment that Mr. and Mrs. Teed own and use, is that there is an actual business being run from their property. Their back yard is cluttered with sheds, outbuildings, equipment, and material that Mrs. Schafsteller is constantly aware of. Very large trucks of 4 or 5 ton loading capacity are constantly going in and out of the Teed's property, attaching trailers, loading equipment and material, and generally creating a great deal of noise pollution, which goes on all through spring, summer and fall. This is a residential area, not a commercial area, and Mrs. Schafsteller supports the idea of keeping businesses that belong in commercial areas in those areas; not in the Rural Residential Zoning District. Mrs. Schafsteller advised that Mr. and Mrs. Teed are operating a very large commercial business from their residence and the entire neighborhood is aware of, and opposed to it. Mrs. Schafsteller encouraged the Board to remove the language from the A2 Nursery Use Ordinance.

8. Mrs. Karen Schafsteller of 27 Park Road is also a neighbor of Mr. and Mrs. Teed, and supports the removal of the verbiage as stated. She believes that is important to have a quantifiable measurement in the Ordinance to support separating the two businesses of nursery and landscaping. Mrs. Schafsteller feels that some people may interpret this language to use a nursery business as a front for a landscaping business. Part of the appeal of Hilltown Township is the country-like atmosphere, and she would like the residential areas to remain that way.

9. Mr. Jack McIlhinny of Broad Street commented that there are vast areas of the RR District that currently contain all different types of business uses, and feels that the Township is attempting to single out and punish landscaping businesses in the Rural Residential Zoning District.

10. Mr. Joe Marino of Redwing Road gets the feeling that this issue is one neighbor's complaint against another, yet the Supervisors are considering amending an Ordinance that will affect the entire Township. While Mr. Marino sympathizes with Mrs. Schafsteller and her complaints of noise from the Teed property, he knows that there are many, many large properties where businesses are being run from in the RR District.

12. Mrs. Marilyn Teed of Mill Road wished to make it clear that she and her husband have not been operating a business from their home since 1996 when they were kicked off and threatened with \$8,000.00 worth of fines. She explained that when she requires a piece of equipment at her home, she must haul it in and haul it out, which may be the noise that Mrs. Schafsteller is complaining of.

13. Mrs. Gisela Schafsteller of 31 Park Road stated that her complaint is not a vendetta against one single person. She noted that there are other landscapers working from their homes in this Township that she is certainly aware of, however the Teed property happens to be close to her. Mrs. Schafsteller noted that none of the neighbors began to act on the situation until the Teed family tried to enlarge their business on their residential property.

Supervisor Bennington feels that the Supervisors need to take the personal issues out of the equation, and must remove the stated sentence from the Ordinance to make it more simplistic and less ambiguous.

Motion was made by Supervisor Bennington, seconded by Supervisor Snyder, and carried unanimously to authorize the preparation of a Zoning Ordinance Amendment to remove the following sentence from the A.2 Nursery Use "A landscape business will be permitted as a secondary and incidental use to the nursery" and to send the prepared draft Ordinance to the Bucks County Planning Commission for review. There was no public comment.

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

1. Longleaf Estates I Subdivision –Subsequent to the Board’s meeting of December 26, 2001, Mr. Wynn prepared correspondence dated December 27<sup>th</sup> to Heritage Building Group advising of their requirement to request an extension in the time frame for completion of improvements and to increase the financial security. As of this date, Mr. Wynn has received no response and requests that the Board of Supervisors direct the Solicitor to contact Heritage Building Group.

Motion was made by Supervisor, seconded by Supervisor, and carried unanimously to direct the Township Solicitor to contact Heritage Building Group regarding the Longleaf Estates Subdivision to advise them of their requirement to request an extension in the time frame for completion of improvements and to increase the financial security, or they will be found in default. There was no public comment.

2. Pileggi Land Development – Although no building has been constructed at the Pileggi Land Development site on Rt. 313, improvements including the detention basin, Rt. 313 widening, and landscaping have been completed; and the developer has requested commencement of the 18-month maintenance period. Mr. Pileggi has not replaced an off-site culvert in the driveway on the adjoining lands of the Scholl’s. Correspondence from Mr. Scot Semisch, the applicant’s legal counsel, dated January 11, 2002, advises that his client has been unable to access the property to complete this work. Although identified on the plan, the off-site culvert is not a “public” improvement, and Mr. Wynn recommends that the Township authorize commencement of the 18-month maintenance period with the requirement that the pipe be replaced during the maintenance period if the developer receives permission to enter the property. Additionally, if approved, Mr. Wynn will correspond with the adjoining property owner in an attempt to determine whether or not he desires the pipe replacement. Discussion took place. The Supervisors directed Mr. Lippincott to contact Mr. and Mrs. Scholl regarding the driveway pipe issue.

Motion was made by Supervisor Bennington, seconded by Supervisor Snyder, and carried unanimously to authorize commencement of the 18-month maintenance period for the Pileggi Land Development, with the requirement that the driveway pipe on adjoining lands of Scholl be replaced during the maintenance period if the developer receives the property owner’s permission to enter their property. There was no public comment.

3. The Township has received the application for permit to install and operate two traffic signals in conjunction with the approval of the Home Depot Land Development. Mr. Wynn explained that these two traffic signals are required by the approval to be installed on the northbound exit ramp on Rt. 113/Rt. 309 Bypass Ramp ‘C’ and ‘D,’ and at the Bethlehem Pike/Central Avenue intersection. PennDot requires

the adoption of a Resolution by the Township for each traffic signal. A lengthy discussion took place concerning the traffic patterns for the proposed Home Depot project.

Motion was made by Supervisor Bennington, seconded by Supervisor Snyder, and carried unanimously to **adopt Resolution #2002-12, the PennDot Application for Permit to Install and Operate Traffic Signals for the Bethlehem Pike and Central Avenue intersection in conjunction with the Home Depot project;** and to **adopt Resolution #2002-13, the PennDot Application for Permit to Install and Operate Traffic Signals for the Rt. 113 and Rt. 309 Bypass Ramp 'C' and 'D' intersection in conjunction with the Home Depot project.** There was no public comment.

J. MYLARS FOR SIGNATURE:

1. Seylar Elementary School (Re-sign)

K. PUBLIC COMMENT:

1. Mr. Jack McIlhinny asked if the Board has given any further consideration to withdrawing the requirement for fees-in-lieu of recreational land donations for minor subdivisions, which had been a topic of discussion at a prior meeting. Chairperson Bender advised that the Board has not yet entertained further discussion on that issue.

2. Ms. Theresa O'Hara of Rickert Road stated that she submitted a Zoning Hearing Board application to construct a horse barn on her property, for personal use. She is aware that Mr. Lippincott will be presenting a proposal for a Zoning Ordinance amendment concerning residential/agricultural use, and would like the Board to consider this proposal. Mr. Lippincott explained that the proposal for amendment would first be presented to the Planning Commission for consideration and recommendation at their February 4, 2002 worksession meeting.

L. SUPERVISOR'S COMMENTS:

1. Supervisor Bennington suggested that Chief Trauger and Mr. Lippincott attend the next School Board meeting to discuss the possibility of reinstating driver's education into the curriculum in the Pennridge School District. Supervisor Bennington advised that A & T Chevrolet has offered to donate two vehicles for this purpose. Discussion took place.

Motion was made by Supervisor Bennington, seconded by Supervisor Snyder, and carried unanimously to direct Chief Trauger and Mr. Lippincott to appear before the Pennridge School Board to emphasize how strongly Hilltown Township feels about re-

implementing driver's education into the curriculum in the school district. There was no public comment.

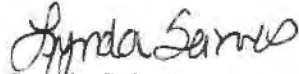
2. Chairperson Bender noted that the Supervisors are considering bringing permanency and formalization to the Open Space Committee, which technically is still an ad-hoc committee that was formed some years ago.

3. Chairperson Bender advised that the Comprehensive Plan Task Force recently suggested the concept of forming a Transportation Committee, whose members would be involved in the discussion and recommendation of transportation related issues for Hilltown Township.

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

O. ADJOURNMENT: Upon motion by Supervisor Bennington, seconded by Supervisor Snyder, and carried unanimously to adjourn the January 28, 2002 Board of Supervisors meeting at 11:02PM.

Respectfully submitted,



Lynda Scimes  
Township Secretary