

HILLTOWN TOWNSHIP BOARD OF SUPERVISORS
PUBLIC HEARING
PROPOSED ZONING ORDINANCE (CONTINUATION)
Monday, November 28, 1994
7:00 PM

The continuation of the Public Hearing for the proposed Zoning Ordinance was called to order by Chairman William H. Bennett, Jr. at 7:15 PM and opened with the Pledge of Allegiance.

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

Chairman Bennett announced this Public Hearing is limited to 30 minutes, and since it began 15 minutes late, it will run until 7:45PM. Having two previous Public Hearings, Chairman Bennett believes all public comment has been exhausted concerning zoning revisions, and therefore the Board will not entertain public comment during this Public Hearing.

Not directly tied to the previous Public Hearings concerning the proposed Zoning Ordinance, Chairman Bennett advised the issue of construction of a new tower has come up. AWACS Comcast held a meeting with the Hilltown Township Planning Commission last week concerning the erection of a 150 ft. tower on a property located just outside of Silverdale. Since this issue concerns so many residents, Chairman Bennett would like to make a brief comment. On Thursday, November 24, 1994, the Township received a fax from AWACS Comcast legal counsel, which states "The Planning Commission failed to recommend either approval or denial of the Conditional Use application. Several members of the Planning Commission however, suggested that other locations in Hilltown Township may be more appropriate for the proposed use. In an effort to be responsive to the Planning Commission and to determine whether other alternate locations may be more appropriate, AWACS Incorporated Comcast Metrophone is requesting that the Public Hearing scheduled for November 29, 1994 be continued for approximately two to three weeks so that other possible locations can be evaluated." Because there was such a great deal of objection to erecting the 150 ft. tower in that location, Chairman Bennett noted AWACS, Inc. will apparently explore alternative site locations.

A. Supervisor Comments concerning the Proposed Zoning Ordinance:

- Chairman Bennett wished to comment on the Zoning Ordinance proposal which was forwarded to the Supervisors by the Planning Commission. Chairman Bennett noted there would be no vote to accept or deny the proposed Zoning Ordinance this evening.

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Chairman Bennett conducted an informal survey of the number of residents and comments from the two Public Hearings. Both hearings ran for approximately 1 1/2 hours each with approximately 45 speakers covering up to 28 different subjects, and making a total of 70 comments. Chairman Bennett believes the major issues were the proposed re-zoning of an 18 acre parcel bordered by Orchard Road, Keystone Drive and Old Bethlehem Pike from the Planned Commercial-1 Zoning District to Light Industrial Zoning District. That issue was the concern of 25 or 30 residents. The second major issue was the home inspection upon re-sale of a house, which generated a great deal of opposition. The third major issue was the proposal to change the present zoning of 50,000 sq. ft. to 3 acre zoning within the Rural Residential Zoning District, which comprises approximately 75% of this Township. The fourth major issue was for non-conforming properties. The Planning Commission has proposed reducing expansion from 50% to 25%. Those four issues generated 38 of the 70 comments. Chairman Bennett commented it is difficult to make every resident happy with the proposed changes. Since there were so many issues, Chairman Bennett recommended that another meeting be held with the Planning Commission in order to approve a reasonable Zoning Ordinance proposal, hopefully before the end of the year.

- Supervisor Bennington is sorry that he was unable to attend the last Public Hearing. If he had been here, he would have made the motion that he intends to make right now. Supervisor Bennington commented he and his fellow Board members, as elected officials, are here to be responsive to the wishes of the people.

Motion was made by Supervisor Bennington, seconded by Supervisor Fox, and carried unanimously to rescind the proposed zoning change from PC-1 to LI in the area of Orchard Road, Keystone Drive, and Bethlehem Pike, to include the following tax parcels only: 15-1-94, 15-122-01, 15-1-122, 15-1-123, and 15-1-118, and to change the zoning of those tax parcels back to PC-1, according to the 1983 Zoning Ordinance.

Supervisor Bennington has also passed along a list of his own concerns to members of the Planning Commission. Supervisor Bennington is very happy that the Supervisors will be meeting with the Planning Commission to address these concerns, and would like to have the Township Engineer and the Township Solicitor present at that meeting in order to finalize this document.

Supervisor Bennington wished to formulate a compromise concerning the 3 acre minimum lot size. When Supervisor Bennington was elected Supervisor in 1989, he ran on a controlled development platform, a platform which he still believes in. Development has been controlled in Hilltown Township not simply because of the

Board of Supervisors, but because of the high interest rates as well. Theoretically, Supervisor Bennington would like to keep the 3 acre minimum as the lot size in the Rural Residential area, even though that encompasses approximately 75% of the Township, however, he would like to put some conditions on that requirement. Supervisor Bennington would like to insure that if water lines can be run into the development area, those properties can maintain a 50,000 sq. ft. lot size. There is a Water Ordinance that allows for major subdivisions if they can prove that there is a sufficient amount of water in that area that they can still maintain 50,000 sq. ft. lots. Supervisor Bennington would also like to exclude minor subdivisions of two lots or less from the water problem in the Rural Residential Zoning District. For example, if a property owner has a 3 acre lot, they will still be able to develop that lot in 2 acres and not be encumbered by the 3 acre minimum. Further, Supervisor Bennington noticed that Cluster Housing was taken out of the Table of Use in the proposed Zoning Ordinance, and he would like to see that put back in. Supervisor Bennington believes that by including those conditions, but maintaining the philosophical view of a 3 acre minimum, Hilltown Township can avoid the court challenges that other municipalities have been forced to deal with.

- Supervisor Fox pointed out that at prior Public Hearings, it appears that some residents received incorrect information, from someone who, for whatever reason, wished to "stir up" the populace. There was no intention to penalize those residents who own lots that were subdivided 30 years ago, for instance, to keep them from building upon those lots. The Planning Commission was speaking of larger lots being subdivided in areas where there was no water. Strangely enough, those residents who have experienced water problems did not attend the Public Hearings.

In planning a Township, Supervisor Fox stated it takes long range planning for years and years down the road, otherwise, this nice, green country area we live in will not stay green very long, and property values will drop.

- Solicitor Rice explained that the Supervisors are not voting on the proposed Zoning Ordinance this evening. The public has heard some of the concerns expressed by the three Supervisors and they have heard a motion this evening which will remove that LI zoning area from the proposed map. Solicitor Rice noted that the three Supervisors have all agreed to meet with the Planning Commission in order to discuss each of their individual concerns. That Planning Commission meeting will be re-advertised, and the final Public Hearing will also be re-advertised, particularly since the Board will be modifying the Zoning Map.

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B. Adjournment: Upon motion by Supervisor Bennington, seconded by Supervisor Fox, and carried unanimously, the November 28, 1994 Public Hearing for the Proposed Zoning Ordinance was adjourned at 7:40 PM. Chairman Bennett advised there would be a ten minute recess before beginning the regularly scheduled Board of Supervisors Meeting of November 28, 1994.

Respectfully submitted,

Lynda S. Seimes

Lynda Seimes
Administrative Secretary

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