

**HILLTOWN TOWNSHIP BOARD OF SUPERVISORS**  
**REGULARLY SCHEDULED MEETING**  
**Monday, March 26, 2001**  
**7:30PM**

The regularly scheduled meeting of the Hilltown Township Board of Supervisors was called to order by Chairperson Kenneth B. Bennington at 7:35PM and opened with the Pledge of Allegiance.

Also present were: John S. Bender, Vice-Chairperson  
Betty P. Snyder, Supervisor  
Gregory J. Lippincott, Township Manager  
Francis X. Grabowski, Township Solicitor  
C. Robert Wynn, Township Engineer  
Lynda S. Seimes, Township Secretary

Chairperson Bennington announced that the Board met in Executive Session prior to this meeting in order to discuss personnel, legal, and real estate matters.

**A. PUBLIC COMMENT ON AGENDA ITEMS ONLY:**

1. Mr. Jack McIlhinny noted that at the last meeting, the Supervisors agreed to discuss the issue of due process, just compensation, and property rights as it relates to the proposed Agricultural Zoning District, since the Township Solicitor and Engineer would be present at this meeting. Chairperson Bennington commented that Mr. McIlhinny was welcome to discuss these issues during the Public Comment portion of the agenda, however Agricultural Zoning is not an agenda item this evening.

**B. APPROVAL OF MINUTES – Action on the minutes of the March 12, 2001 Worksession Meeting** – Motion was made by Supervisor Snyder, seconded by Supervisor Bender, and carried unanimously to approve the minutes of the March 12, 2001 Supervisor's Worksession meeting, as written. There was no public comment.

**C. APPROVAL OF CURRENT BILLING** – Chairperson Bennington presented the Bills List dated March 27, 2001, with General Fund payments in the amount of \$52,995.84, State Highway Aid Fund payments in the amount of \$3,483.53, and Escrow Fund payments in the amount of \$151.08; for a grand total of all payments in the amount of \$56,630.45. Motion was made by Supervisor Snyder, seconded by Supervisor Bender, and carried unanimously to approve the Bills List dated March 27, 2001. There was no public comment.

**D. CONFIRMED APPOINTMENTS:** None.

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

1. Mr. Lippincott presented a Resolution from the BucksMont Exchange Club declaring April 1<sup>st</sup> through April 8<sup>th</sup> as National Blue Ribbon Week in Hilltown Township in recognition of National Child Abuse Prevention Month.

Motion was made by Supervisor Snyder, seconded by Supervisor Bender, and carried unanimously to **adopt Resolution #2001-14 to declare April 1 through April 8, 2001 as National Blue Ribbon Week in Hilltown Township in recognition of National Child Abuse Prevention Month.** There was no public comment.

2. Pennridge Wastewater Treatment Authority will be attending the April 16, 2001 Planning Commission meeting to make a presentation and to answer any questions the Township or the public may have regarding P.W.T.A.'s Act 537 Plan.

3. The Dublin Ambulance Company presented a report regarding finances and financial trouble the company is in. The Fire Company will be holding a meeting this month to decide the fate of the Dublin Ambulance.

4. A request for funds has been received from the Hilltown Township Volunteer Fire Company. The fire company is applying for a \$15,000.00 grant from the State, which is due by September 1<sup>st</sup>, and must specify the amount of contribution from its local supporting governmental body.

5. The Supervisors agreed to schedule road inspection for Saturday, April 21, 2001 from 7:00AM to 11:00AM.

6. The Township received a contract for recreational equipment for the Longleaf Subdivision, which has been renewed for a period of one year, until January 31, 2002. Mr. Lippincott explained that there was a State Contract that expired, and the Township required confirmation prior to continuing with the project. The majority of funds for this project are being held in escrow, however Heritage Building Group has agreed to provide the additional \$1,000.00 in order to complete this project. The Board authorized continuation of this State contract.

7. Per the Board's directive, there is a price quote for the possible purchase of Heartstream Defibrillators for the three schools located in Hilltown Township. Total cost of basic equipment and training is \$3,448.00 per defibrillator.

8. Mr. Buzby has recommended the hiring of Mr. Gyer L. Davis to the Public Works Department.

Motion was made by Supervisor Snyder, seconded by Supervisor Bender, and carried unanimously to appoint Mr. Gyer Davis to the Hilltown Township Public Works Department. There was no public comment.

9. Mr. Lippincott announced the resignation of Mr. Mike Moyer from the Hilltown Township Public Works Department. Mr. Moyer's resignation becomes effective on May 1, 2001.

Motion was made by Supervisor Bender, seconded by Supervisor Snyder, and carried unanimously to accept the resignation of Mr. Mike Moyer from the Hilltown Township Public Works Department.

Motion was made by Supervisor Bender, seconded by Supervisor Snyder, and carried unanimously to authorize the advertisement of the vacancy on the Hilltown Township Public Works Department. There was no public comment.

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

1. Correspondence dated March 12<sup>th</sup> and March 15<sup>th</sup> was received from Metro Development concerning Home Depot, which is scheduled to open by October 24, 2002. To meet that deadline, the applicant requires Hilltown Township's approval, as well as permits from PennDot and DEP. Since both PennDot and DEP discourage pre-municipal approval applications, the applicant requested that the Township provide them with a letter of authorization to proceed with the permitting process, while the Township proceeds with its review of the land development plan.

It is Mr. Wynn's understanding that it is Home Depot's intention to apply to PennDot in May of 2001. The applicant will be appearing before the Planning Commission at their April 16, 2001 meeting, where their traffic engineer will be presenting plans for off-site improvements with respect to traffic signals and lane improvements. Mr. Wynn noted that the applicant for Home Depot does not expect the Supervisors to act on this matter this evening. As such, no action was taken at this time.

2. Correspondence was received from Mr. Corrado of Callowhill Real Estate Associates, the applicant for the Callowhill Road Subdivision, requesting a waiver of the requirement to construct a certain length of sidewalk along Callowhill Road, and instead, to submit a contribution in the amount of \$2,000.00 in lieu thereof.

Mr. Wynn explained that a request for waiver of sidewalk was received from the applicant and a request for waiver of removal of a tree from the legal counsel for a neighboring property owner was also received for this previously approved plan. Mr. Wynn advised both the applicant and the legal counsel for the neighboring property

owner that a representative should attend a Board of Supervisors meeting to make this request publicly. This issue was tabled by the Supervisors.

3. Correspondence was received from Pennridge High School, advising of Chief Trauger's nomination as inductee for the year 2001 "Wall of Fame," to honor outstanding graduates of Pennridge High School. The nomination was made by Detective Leyden. Chief Trauger will be honored at the "Wall of Fame" dinner on May 10, 2001.

4. A letter has been drafted congratulating the council members of Marlboro Township, New Jersey on the adoption of a Cell Phone Ordinance. If this letter meets with the Board's approval, it will be available for signature following this meeting. The Board was agreeable.

5. Correspondence was received from Boy Scout Troop #67 requesting permission to place a refrigerator in the office of the former municipal building for their use following monthly camping trips. Discussion took place concerning maintenance problems being experienced at that building by the various groups who make use of it.

Motion was made by Supervisor Snyder, seconded by Supervisor Bender, and carried unanimously to authorize Boy Scout Troop #67 to place a refrigerator in the office of the former municipal building, on a trial basis. There was no public comment.

6. Correspondence was received from Mr. Guttenplan advising of his opinion of adding the largest undeveloped parcel in the CR-1 District to the proposed Agricultural Preservation District. The parcel consists of 66 acres and is located at the intersection of Rt. 113 and Callowhill Road. It is Mr. Guttenplan's opinion that this could have a significant impact on the build-out result for the CR-1 District, which will be performed as part of the Comprehensive Plan project. As Mr. Guttenplan indicated at the March 7<sup>th</sup> Comprehensive Plan Task Force meeting, this expanded build-out analysis will take substantially longer to accomplish due to the vast areas and the large number of parcels involved. The estimate for the additional cost associated with this work is approximately \$6,500.00, which if authorized, could be scheduled for completion over approximately a four-week period.

Chairperson Bennington asked that this matter be tabled for further discussion after Mr. McIlhinny makes remarks concerning the proposed Agricultural Zoning under the Public Comment portion of the agenda.

7. Mr. Lippincott presented the Hilltown Township Planning Commission Annual Report for the year 2000; a copy of which is on file at the Township office.

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

1. Solicitor Grabowski presented the CVS Pharmacy Land Development Agreement, Financial Security Agreement and Declaration of Easement of right-of-way of Rt. 113 and County Line Road for this development.

Motion was made by Supervisor Snyder, seconded by Supervisor Bender, and carried unanimously to accept the CVS Pharmacy Land Development and Financial Security Agreement. There was no public comment.

Motion was made by Supervisor Snyder, seconded by Supervisor Bender, and carried unanimously to **adopt Resolution #2001-15, accepting the Declaration of Easement of right-of-way of Rt. 113 and County Line Road; for sidewalk easement beyond the ultimate right-of-way; and for a shared driveway that will be constructed and used by both CVS Pharmacy and the proposed Harleysville National Bank; for the CVS Pharmacy Land Development.** There was no public comment.

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

1. Seylar Elementary School – Revised preliminary plans for the Seylar Elementary School Land Development were reviewed by the Planning Commission at their last meeting. The revised plan included major revisions discussed at the Supervisors meeting in August of 1999, including construction of an on-site treatment facility for sewage disposal, stormwater management via installation of a constructed wetland, and street improvements along Callowhill Road. An extension in the review period until May 4, 2001 was granted by the applicant so additional revisions could be made to the plan for review by the Planning Commission at their April 16<sup>th</sup> meeting. No action was taken on the preliminary plan application, however the applicant requested the Township authorize PennDot's review of the proposed street improvements. The Planning Commission unanimously approved a motion to recommend that the Board of Supervisors authorize correspondence to be sent to PennDot such that improvements within the State right-of-way may be reviewed for issuance of a Highway Occupancy Permit.

Motion was made by Supervisor Bender, seconded by Supervisor Snyder, and carried unanimously to authorize correspondence to be sent to PennDot such that improvements within the State right-of-way may be reviewed for issuance of a Highway Occupancy Permit for the Seylar Elementary School. There was no public comment.

Chairperson Bennington commented that John Kachline made a very good point at the last Planning Commission meeting, when he stated that Hilltown Township has not delayed the Seylar Elementary School Land Development. Chairperson Bennington confirmed that the both the Planning Commission and the Board of Supervisors have

been committed to working with the Pennridge School District to expedite this land development plan in a timely manner.

2. Rambo Subdivision – The applicant proposes to subdivide the 25.5-acre site located within the Rural Residential Zoning District at the northeast intersection of Keystone Drive/Schultz Road into five building lots. The preliminary plan was initially received by the Township on August 28, 2000 and was subsequently reviewed by the Planning Commission on October 16, 2000, January 15, 2001, February 19, 2001, and March 19, 2001. Latest engineering review of the subdivision plan is dated March 12, 2001. The Planning Commission unanimously recommended denial of the preliminary plan due to lack of sidewalk installation as required by Section 513 of the Subdivision Ordinance. Street improvements including cartway widening, curb, storm drainage, and sidewalk along Schultz Road and Keystone Drive have been the major issue with respect to this subdivision plan. At their meeting held on February 19, 2001, the Planning Commission made several motions to recommend waiver of requirements for cartway overlay, cartway widening, and curb along the frontage of the site, but recommended denial of the applicant's request for waiver of sidewalk (5-2 vote). At the March 19<sup>th</sup> Planning Commission meeting, the applicant presented a sketch plan for a four-foot wide asphalt path to be located along the Schultz Road frontage of the site. However, the location of the path shown on the sketch plan conflicts with shoulder and drainage improvements along the site frontage. Since the applicant refused to grant any further extension in the review period, and action is required not later than April 30, 2001, the Planning Commission recommended denial of the preliminary plan, which does not propose any sidewalk/path.

Mr. Ed Wild, the applicant's legal counsel, Mr. Dennis Litzenberger, the applicant's surveyor, and Mr. Rambo, were in attendance to present the plan. Mr. Wynn's engineering review dated March 12, 2001 was discussed. With regard to the request for waiver of sidewalk, Mr. Wild explained that there is approximately 1,200 ft. of road frontage on Schultz Road, and approximately 900 ft. of road frontage on Keystone Drive. Mr. Wild noted that each of the five lots would have road frontage longer than a football field, and therefore, feels that the site is different in character than other surrounding properties. The Hilltown Woods Subdivision, located one property away along Schultz Road consists of 52 one-acre lots. The Rambo property is zoned Rural Residential, unlike Hilltown Woods which is zoned CR-II. The maximum yield on the subject site could be much more than five lots, with each of the five lots being capable of a minor subdivision, with perhaps the exception of Lot #4. All of the proposed lots have more than double the road frontage required, and all of the lots have more than double of what the minimum lot size is. Even without an internal street, there would be nothing to prohibit the owners of Lots #1, 2, 3 or 5, after they purchased it, from conducting a controlled fill for future subdivision. The applicant, however, is willing to restrict further subdivision, since it has always been his intention to create large, estate-type lots. Mr.

Wild is not certain of what purpose the proposed sidewalk would serve and does not believe that from a planning standpoint, it is sensible to tie together the Hilltown Woods Subdivision, and this proposed community. While Mr. Wild agrees that it is very rational to have internal sidewalks within Hilltown Woods to create a community feel, he is not sure that such a planning purpose extends down to the corner of Schultz Road and Keystone Drive for this estate-type subdivision. In addition, there is a 10-acre tract in between the Hilltown Woods Subdivision and Mr. Rambo's proposed subdivision, so even if the sidewalk were required, there would be a disjointed connection of sidewalk along the frontage of the 10-acre tract. Mr. Wild noted that the applicant is offering a contribution in lieu of sidewalk installation to be used in a different area of the Township where it may serve a better function than at this site. Discussion took place concerning the different zoning districts – CR-II and RR, along Schultz Road. Mr. Wild advised that another traditional concern that would support this waiver request is that there is a difference in slope and grade, with a 3:1 slope change and an approximately 4 ft. grade difference. If a sidewalk were to be installed, there would be a substantial amount of grading, expense, and difficulty. There is also only 11 ft. of right-of-way after the shoulder is widened and stabilized. For all of these reasons, the applicant is seeking a waiver of sidewalk.

Supervisor Snyder feels that the Township has gone a long way in reducing the applicant's expenses by not requiring cartway widening, paving overlay, curbing, and stormwater management, which is why the Planning Commission believes it is worthwhile and beneficial for the applicant to install either sidewalk or a pathway. Supervisor Snyder does not believe that attempting to fit either a sidewalk or pathway within the easement is good planning, and feels that it would be far better to move it back from the right-of-way. Supervisor Snyder noted that people walk, run, walk their dogs, and bike throughout this Township, and believes there is a definite need for sidewalks, even along the frontage of large lots. Following the last Planning Commission, Mr. Litzenberger re-designed the proposed pedestrian bike path, which is still proposed within the right-of-way. Supervisor Bender agreed with Supervisor Snyder's comments, noting that the Township receives many complaints about the roadways not being wide enough to accommodate pedestrians and feels that sidewalks should be required in this development.

Mr. Wild presented a handwritten extension for further review of the pedestrian path by the Planning Commission, Supervisors and Township Engineer. The Supervisors agreed to table the Rambo Subdivision Plan

3. Summer Lea (aka – Papiernik Tract) – Mr. Bob Bender of Heritage Building Group, along with Mr. John Van Luvanee, legal counsel for the applicant, Mr. Bob Irick, the applicant's engineer, and the applicant's court stenographer were in

attendance. The Planning Commission recommended conditional preliminary plan approval to this plan at their last meeting. Mr. Wynn's engineering review dated March 13, 2001 was discussed. The revised plan proposes 56 twin units, 108 townhouse units, and 108 garden apartments. The prior plan proposed 4 more twin units, 2 fewer townhouse units, and 2 fewer garden apartment units. The total required open space area as calculated within the site capacity calculations is 37.51 acres, which includes 28.46 acres of minimum required open space and 8.87 acres of required recreation land based on 1,422 sq. ft. per unit. Ownership and maintenance of open space areas, excluding Open Space Area 1A, which has been offered to Hilltown Township, will be the responsibility of a homeowners' association.

There is an issue with regard to fencing of the Diamond Street playfield. It was suggested that fencing may not be desired by the Township, however the applicant is willing to install it. If not, a waiver from the Supervisors must be granted from that fencing requirement. The Planning Commission recommended a waiver of this requirement due to the location of the open space area, relative to existing dwellings. Discussion took place.

Concerning the construction of basketball courts, or a contribution in lieu of, it is Mr. Bob Bender's understanding that the Planning Commission has rightfully pointed out that the courts are required by the Subdivision Ordinance, however the Park and Recreation Board suggested that in lieu of constructing the basketball courts, the applicant would make a donation in the amount of \$25,000.00 to the Township. Chairperson Bennington questioned the amount of \$25,000.00 for three basketball courts, and noted he was under the impression that the Park and Recreation Board was referring to one court for that amount of money. Mr. Wynn commented that the Park and Recreation Board minutes state that in lieu of the construction of a basketball court, a \$25,000.00 donation is required. Discussion took place. Mr. Bob Bender advised that the plan before the Board this evening shows the three basketball courts as required by Ordinance. He suggested that the plan remain showing the three basketball courts for now, while discussions continue concerning the possibility of a fee-in-lieu of. The Supervisors agreed.

Another matter for consideration by the Supervisors is the issue of street lighting. Traditionally, PP&L prepares a plan that provides for many more street lights than the Township desires. Mr. Bob Bender believes that the streetlights shown on the plan are more in keeping with that the Township typically requires. Mr. Wynn noted that the Township has been requiring streetlights at intersections and spaced at curbs in developments such as this, but not as intensely as PP&L provides. The streetlight cost is ultimately taxed to the residents, so therefore, the more lights, the higher the cost for operation and maintenance. Discussion took place. The Supervisors agreed to the number of streetlights shown on the plan.



The applicant is seeking a waiver to consolidate the six tot lots into three larger ones as recommended by the Township staff some time ago. Mr. Wynn explained the tot lot area meets the requirements of the Ordinance, however what is not yet resolved is what equipment will be installed on the tot lots. Discussion took place.

Chairperson Bennington asked the status of the bridge on Hillcrest Road. Mr. Wynn advised that the bridge is proposed to be improved and widened on one side, with curbing and sidewalk to be extended along the frontage. Full improvements are proposed along Hillcrest Road along the frontage of the site, including across the bridge. Chairperson Bennington recalls that there was an issue with the condition of the bridge itself and the culvert due to flooding. Mr. Wynn stated that the area does flood, however that is an existing condition, which will not be improved or made any worse by the proposed widening of the bridge. He noted that the improvements are required along the frontage, however he does not know that the applicant is required to replace the bridge structure itself. Mr. Wynn explained that it would not be an easy task to accomplish because not only does the roadway flood before the bridge, but it is also very close to flooding an existing house. The raising of the bridge structure or the roadway could only be done with an approval from the neighboring property owner off-site, because of raising the water level on that property. This would require a flooding easement from the neighboring property owner.

Mr. Wynn stated that there are still a number of outstanding issues remaining with the Hilltown Water and Sewer Authority, with respect to public sewer facilities, the pumping station, and public water supply. There are also some grading and drainage issues to be resolved during the final plan stage. The detention basin, which was designed in accordance with the Ordinance in effect at the time of subdivision submission will be revised during the final plan stage to comply with the BMP requirements with respect to wetland plantings of the current Stormwater Management Ordinance. The applicant has agreed to upgrade the basin to current Ordinance requirements for wetland plantings. Mr. Wynn noted that there are also some off-site improvements in correspondence dated February 7, 2001 from Heritage, which addresses contributions toward the cost of off-site improvements. One of the improvements shown on the plan is an extension of curb, cartway widening, and sidewalk to Orchard Road, which is across the frontage of an adjacent residential property. That is subject to the Township acquiring the necessary right-of-way easement from that property owner. Mr. Wynn commented that the owner in question, to his knowledge, has not reviewed the plans, however they are aware that there is cartway widening, curb, and sidewalk being proposed along Diamond Street. The property owner expressed concern about the impact it might have on existing buffer plantings. Mr. Wynn is not certain if this property owner will cooperate, however pending preliminary plan approval, the neighboring property owner must be contacted with respect to that easement, since PennDot will not issue a permit for improvements

across the frontage of the property without evidence of an easement from the property owner.

Mr. Bob Bender stated that the applicant concurs with the comments in Mr. Wynn's review dated March 13, 2001, and per the applicant's correspondence dated February 7, 2001 outlining contributions to be made to the Township, that offer still stands.

The issue of spillover parking was discussed.

Supervisor Bender asked what type of buffer will be required along the rear of the existing properties on Diamond Street. Mr. Wynn replied that a mix of evergreen plantings and deciduous trees is proposed, along with a low berm that will be constructed along the rear property lines of the existing dwellings on Diamond Street.

Supervisor Bender asked how close the applicant is to resolving any outstanding issues with the Hilltown Authority. Mr. Bob Bender explained that the applicant has met with the Authority several times, however they are reluctant to enter into agreements until the plan receives preliminary plan approval.

Chairperson Bennington questioned the sight distance at the entrance to the development from Diamond Street. Mr. Wynn advised that the initial plans identify that there is a sight distance problem in that location. After further review by the applicant's traffic consultant, it appears that the sight distance just meets the requirements of PennDot, however it is subject to PennDot approval. Discussion took place concerning the impact this development will have on Diamond Street and Hillcrest Road. Mr. Wynn stated that Hillcrest Road is proposed for widening, curbing, and sidewalk on one side, and is also proposed to be overlaid for the full-width of the frontage of the site, similar to what was done by Heritage on Orchard Road for the Longleaf Subdivision. Supervisor Bender is very concerned about the additional traffic and the sight distance on Diamond Street. Mr. Wynn commented that Diamond Street is proposed for widening, curbing, and sidewalk along the frontage of the site. Chairperson Bennington asked what would happen if PennDot feels that the sight distance at the entrance on Diamond Street is unacceptable. Mr. Wynn advised that it is very close and could be corrected by changing the profile of Diamond Street, which has been done in some cases. As a matter of fact, it was accomplished in the Orchard Glen Subdivision along Orchard Road. The "hump" was removed from Orchard Road because the sight distance was inadequate, and the same could be done on Diamond Street, if necessary.

Public Comment concerning the Papiernik Tract – None.

Motion was made by Supervisor Bender, seconded by Supervisor Snyder, and carried unanimously to grant conditional preliminary plan approval to the Summer Lea (aka –

Papiernik Tract) Subdivision, pending completion of all outstanding items as noted in Mr. Wynn's March 13, 2001 engineering review. There was no public comment.

4. H.L. Garges Land Development Waiver – The applicant is seeking a waiver of land development for construction of a small addition of a laundry room (8'8" X 13'6") onto the existing car wash, and a canopy over the existing gasoline pumps. The Planning Commission recommended waiver of land development submission for both the canopy and the addition of the laundry room, however the canopy is located within the front yard setback of Bethlehem Pike. Therefore, this portion of the proposal requires a Zoning Hearing Board variance. As an aside, the Planning Commission unanimously approved a motion supporting the granting of a variance for that canopy.

Motion was made by Supervisor Bender, seconded by Supervisor Snyder, and carried unanimously to grant waiver of land development for the H.L. Garges plan, as specified above. There was no public comment.

5. Philadelphia Gliderport Land Development Waiver Request – The applicant is requesting a waiver of land development for construction of a 30' X 60 hangar, a 36' X 100' trailer shed, and an 800 sq. ft. irregularly shaped hangar on its 122 acre site located at Green Street, Mill Road and Rt. 152. At their last meeting, the Planning Commission unanimously approved a motion recommending waiver of land development submission for the proposed buildings. Additionally, the applicant submitted correspondence requesting an exemption from the Stormwater Management Ordinance, which may be permitted pursuant to Section 105 of the Ordinance. The criteria for exemption includes the size of the property, the location of the buildings from the property boundaries, and the receipt of a letter from a professional engineer. The application qualifies for exemption, however Mr. Wynn noted that the applicant was advised at the last Planning Commission meeting that exemption requires a contribution to the Stormwater Management Capital Fund.

Motion was made by Supervisor Snyder, seconded by Supervisor Bender, and carried unanimously to grant a waiver of land development for the Philadelphia Gliderport as noted above, subject to receipt of the contribution to the Stormwater Management Capital Fund. There was no public comment.

6. Braccia Subdivision – This two-lot subdivision is located on Hilltown Pike. The proposal was last reviewed by the Planning Commission at their meeting of December 18, 2000. At that time, the applicant granted a 90-day extension that is to expire on April 17, 2001. However, to date, no revised plans have been received.

Motion was made by Supervisor Snyder, seconded by Supervisor Bender, and carried unanimously to deny the Braccia Subdivision based upon the outstanding items as

contained within the November 29, 2000 engineering review, and October 10, 2000 Bucks County Planning Commission review, unless a written extension is received from the applicant not later than April 17, 2001. There was no public comment.

I. ENGINEERING: None.

J. MYLARS FOR SIGNATURE: None.

K. PUBLIC COMMENT:

1. Mr. Wynn provided a status report of the proposed Agricultural Zoning District. The Planning Commission has been reviewing and drafting the proposed Ordinance amendment since last summer. A draft Ordinance was prepared and provided to the Board of Supervisors for consideration, and was also forwarded to the professional planner and the Township Solicitor for review, however it has not yet been advertised for possible adoption.

2. Mr. Jack McIlhinny stated that at the last meeting, the Supervisors indicated that the Township Solicitor and Engineer would be present to discuss any questions or concerns he might have concerning the proposed Agricultural Zoning District. Mr. McIlhinny questioned just compensation, property rights, property taking, uses, and due process with regard to this proposed Ordinance.

Solicitor Grabowski noted that the concept of agricultural preservation is not a new one; it has been around for many, many years. In Pennsylvania, agricultural preservation essentially began in the early 1980's. There are communities in Chester County who have adopted similar Ordinances which, have been challenged in court, and were upheld, not only by the County court, but by the appellate courts as well. Whether or not a specific Ordinance is considered valid or invalid depends upon its reasonableness. Solicitor Grabowski commented that zoning itself is a regulation of land use. For instance, a requirement for the RR District or the CR District affects someone to some extent that they do not like. Therefore, whatever zoning classification it might be will have more of an affect or less of an affect, depending upon a particular property owner. From the concept of Agricultural Preservation Zoning District, several municipalities have pursued and adopted such an Ordinance, including Buckingham Township, East Rockhill Township, and Bedminster Township. The Buckingham Township Ordinance was taken to court and upheld. Solicitor Grabowski believes that Bedminster Township's Ordinance was also taken to court, and was also upheld. When Hilltown Township began review and consideration of such an Ordinance, discussions took place as to whether or not it was similar to what had been upheld by courts elsewhere, or if there were provisions that may be argued by others that they are unreasonably stricter. A draft Ordinance was forwarded to the Bucks County Planning Commission, who provided

commentary in January of 2001. Solicitor Grabowski and the professional planning consultant will begin review of this proposed Ordinance shortly. They will be looking at specific items contained within the draft and will provide their opinions as to whether it is reasonable or unreasonable. Once the staff has provided their reviews to the Board of Supervisors, they will make a determination as to whether or not they wish to pursue the Ordinance. Solicitor Grabowski commented that the fact that something may be considered constitutional or valid by way of the courts does not necessarily mean it is popular. Once they have obtained reviews from the professional staff, the Supervisors might make a decision not to proceed with the proposed Ordinance.

Chairperson Bennington attended the most recent Agricultural Security District meeting, of which he is a member, along with Bob Wendig, Calvin Weikel, Ken Beer, Paul Hockman, and Greg Lippincott. They suggested that the Planning Commission also hold a public hearing so that all Township residents can discuss the proposal with the people who have done the bulk of the work and provided the draft documentation.

Mr. McIlhinny asked Solicitor Grabowski to address a hypothetical situation based upon the draft Ordinance. Solicitor Grabowski commented that addressing a hypothetical situation is difficult because he does not have a final draft of the Ordinance in front of him.

Mr. Wynn explained that the latest soil mapping provided by the Bucks County Planning Commission identified very little prime soil in Hilltown Township. Most of the soils being protected by the draft Ordinance are Statewide important soils, which are not protected at 90%. There is a small area of prime soils near Dublin Borough, however it is the only area in the Township within the area of the proposed Agricultural District. Mr. McIlhinny commented that Statewide soils only allow the property owner to use 30% of their land, and therefore, 70% is being taken away.

With regard to steep slopes in the proposed Ordinance, Mr. McIlhinny noted there is a 60%, 70% and 85% resource, which is standard in the Zoning Ordinance at present, yet under the proposed Ordinance, for whatever reason, it is reduced to 30% if a parcel is over 10 acres and there is 26% or greater slope. Mr. McIlhinny is confused by the rationale of the proposed Ordinance. Mr. Wynn stated that the concept was to reduce the extent of protection of steep slopes with the AP District, so that development opportunities were provided outside and off of the farmland into the otherwise normally protected slope areas. Mr. McIlhinny asked how you could develop something that is at 25% slope on a farm with an agricultural use. He noted that the Bucks County Planning Commission's review also rejected this rationale. Further, the Bucks County Planning Commission indicated that the resource protection of 90% for soils is not legally defensible. Discussion took place.

Mr. McIlhinny stated that the Township has been working on this proposed Ordinance since last summer, however no one seems to know about it. Supervisor Snyder replied that the proposed Ordinance was discussed at almost every Planning Commission worksession and regular meeting since the process began, and that the draft Ordinance has not yet reached the stage where it is being considered for adoption. Mr. McIlhinny feels that residents of the Township should have input in drafting of such Ordinances. Supervisor Snyder invited Mr. McIlhinny and all residents to attend any Planning Commission meeting or worksession meeting where this Ordinance is being discussed and reviewed. Mr. McIlhinny wondered why the residents of Hilltown Township were left out of the planning process. Chairperson Bennington replied that the process was not secretive, and the issue has been discussed at public meetings since last year. Mr. McIlhinny asked why the Ag District was not proposed for the entire Township, instead of just the northeastern half of the Township. Mr. Wynn explained that there were members of the Planning Commission who wanted to expand the area even further, however the concern was that municipalities must provide for all uses. Also, there are portions of the Township with Statewide importance soils that are already developed and cut up into many lots. Mr. McIlhinny disagreed and noted that there are areas south of Rt. 152 that are large and contain areas of Statewide importance soils.

2. Mr. Joe Miketta of Hilltown Pike asked why the residents were not notified of this proposed Ordinance. He discovered it by reviewing the Township's website on the Internet. Mr. Miketta feels that all Township residents should be part of the process. Chairperson Bennington noted that the Planning Commission is composed of residents of this Township, most of whom have lived in Hilltown Township all of their lives. Therefore, it is not strangers or newcomers to the Township who are making these recommendations to the Board of Supervisors. Mr. Miketta's family owns a large farm in the southern end of the Township and he feels his voice should be heard. After reading minutes of past meeting, he is not certain that the Supervisors or the Planning Commission would consider the opinions of the large landowners or farmers in this Township. Mr. Miketta does not feel as though he has been part of the planning process. Supervisor Snyder stated that Mr. Beer, a member of the Planning Commission and a local farmer, has worked very hard to keep the Planning Commission grounded during the drafting of this proposed Ordinance, which will affect his property as well. She believes that Mr. Beer has been an honest voice on the Planning Commission representing landowners and farmers, clearly stating his opinions and at times, opposition, to portions of the proposed Ordinance. Supervisor Snyder commented that the Planning Commission walked a fine line trying not to offend the Bucks County Planning Commission while trying to respect the rights of landowners in Hilltown. Discussion took place.

Mr. Miketta asked if the landowners who would be affected by the adoption of this proposed Ordinance would be notified. Chairperson Bennington replied that prior to the

Public Hearing to be held by the Supervisors, all those affected would be notified, as required by the Municipalities Planning Code.

Supervisor Snyder noted that a suggestion was made for the Planning Commission to hold a meeting with farmers and large landowners prior to the Public Hearing, so that discussion can take place concerning the specifics of the proposed Ordinance, and what the impacts are likely to be, since farmers and landowners have not attended Planning Commission worksession meetings where this issue was reviewed and discussed. Supervisors Bender and Bennington enthusiastically agreed with this suggestion.

3. Mr. George Egly of Minsi Trail, former Hilltown Township Police Chief, is a third generation farmer. His grandfather began farming in 1905, with his father taking over in 1925, and he then took over the family farm at the age of 18 when his father became ill. None of Mr. Egly's children are interested in taking over the farm because of his complaints of not making money. Mr. Egly is very concerned that the adoption of this proposed Ordinance would cut his property value at least in half, which will take three generations of life earnings away from his family. Mr. Egly advised that he only made \$2,000.00 of profit last year from farming. He sincerely hopes that the Planning Commission will hold the suggested meeting with farmers and landowners to listen to their individual concerns and complaints. Mr. Egly stated that farmers, in this day and age, are the biggest gamblers in the world.

4. Ms. Mary Schiavonne of Township Line Road wished to discuss the option of either golf course open space or recreational open space for the Berry Brow Subdivision. Mrs. Schiavonne feels that a golf course would be a business, not open space. Further, she is concerned about the amount of water required to maintain a golf course, a commodity that is sorely lacking in that section of the Township. Mrs. Schiavonne presented information showing that it can average approximately 6 million gallons of water per month to start up and maintain a golf course. Mrs. Schiavonne asked the Supervisors to take this information into consideration prior to making a decision on the Berry Brow Subdivision.

5. Mr. Bill Bennett of 211 Fairhill School Road, former member of the Board of Supervisors, stated that the proposed Agriculture District is a potential abrogation of personal property rights. He owns 87 acres of land and has lived in Hilltown Township since 1960. Mr. Bennett's land has been farmed every year, however this year he has not been able to find an interested farmer to work the land. The last farmer, Fred Crist, shifted his farming operations to the Palm and Pennsburg area, where the fields are much larger and the soil is much better. Mr. Bennett feels that some of the various committees and boards of the Township should thoroughly examine this proposed Ordinance from the big picture point of view because he believes that farming is dead in this area. In 1960, there were 33 dairy farms in Hilltown Township. Today, there is one. Mr. Bennett

stated that this is the trend of farming today. Young people are not interested in working so hard 20 hours per day for so little monetary return. Further, Mr. Bennett noted that the soils in Hilltown, for the most part, are poor or marginal. He is interested in preserving land, and commented that he has had offers for his property from every developer within 50 miles of Hilltown, as recently as last week, about developing his property. Mr. Bennett does not want to sell his property to a developer, however since he is getting on in years, he does not wish to leave a big headache for his family when he passes away.

6. Mr. John Snyder of 2018 Mill Road stated that farming is a 7 day per week job that he often has the opportunity to enjoy on holiday weekends at a 300 acre dairy farm owned by a friend. Mr. Snyder feels that the proposed Ordinance is at the point where the Township will be infringing too much on property owner's rights. If the proposed Ordinance is being used as a tactic to prevent development, Mr. Snyder does not believe it is a good idea, because zoning cannot be used to prevent development. Mr. Snyder commented that Hilltown Township is not like Buckingham, Bedminster and East Rockhill Townships with many, many large tracts of open land. In Mr. Snyder's opinion, the adoption of the proposed Ordinance is not the direction that Hilltown Township should take. He agreed that farming is dying in this area. Of the seven farms that Mr. Snyder has worked on in Hilltown throughout his life, only one remains strictly as a farm.

Supervisor Bender feels that the idea of the Planning Commission holding a meeting with farmers and landowners is very important. To summarize, Chairperson Bennington explained that Supervisor Snyder will make a proposal at the next Planning Commission meeting to hold a meeting with farmers, landowners, and any other interested party to discuss the proposed draft Ordinance. Once that meeting takes place, the Planning Commission will hold a Public Hearing and then the Supervisors will hold a Public Hearing to consider possible adoption. Chairperson Bennington assured the residents that the Board of Supervisors will take all recommendations from the Planning Commission, the Bucks County Planning Commission, the Township Engineer, Solicitor, and professional planner into consideration prior to making any decisions concerning the Agricultural Preservation District.

Previously, the Supervisors had tabled a memo concerning Mr. Guttenplan's request for direction regarding adding the largest undeveloped parcel in the CR-1 District to the proposed Agricultural Preservation District. Discussion took place.

Motion was made by Supervisor Bender, seconded by Supervisor Snyder, and carried unanimously to authorize Mr. Guttenplan's request to add the largest undeveloped parcel in the CR-1 District to the proposed Agricultural Preservation District, which could have a significant impact on the build-out result for the CR-1 District as part of the Comprehensive Plan Task Force project, not to exceed \$6,500.00. There was no public comment.



L. SUPERVISOR'S COMMENTS: None.

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

N. ADJOURNMENT: Upon motion by Supervisor Bender, seconded by Supervisor Snyder, and carried unanimously, the March 26, 2001 Board of Supervisors meeting was adjourned at 9:37PM.

Respectfully submitted,



Lynda Seimes  
Township Secretary