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HILLTOWN TOWNSHIP BOARD OF SUPERVISORS
REGULARLY SCHEDULED PUBLIC MEETING
Monday, November 28, 1994
7:30 P.M.

The meeting of the Hilltown Township Board of Supervisors was called to order by Chairman William H. Bennett, Jr. at 7:50PM, following the Public Hearing for the Proposed Zoning Ordinance.

Also present were: Kenneth B. Bennington, Vice-Chairman
Jack C. Fox, Supervisor
Bruce G. Horrocks, Township Manager
John Rice, Township Solicitor's Office
C. Robert Wynn, Township Engineer
George C. Egly, Chief of Police

A. TREASURER'S REPORT - Mr. Bruce G. Horrocks - Mr. Horrocks presented the Treasurer's Report with the following balances as of November 28, 1994:

General Fund Checking Account	\$ 92,809.33
Payroll Checking Account	\$ 316.36
Fire Fund Checking Account	\$ 76,968.95
Debt Service Investment Checking Account	\$ 15,991.83
State Highway Aid Checking Account	\$ 35,299.92
Escrow Fund Checking Account	\$ 142,106.95

Motion was made by Supervisor Fox, seconded by Supervisor Bennington, and carried unanimously to approve the Treasurer's Report, dated November 28, 1994, subject to audit.

B. RESIDENT'S COMMENTS ON CONFIRMED APPOINTMENTS ONLY: None.

C. CONFIRMED APPOINTMENTS: None.

D. MANAGER'S REPORT:

1. Mr. Horrocks presented seven Escrow Releases for the Board's approval, five of which are cash escrows held by the Township:

Deerfield Subdivision	Voucher #5A	\$ 607.01
Orchard Station	Voucher #4A	\$ 504.34
Telvil Corporation	Voucher #15	\$14,940.00
Telvil Corporation	Voucher #16	\$ 290.10
WAWA, Inc.	Voucher #01	\$ 416.76
Wisler Subdivision	Voucher #01	\$ 115.00
Wisler Subdivision	Voucher #02	\$ 1,351.25

Motion was made by Supervisor Fox, seconded by Supervisor Bennington, and carried unanimously to approve the release of the Escrows as listed above.

E. CORRESPONDENCE: None.

F. SOLICITOR'S REPORT - Mr. John B. Rice -

1. Solicitor Rice presented the Land Development Agreement and the Financial Security Agreement for the Derstine Land Development, located on Schoolhouse Road.

Motion was made by Supervisor Bennington, seconded by Supervisor Fox, and carried unanimously to accept the Land Development Agreement and the Financial Security Agreement for the Derstine Land Development located on Schoolhouse Road.

2. Solicitor Rice presented two Resolutions pertaining to the Derstine Land Development, which includes the acceptance of Deed of Dedication Resolution (#94-35) and the Public Purpose Resolution (#94-36) to notify the Board of Assessments.

Motion was made by Supervisor Bennington, seconded by Supervisor Fox, and carried unanimously to **adopt Resolution #94-35, Deed of Dedication, and Resolution #94-36 Public Purpose, for the Derstine Land Development.**

G. PLANNING - Mr. C. Robert Wynn, Township Engineer:

1. Ralph Moyer Subdivision (Minor) - This minor two lot subdivision is located on Rickert Road and Forrest Road. This plan proposes to subdivide a parcel into two proposed building lots, with both lots containing slightly more than the minimum of 50,000 sq. ft. of area required. The lots are proposed to be served by on-lot sewage disposal systems (or sand mounds) and a community well. The plan also proposes removal of the bank along Rickert Road and the regrading of the right-of-way area to produce a 4 ft. grass shoulder constructed on 8 inches of 3A modified stone, a parabolic swale with a depth of 12 inches, and embankment of 3 to 1. The proposed swale cross-section will satisfactorily convey anticipated stormwater run-off. It also includes the installation of buffer trees as required by the Zoning Ordinance.

Mr. Wynn noted this plan was recommended for approval by the Planning Commission subject to four items, including the ultimate right-of-way of Rickert Road should be offered for dedication and accepted by the Township; Planning Module approval must be received from PADER; approval must be received from the Bucks County Conservation District for erosion and sedimentation control measures. Further, an escrow agreement should be executed between the applicant and the Township to guarantee installation of required improvements, including but not limited to right-of-way grading, erosion and sedimentation control, buffer plantings, and property monumentation.

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Motion was made by Supervisor Bennington, seconded by Supervisor Fox, and carried unanimously to grant conditional approval to the Ralph Moyer Minor Subdivision with the conditions as specified by the Township Engineer and the Planning Commission.

2. Keyser-Miller Land Development Waiver Request - The Planning Commission received a request for waiver of land development submission for construction of a 650 sq. ft. addition to the Keyser-Miller automobile sales and service facility located on Rt. 309. Mr. Wynn explained this site was developed in 1987 according to the land development plan and had received approval from the Board of Supervisors. In accordance with the land development at that time, Mr. Wynn explained the site had road improvements along Bethlehem Pike, which included widening and curbing; development of a retention basin which is located just south of the Souderton Shopping Center; installation of a number of buffer plantings; extending Landis Road; and installation and construction of a turn-around on the rear of Landis Road. The site is served by public water and sewer facilities, with public sewer from the Hilltown Township Authority and public water from the Telford Borough Authority.

The 650 sq. ft. addition is being proposed for storage of tools and will contain no outside doors. The block building addition will connect to the existing building internally. Because it has previously been through the land development process and because of the small size of the addition, the applicant has requested a waiver of land development submission. This request was unanimously recommended for approval by the Planning Commission. The approval recommendation is subject to a condition that the applicant provide an updated calculation of impervious surface and building coverage such that same may be included in the tax map parcel file for this site.

Supervisor Bennington questioned the condition specified concerning impervious surface. Mr. Wynn replied it was 46% and there is 70% permitted. The Planning Commission has recommended that as a condition of the waiver of land development, the applicant should provide a new calculation to place in the file, showing the amount of impervious surface.

Motion was made by Supervisor Bennington, seconded by Supervisor Fox, and carried unanimously to waive land development submission for Keyser-Miller Sales, Inc., with the condition of recalculation of the impervious surface.

3. Finkelstein Subdivision (Minor) - This minor subdivision is located on Diamond Street. It was originally submitted as a four lot or partial subdivision, and has since been revised to two lots only. Lot #1 consists of 10 acres and contains the existing

dwelling, barn and outbuildings. Lot #2 consists of 41.13 acres and is not proposed for building. The applicant requested and received a waiver of Planning Module submission from DER because no building is proposed by the developer.

The Planning Commission recommended approval with five conditions. One of those conditions is that a note be added to the plan stating in the event there is further development of Lot #2, street improvements may be required by the Township across the frontage of both Lots #1 and #2 on Orchard Road and Diamond Street. Street improvements, if required, would be the responsibility of the developer.

There is a note on the plan concerning wetlands and floodplains, however Mr. Wynn noted that is not quite accurate. The note should clarify that the wetlands and floodplains shown are based on soil conditions and not a site specific study. On a previous Finkelstein Subdivision, there were three trees required on what is now shown as the Manero property. Those trees were never installed, therefore it is the recommendation of the Planning Commission that the trees be guaranteed by way of an escrow before this plan is recorded. Mr. Wynn recommends the escrow be in the amount of \$750.00 as a cash deposit to the Township.

The remaining conditions include dedication of the ultimate right-of-way of both Diamond Street and Orchard Road, and installation of property pins and monuments, as shown on the plan.

Motion was made by Supervisor Bennington, seconded by Supervisor Fox, and carried unanimously to approve the Finkelstein Subdivision with the conditions as specified by the Planning Commission.

4. Hilltown Crossings - The Planning Commission reviewed the sketch plan for the proposed 300,000 sq. ft. Hilltown Crossings Shopping Center located on Rt. 309, across from Orvilla Road. While no formal recommendation was made by the Planning Commission regarding the proposed sketch plan, the applicant was directed to the Board of Supervisors concerning their request for involvement with PennDot. Specifically, and in accordance with Lesser and Kaplin correspondence, dated November 22, 1994, Hilltown Crossings is requesting authorization by the Township to permit PennDot's involvement at the sketch plan stage. Normally, PennDot will not discuss and review road occupancy permit applications until a preliminary plan has been approved by the Township. In this case, however, due to the extensive involvement with Route 309 relative to lane revisions, signalization, etc., the applicant is requesting Township authorization to discuss their proposal with PennDot at an early stage. If acceptable to the Board of Supervisors, PennDot requires the Township to advise in writing of their authorization for PennDot to commence review of the proposed design.

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Motion was made by Supervisor Bennington, seconded by Supervisor Fox, and carried unanimously to authorize PennDot to begin reviewing the Hilltown Crossings Development in the sketch plan phase rather than in the preliminary stage.

H. ENGINEERING - Mr. C. Robert Wynn, Township Engineer -

1. Bridle Run Subdivision - The Bridle Run Subdivision is located on Central Avenue along the expressway, and has been under construction the past few years by H & K Development. The applicant has formally requested dedication of the public improvements as of correspondence dated November 21, 1994. There are a few miscellaneous minor items that have not yet been completed. The paving is complete with the exception of the entrance, which will not be done now due to the sewer construction.

2. BFI Land Development - The applicant requested acceptance of their maintenance period. This matter will most likely be before the Board for approval at the December meeting.

3. Off-the-Wall Land Development - The applicant for this land development has made a request to waive some buffer plantings in the rear of their property. Mr. Wynn would like to inspect the site with Mr. Horrocks and discuss the matter further at the December meeting.

4. Santos Subdivision - This two lot subdivision, located on Mill Road adjacent to the Hawk Ridge Subdivision, originally generated some controversy concerning the private roadway. The applicant has secured a cash escrow with the Township to install buffer plantings. That agreement requires those trees to be installed by December 28, 1994. The applicant has formally requested a one year extension until December 28, 1995, in order to allow them the opportunity to construct a home on that lot. Mr. Wynn suggested a deadline date of November 1, 1995.

Supervisor Bennington asked if the Santos Subdivision is still in litigation. Solicitor Rice explained the litigation was a result of the adjacent property owners appealing the Township's decision concerning the land development plan. At the same time, the adjacent property owners also filed a quiet title action which was conferenced with Judge Biehn, who delayed any decision on the Supervisor's land development decision until the quiet title action was resolved. To Solicitor Rice's knowledge, the two parties are still litigating the matter.

Motion was made by Supervisor Bennington, seconded by Supervisor Fox, and carried unanimously to extend the completion date for installation of buffer plantings for the Santos Subdivision until November 1, 1995.

I. RESIDENT'S COMMENTS:

1. Mr. Patrick Matthews of 535 Rt. 113 understands that the Supervisors are attempting to do the right thing by passing the proposed Zoning Ordinance, and believes the Supervisors did the right thing by passing the original Zoning Ordinance in 1959. However, Mr. Matthews asked if Mr. Joel Ward can show proof that his property was operating as a kennel before the Zoning Ordinance took effect. Mr. Matthews can find no proof. Mr. Matthews received correspondence from the previous owner of Mr. Ward's lot, who stated the property was not a kennel, it was a farm at the time the dwellings were constructed. The owners made coleslaw and sauerkraut on that property at the time. Mr. Matthews contends that the owner prior to Mr. Ward constructed the kennel without the permission of the Township, and without following the proper Zoning regulations. Mr. Matthews is not asking the Supervisors to fully enforce the Zoning Ordinance by having Mr. Ward move the 300 ft. required from Mr. Matthews property. Mr. Matthews is only asking for some peace and quiet, and requests that the Noise Ordinance be enforced. Two of Mr. Matthews' neighbors confirmed that the original Ward property was not operated as a kennel, but rather salads were made in the red barn. Mr. Matthews noted a portion of the kennel was built in 1965, with more additions constructed in later years. If the Township is going to enforce the Zoning Ordinance for anyone else, Mr. Matthews believes it should be enforced for Mr. Ward.

Mr. Matthews asked what year TMP #15-10-15 became a kennel, and asked if Mr. Ward can prove the year he began kennel operations on the property. Chairman Bennett believes Mr. Ward purchased an existing kennel. Mr. Matthews commented that Mr. Ward purchased an existing illegal kennel. He believes that property was never zoned for kennel operations and that the property owner who originally constructed the kennel never obtained permits from the Township.

Mr. Matthews asked why the Township has not tested the property in question for noise violations. Further, Mr. Matthews asked if Mr. Ward has a Special Exception or an Occupancy permit for the kennel. Chairman Bennett asked whether the Zoning Officer has become involved in this matter. Mr. Horrocks replied there has been correspondence and discussion concerning this matter, however there has been no further direction given by the Township to the Zoning Officer. Chairman Bennett noted he has been a member of the Board of Supervisors for seven years and this is the first complaint he has ever heard regarding this property.

Supervisor Bennington suggested that the Zoning Officer review the file on Mr. Ward's property to determine what permits exist for the original kennel, and then report back to Mr. Matthews at the next

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meeting. Mr. Horrocks believes that has already been done by Supervisor Fox. Supervisor Fox reviewed the records back to 1949 at which time the property contained a breeding kennel. Chairman Bennett asked what type of buffering could be erected. Chief Egly noted pine tree buffering has been suggested for the pistol range in Bedminister. Mr. Wynn commented pine tree buffering muffles the sound, however it is not a complete sound barrier. Mr. Matthews stated he would settle for dulling the noise, if that were an option. Chairman Bennett noted there is not an immediate answer to the problem, however the Board will take the matter under advisement.

J. SUPERVISOR'S COMMENTS: None.

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

L. ADJOURNMENT: Upon motion by Supervisor Fox, seconded by Supervisor Bennington, and carried unanimously, the November 28, 1994 Board of Supervisors meeting was adjourned at 8:35PM.

Respectfully submitted,



Lynda Seimes
Township Secretary

(*These minutes were transcribed from notes and tape recordings taken by Mr. Bruce G. Horrocks, Township Manager).