

HILLTOWN TOWNSHIP BOARD OF SUPERVISORS
PUBLIC HEARING
PROPOSED ZONING ORDINANCE
MONDAY, OCTOBER 24, 1994
6:00pm

The meeting of the Hilltown Township Board of Supervisors was called to order by Chairman William H. Bennett, Jr. at 6:00pm 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 Rice, Township Solicitor
C. Robert Wynn, Township Engineer
George C. Egly, Chief of Police
Barbara L. Hefner, Administrative Secretary

Chairman Bennett announced that this was an advertised hearing to discuss the proposed new zoning ordinance prepared by the Hilltown Township Planning Commission required by the Pennsylvania Municipal Planning Code.

Chairman Bennett said the purpose of this ordinance was to effectuate and implement the land use policies established by the Hilltown Township Comprehensive Plan and by doing so promote the health, safety, morals, convenience, order and welfare of the present and future inhabitants, and to protect and conserve the natural environment of the Township of Hilltown. Chairman Bennett said this was a regular scheduled meeting night and we have a formal meeting beginning at 7:30pm. We ask you to please come to the microphone, identify yourself and speak clearly. You will be limited to five minutes. This meeting is not intended to be a debate. We are here to receive your input, comments, and what you either think or don't think about the proposed zoning plan. Chairman Bennett then went on to introduce the Supervisors and other members sitting on the dias.

Supervisor Bennington said he would like to take this opportunity to express his appreciation to the Township Planning Commission for the long years of service and work on this ordinance. The work began probably seven years ago and he appreciates their time and effort. Supervisor Bennington said the one problem he has was that he was given this document two weeks ago to review and he doesn't think this is a very long time for a member of the Board of Supervisors to have to review a document that is going to be in place and dictate the policies of this Township for the next five years. This document has more impact on you the residents of this Township than a bill by Congress or a Declaration by the President of the United States. This will impact your daily lives. Supervisor Bennington said he has a lot of problems and concerns with this document that he will express later on in this meeting, but he prefers to hear the comments of the residents first.

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Supervisor Fox said he would like to give reason and background on this ordinance which is basically set up for our policy goals. It makes the comprehensive plan work. The comprehensive plan was passed in November, 1991. At that time we passed all the maps, transportation, sewage, and wetlands. The master zoning map was passed in the comprehensive plan and due to some problems we have had with a planner, we are just getting through this now. Supervisor Fox said we have had changes since 1983. In 1987 Mr. Grunmeier established a heavy and light industrial area. We had changes in 1991, where we requested that the owners switch from commercial land to industrial land. We were running out of industrial land. About half of them agreed and the other half did not. For those who did not agree we did not change it. So there are some areas that have been changed along the Route 309 corridor only. We also changed an area that is zoned RR and continues to have everything the same except sewers, to a CR2. CR1 is a development area mostly on the west side of Route 113. In our ordinance we should not have sewers in the RR area. This has happened from previous administrations and to bring the ordinance up to law, the law that exists in our books now, we made it a CR2. The only difference was that RR has sewers in it. There was no other difference. This was agreed to on this map and in the comprehensive plan back in November, 1991.

Mr. Horrocks announced if anyone cared to hold a copy of the ordinance while they were speaking or to refer to it, they were welcome to come up and get one. Mr. Horrocks has about twelve copies. All copies will have to be returned after the meeting.

Mr. Douglas Maloney is an attorney representing First Federal Savings & Loan of Bucks County. Mr. Maloney is here because they are concerned about tax map parcel #15-35-48-2. This lot is just south of Chelfield Road on Route 313. It is currently zoned PC2 and as you can see from the zoning map this would be the entire corridor along Route 313, south of Dublin as well as north of Dublin which is currently zoned PC2. The proposal is to change and put a small swat out to Route 313 and have that be zoned RR. This impacts only upon Mr. Maloney's clients lot and it looks like about forty feet of the adjourning lot. We are concerned because First Federal currently owns this unfortunately by virtue of a mortgage foreclosure. Monies were loaned to the previous owner on appraisals based upon a certain value which obviously are worth more with the PC zoning. We simply think that it is inappropriate to zone simply one lot to change the zoning when everything to the north and south of it along Route 313 is zoned PC and will continue to be zoned PC. The proposed change of the zoning effects really only our lot.

Mr. Stewart Kingsbury the broker of record of Kingsbury Real estate, described the impact this would have on the parcel. He is

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quite familiar with the subject property. This has been zoned PC2 for quite some time and he thinks very logically zoned that way because highway 313 is a very definite commercial type corridor particular in the area of the subject all the way up through the Borough of Dublin. Maybe a few in this room are familiar with Quinby's Gun Shop which is on the right side as you are going north on Route 313 toward Dublin. Shortly after that you have the Country Gift Shop, C.D. Baker Insurance Company, and the dentist Paul Schnupp, and then there is a little billboard on the left hand side just below Chelfield Drive and then above that on the left side is an antique shop. A little further toward the Dublin Borough side there is another antique shop and of course the horseradish company and many other commercial type of situations.

Mr. Maloney passed out to the Board the current zoning sheet with the subject property and the proposed zoning sheet. Mr. Kingsbury said as you can see the current zoning sheet has the PC2 running basically on the left side as you are going north toward Dublin in a nice continuous manner whereas the second sheet you have also shaded in yellow, shows one little section that has been proposed to be pulled out of that current PC2 zoning. Mr. Kingsbury respectfully suggests that it is just mainly his clients property that is involved here. Frankly, the value if you should change it from PC2 to RR could be cut very substantially which obviously would have an adverse effect on First Federal Bank.

Supervisor Fox asked if there were single homes on those properties.

Mr. Kingsbury said there is a small development of homes on Chelfield Drive which is not that far from the Bakers Insurance Company building, Quinby's Gun Shop and all of the others. To the best of Mr. Kingsbury's knowledge the homes came in after the whole strip was zoned PC2. Mr. Kingsbury is pretty sure that this is a correct statement. There are other areas along there that are going to be put in as soon as the architects, engineers, and builders follow through. They will have the same relationship to the current owners and also your proposed PR or PC2 zoning.

Supervisor Fox said his question was they built single homes on the PC2 area on those lots. Are any of them infringing on the PC2 area.

Mr. Kingsbury said to the best of his knowledge there is no problem with the current homes infringing on the PC2 area.

Chairman Bennett said this will be taken under consideration.

Mr. Robert Grunmeier of 1805 Bethlehem Pike, Line Lexington area said he had a couple of questions pertaining to the new zoning

ordinance. Contrary to what Supervisor Fox said the LI District was expanded behind Peruzzi Toyota. Mr. Grunmeier would like to know why the LI District is being increased in the Orchard Road development area which is primarily single family homes. Mr. Grunmeier said maybe you could look at the non conforming lot size, the increase was reduced from 50% to 25% and he would like to know why. You might run into some trouble with this due to the fact of a landmark case Jim Star vs Springfield Township Zoning Hearing Board. (Pg. 142 Section 601; 2.3) Supervisor Bennington said he has this in his notes.

Mr. Grunmeier said on page 88, a G10 truck business listed as G9 use. G9 should be truck/business/storage/repair.

Page 78, E10 Use; Section 9 vehicles shall not be stored outdoors while waiting repairs for more then (5) days. The way it is to get parts to repair cars these days Mr. Grunmeier believes this is an unreasonable amount of time.

Page 110, Performance Standards PC1 District with 20,000 sq. ft. on development and 50,000 sq. ft. in the PC2 District. In the previous ordinance it was 20,000 sq. ft. The PC2 District has been increased to 50,000 sq. ft. and in PC1 and PC2 each lot must be served by public water and sewer. Mr. Grunmeier asked the Township to contemplate what action they are going to take to provide water and sewer to the PC1 and the PC2 District. As everyone knows we need a strong commercial industrial base to have a good pack structure in any municipality.

Page 80, E15; Section 6 specialty cultural shopping center parking to the rear of the building. Mr. Grunmeier said he doesn't understand this so maybe it could be explained to him at a later time. Most of your shopping centers have truck deliveries to the rear and if all of the cars are going to park in the rear this might present a problem.

Mr. Grunmeier said the RR District which represents 75% of the Township, why is there a change from a 50,000 sq. ft. building lot to a three acre building lot. Mr. Grunmeier presented a hand out to the Supervisors which read the first two to three acre rural residential requirement under the Fifth, and Fourteenth, Amendments of the United States Constitution, Article I, Section 10 of the Pennsylvania Constitution protects the public from the government unjustly taking land from individuals. To my knowledge we have an ordinance in Hilltown Township. The problem is water. We do have an ordinance in the Township that protects the land owner building a lot without proper water on the land. Mr. Grunmeier said he has cases that the Board can look at. According to the Intelligencer dated October 23, 1994 B edition Warrington Township has been challenged on their requirement for a three acre lot in a Rural

Residential District. A curative amendment has been filed against the Township. Mr. Grunmeier respectively suggests that the Supervisors reconsider this. This three acre requirement in the RR District discriminates against first time home buyers, the person who desires a single family home and the senior citizens who upon reaching retirement age may desire to subdivide their land for retirement purposes.

Mr. Joseph Handschu of the Line Lexington Village commercial area said he would like to question the subject of the conversion of older houses into multiple apartments as opposed to the use of those same properties for Boarding Houses. Mr. Handschu said in order to do a conversion for an efficiency apartment you require 4500 sq. ft. of area for each apartment. However, for residential boarding you can't do it at all unless you have a minimum lot size of 50,000 sq. feet. My question briefly is this. It appears to me that the impact of a couple of boarders would not be as severe as the impact of a couple of apartments and yet their requirements appear to be more stringent for the boarders than for the apartments. It appears to me that the impact of sewage and water of a boarder or two boarders would be less as opposed to an apartment with an additional kitchen and bathroom.

Supervisor Fox said he thinks there was a mistake made in the figure for boarding. He feels there was a mistake made. It should not be as much as apartments.

Supervisor Bennington asked Supervisor Fox what figure he was talking about.

Supervisor Fox said he was listening to Mr. Handschu without looking in the book because he would be spending his time going through it.

Supervisor Bennington said you just said the figure was wrong. How do you know this without looking in the book.

Supervisor Fox said if Mr. Handschu is saying we need more sq. feet for a boarder than we need for an apartment it has to be wrong.

Solicitor Rice said residential boarding is an accessory use. The minimum lot size is 50,000 sq. feet.

Chairman Bennett said that would appear to him to be a mistake also.

Mr. Steve Harris of the law firm of Harris & Harris represents Carson Helicopters, Inc. Mr. Harris is here to address two tax parcels. Tax Parcel numbers 15-28-173 and 15-28-174 are the parcels on which the current Carson Helicopters business is located. They

are presently zoned residential. In the past parcel 15-28-174 was zoned light industrial. It was zoned light industrial from 1972 through 1978. Carson Helicopters originally came to the property in 1958 before there was zoning and began use of their property. As you know they are engaged in the re-manufacture of helicopters and light airplanes at that facility. They employ approximately one hundred people. Mr. Harris requests that the property be zoned as it is being used. Mr. Harris said this because he has looked at the Zoning Ordinance and it is not clear to him whether this is a G8 commercial or industrial craft or whether it is an H1 manufacturing use. If it is a manufacturing use then you have classified this as a heavy industrial, although most zoning ordinances think that this is light industrial. If the property use is H1 it would be heavy industrial. If the property use was G8 commercial and industrial crafts because they do as it is said machine and metal working at that location. Then it would be light industrial. The issue to us is not the issue of what to label it. That really is up to you. The issue is that we believe that one of the appropriate purposes of the zoning ordinance is to zone land as it is in fact used. This land has been used for over thirty six years in the business of Carson Helicopters and should be zoned as used. Mr. Harris said they didn't realize that it was not still zoned light industrial until they recently applied for an expansion for an additional structure at that location. Upon learning this they filed an application with the Zoning Hearing Board for that building, but they also are appearing before you tonight to ask for the relief which they feel is more appropriate, which is to zone the land as it in fact has been used for the last thirty six years and as it will be used into the foreseeable future. The other side of this particular coin is that they are currently a non conforming use. Your zoning ordinance currently permits expansion of 50%. In your new zoning ordinance you have reduced this to 25%. If in fact, you were not to consider rezoning the property industrial as requested they would like the non-conforming language back to the 50% that is in your current zoning ordinance. Mr. Harris said he thinks what has been done in the ordinance is correct. What you want to do is to make uses conforming. To make this use conforming is to properly zone it for what it is and then to allow the non-conforming language to stay the way it is.

Mr. Paul Lapinski of Middle Road said they recently moved into a farm on Middle Road at the edge of Dublin Borough and Hilltown Township. He is concerned about two things this ordinance is going to do. The increase of the subdivision lot size of RR from one and one-fourth acres to three acres. He doesn't understand the reason why this is being done. Mr. Lapinski has talked to the Zoning Officer and has received some feed back. Unless you have public water then you need three acres because of the fact that they want to preserve the inventory of water in the Township. There are less intrusive ways to do this than to burden all homeowners that have

more than one and one fourth acres, or two and a half acres in RR. If the goal is to try and preserve water then there are ways to have all the citizens share that burden equally rather than to pick on those homeowners and those property owners that own more than two and a half acres. You are robbing them of an opportunity to subdivide. By a stroke of a pen you want to devalue their properties substantially.

Mr. Lapinski said his second point is the fact that this ordinance is now going to require basically an exit inspection of homes. When a homeowner sells their property they have to have an inspection from the Township.

Supervisor Fox said this ordinance just recently passed.

Mr. Lapinski said that is unfortunate. He said he might add as Carson Helicopters brought up they are also in a non-conforming use. Mr. Lapinski has a twin home. That home has been used much more than thirty six years as a non-conforming use. Mr. Lapinski said perhaps his property should be looked at to be zoned for a twin family use. Mr. Lapinski would also like to receive a special consideration on his property so that it is properly zoned the way it is today because it is a non-conforming use.

Mrs. Shirley McHose owns the properties at 502H and 504H Blooming Glen Road. The properties are located on the corner of Twinbrook and Blooming Glen Road. It is currently zoned VC. Mrs. McHose said just to give you an idea the Quarry is up the street from them and down the street is Sam Millers Tires. Homestead Orchard on Twinbrook Road. Ms. McHose would like to see her properties remain VC zoning. This would leave her options open to have limited commercial use to this property. She doesn't see a problem the way it is currently zoned now. Mrs. McHose would like the Board to reconsider and keep the properties VC instead of CR2.

Mr. Frank Beck is a resident of Keystone Drive. He feels there are quite a few people here tonight from Keystone Drive, Orchard Road and Pheasant Hill Road. Mr. Beck said he would like to know why Hilltown is planning on rezoning that corner to light industrial. It was the only buffer we had between heavy industrial on that whole corridor. Years back they made school houses light industrial. The rest of the area is all residential around there. We would like to keep it this way. If you put light industrial on that corner there will no longer be a buffer to the RR residential area that is around there. The historical society property is on the corner.

Supervisor Fox said you walked in late. He gave an explanation of why back in 1991 we converted that land. The map is from 1991, the comprehensive plan and the zoning map.

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Mr. Beck replied you mean you snuck it in then.

Supervisor Fox said it was not snuck in.

Mr. Beck said it was never posted. No one has ever seen a sign up there stating that this was going to be rezoned, until this time.

Supervisor Fox said he can't help it.

Mr. Beck replied what do you mean, you can't help it. Don't talk like that. These people want to know why it was changed without a sign.

Supervisor Fox said he can't help it if the proper authorities at that time did not do their job. We went to the owners of those properties. Supervisor Fox said we had eight properties and needed more light industrial. We went to those four people including Mr. Carney who said no. We didn't do it. The other people that were there and had the commercial property agreed to it.

Mr. Beck said the homeowner that has two properties on Route 309.

Supervisor Fox said they were notified. Everyone was notified whose properties were going to be changed.

Mr. Beck said he was talking to the people and they said they were never notified.

Supervisor Fox said ask Mr. Brooks.

Mrs. Beverly Slifer of Orchard Road asked if the property on Orchard Road and Keystone Drive is light industrial now or is it being changed.

Supervisor Fox said it is light industrial now as far as the master zoning map. This has been since November, 1991.

Mrs. Slifer said how about the property on Keystone Drive and Route 309.

Supervisor Fox said this has always been light industrial.

Mrs. Slifer said she is here with a whole bunch of people from Orchard Road, Pheasant Hill Road, and Keystone Drive and she would like to request that it goes back to residential.

Supervisor Fox said it never has been residential.

Ms. Slifer replied then she would like to request that it be

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changed to residential.

Supervisor Bennington said he was a little confused here. He said correct me if I'm wrong Supervisor Fox. The comprehensive plan was approved in 1991. This is not a zoning ordinance, so to say that this has been zoned LI is an incorrect statement until the zoning ordinance is approved by the Board of Supervisors.

Supervisor Fox said that was incorrect.

Supervisor Bennington said no, that is not an incorrect statement.

Supervisor Fox said you are not listening.

Supervisor Bennington said no he always listens to Supervisor Fox, but he never listens to me. Supervisor Bennington said he would like the Solicitor to comment on this.

Mr. John Rice, Solicitor said he was involved with the comprehensive plan in 1991. The area is proposed under this ordinance to be changed to LI. Prior to that time it was PC1. It wasn't residential, it was PC1. What is being proposed is a change. There is a lot of residences there, under the 1983 zoning ordinance it was PC1. It was shown on the comprehensive plan in 1991 as light industrial. It wasn't changed by adopting the comprehensive plan. Solicitor Rice said it will be changed if this ordinance is adopted. It will change from PC1 to LI. Right now you are in a PC1 Zoning District. Solicitor Rice said it is proposed under this ordinance to go to LI.

Supervisor Fox said are you telling them that the map that we adopted and put in the comprehensive plan, the zoning map isn't any good. The map that this Board adopted doesn't count at all. Is this what you are saying.

Solicitor Rice said he was just saying that this was the comprehensive plan.

Supervisor Fox said no, the zoning map.

Solicitor Rice said that was shown as one of the maps in the comprehensive plan. Your correct, that was what was shown in the comprehensive plan as the future land use plan but that did not change the zoning in that area. The Comprehensive Plan adopted by a resolution does not change the zoning. That is a plan. Tonight, or whenever you adopt a new zoning map that will actually change the zoning in those areas by ordinance. Right now your PC1 and some of the other areas that are proposed for change are whatever they are under the 1983 zoning ordinance. Solicitor Rice said what is being proposed hasn't been changed until this Board passes a

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zoning ordinance with a map.

Supervisor Fox said he doesn't concur with Solicitor Rice. He wishes Solicitor Rice would read the ordinance.

Mr. Frank Beck returned to say his only suggestion is that he would look at this long and hard before changing it to light industrial. With plain commercial you can't put up oil storage tanks, you can't put in truck depots, and he is sure his neighbors would not appreciate it if they looked out their windows one day and saw some big oil storage tanks sitting on their corner. They wouldn't be very happy. He feels this is what we have the heavy industrial for on the other side of Route 309.

Chairman Bennett said if we can't see our way to RR on further study would your people be unhappy with maintaining PC1.

Mr. Beck said he would sooner see some stores on that corner. At least they close sometimes. A truck terminal will be open twenty four hours a day.

Mrs. Rosemary Treadwell said she was told when she bought the property she lives in by the real estate people that the ground was owned by the Historical Society and could never be built on commercially even though it was zoned commercial. She was also told this by the people who lived there before and the people around her. Mrs. Treadwell asked if this was true.

Supervisor Fox said that has never been true. They own seven acres on one side of the road and two acres where the house is.

Mrs. Treadwell questioned if anything that is bequeathed to someone like this can it be built on and sold for commercial and industrial use for a profit.

Supervisor Fox said you didn't hear what he said. The Historical Society doesn't own twenty acres on that side of the road behind the Historical Society. We don't own it.

Mrs. Treadwell replied who owns it.

Supervisor Fox said the Historical Society owns two acres where the building is.

Mrs. Treadwell said then who owns the other twenty acres.

Supervisor Fox said Mr. Ed Brooks, a realtor owns the other twenty acres.

Supervisor Bennington interrupted to clarify something. He said

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Mr. Beck brought up a point about fuel storage and distribution. This is not an allowed use in light industrial.

Mrs. Lynn Wescott of 21 Pheasant Hill Road came in a little late also. She doesn't understand why we need more light industrial area. The area in question at the bottom of Pheasant Hill Road and Route 309 she believes is a runoff area. There is a stream that feeds into that location and is rather swampy. Mrs. Wescott said she wonders if anyone could ever build anything there without the environmental agency coming in. She also wonders why anyone would even want to build there if there was a potential problem with any kind of water and the backing up of water. Ms. Wescott said for twenty three years she has been told she was going to get sewage soon. Twenty three years later she still does not have sewers. The trailer park behind her is getting sewage. She still is not. Due to someone who has not done their job previously we sit on clay that doesn't perk at all. We will have more of a problem if this is turned to something else and there is no place for this water that is now there to run because it can't go anywhere else. Ms Wescott would like to know why we need more of this light industrial. Mrs. Wescott said she knows that part is light industrial. She asked why the twenty acres in question, has to be changed when there are other areas sitting vacant and are not being used, then why do we need more.

Supervisor Fox said very briefly we are running out of light industrial. Light industrial gives us very few services that we have to supply to them. If we run out of light industrial and we are within forty or fifty acres of running out, and if someone doesn't already own the property then someone can come into this township and build wherever they want. We need to have a spot for everything. When you get down to zero then you know you do not have any left. We are getting very close to this along the Route 309 corridor.

Mr. Ron Theis of Florence Circle said if you allow for all the various usages in the Township then why does the law say that once you run out you have to add more light industrial so you always have some even though you have allowed for it at one point.

Chairman Bennett said he doesn't think so but he would ask Solicitor Rice to comment on this.

Mr. Theis said if you have light industrial and you have some left and you are providing for all uses in the Township already and they are not zero, which they are not then what is requiring you to expand if the law does not require it. If you are already allowing for all the property uses, what forces you into expanding.

Supervisor Fox said because if someone wants to build in Hilltown

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Township with our low tax base, compared to other Townships further south they can go to court and get a curative amendment and put it wherever they want. Heavy industrial or light industrial it doesn't make any difference.

Mr. Theis asked Solicitor Rice what the likelihood was of someone doing this and going through the expense to put this in there, if we already allow for this.

Solicitor Rice said it sounds like we are having an academic discussion. He doesn't know whether the LI is all built out. If it is then this is the first time he has heard of it. Solicitor Rice said if an municipality doesn't provide for legitimate use as residential, commercial, or industrial then yes, as Supervisor Fox said someone could challenge the ordinance in any zoning district, and if they meet the standards that they would have to meet to have the curative amendment be deemed successful. You would end up with some noxious use possibly in the RR in a residential district. Solicitor Rice said there is nothing that he is aware of right now that says this is not a municipal curative amendment preceding where the Township has said that we think our ordinance has a problem and we need to expand residential uses, commercial uses or industrial uses. This is not the case right now. If you have an entirely built out municipality then no, you do not have to provide those uses in an area that is built out.

Mr. Theis asked if you could be forced to changed RR to light industrial if you are out of light industrial.

Solicitor Rice said it was not the zoning that could be forced. It is the specific use. You can provide an industrial use in a commercial zoning district if you have a problem with a particular use. It is not the zoning district itself that you would force to rezone. Typically its a use. There is no magic formula as to how much or what percentage of your township has to be LI, HI, or commercial.

Mr. Theis said then are we more concerned with tax base then we are with people and where they live. Have you looked at the impact or done studies on the water requirement, sewer requirements, cost of water tower, impact on schools, and tax increases to support this as well as the roads to facilitate handling your expansion and growth. If not, how do you plan to handle this, and why would you make changes before you knew the impact on those type of situations. Do we have enough water to make a large CR1 or CR2 district? Do we have enough water and sewer to handle this without increases to our taxes, for the residents already living here? What is the impact on the schools, expanding schools and subsequent tax increases? Have you worked with Penridge School Board on this issue in the year 2000?

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Mr. Theis also asked the Board if they were expanding the quarry districts on this map.

Chairman Bennett said not to his knowledge.

Mr. Theis said in CR1 and CR2 you are allowing for a municipal use which basically allows you to put anything sewer plants, or any other type of plants in. Mr. Theis would recommend some of those things not be allowed in a residential area which they seem to be in CR1 and CR2. You also allow for radio and television towers in CR1 and CR2. Mr. Theis would hate to see a residential area have to put up with microwave towers like the one on Callowhill Road.

Mr. Pete Ehly of Pheasant Hill Road thinks he is in the CR2 section and is trying to find out what effect the changing of the corner of Keystone Drive and Route 309 will have on his section. Are we going to be changed too? If we are CR2 like Ms. Wescott says what are they going to make the corner at Keystone.

Chairman Bennett said that is where they are attempting the study. Mr. Beck said this was going to be proposed to be LI.

Mr. Ehly said if they make it LI how does this effect Pheasant Hill Road and Orchard Road.

Supervisor Fox said it doesn't.

Mr. Ehly said your just going to take a plot of ground and make it to suit you and the forty acre people. Your President of one outfit and that is going to be sold.

Supervisor Fox said no, there is twenty acres and that has been sold for years. He doesn't know what the owner is going to do with it.

Ms. Patricia Ehly of 116 Pheasant Hill Road said her concern was the creek that runs down the back of her property. If they are going to rezone this property which is directly connected to her property and your going to allow light industrial in then we all know all the toxic waste that is going around. Ms. Ehly wants to know what is going to guarantee her that this land is not going to get contaminated and therefore, go into that creek and contaminate her land and all the properties around her. Then no one would ever be able to sell anything or rebuild. Ms. Ehly doesn't understand why the Township needs more light industrial. You have had Todd Motors laying empty for how long now. No one wants to buy it and no one wants to use it. Why do we have to take the rural land that we have had for all these years and everyone says how beautiful of an area that it is, just to accommodate a real estate man. This

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Mr. Brooks that you are speaking about must have a lot of light industry that wants to go in and because they pull a lot of strings is why we are in front of this Board right now.

Ms. Ehly said when she went to build a regular home she was only allowed to go one half again the size of her mobile home, even though she owns over an acre and a half. Where are my rights being protected. She wants to know if you are going to allow industry in there. She said she has worked out in industry and she knows the contamination that is being caused. Ms. Ehly said she doesn't think it is fair to anyone who has lived there all these years to allow this to happen.

Chairman Bennett said he has to admit he was unfamiliar with this situation until this evening. It is obviously a concern with many of the residents and he promises to look into it further. Chairman Bennett said he didn't know that twenty acres was sold.

Supervisor Fox said the man has had the land for five or six years and hasn't built on it.

Supervisor Bennington pointed out the uses that were allowed for light industrial. Fuel storage and distribution was not one of them. This is not allowed under light industrial.

Ms. Ehly said when she bought this property she didn't buy it because she wanted to be kept awake at night by trucks. We bought the property because it was a nice outline area.

Chairman Bennett said they will take this into consideration.

Mrs. Jane Vassallo of 515 Keystone Drive said she has lived in her house for seventeen years. The house on the corner has been farmed by a neighbor who has lived on Keystone Drive. In years to come we are all going to be taken pills because there is not going to be any food. Farming is nice in our neighborhood. It reminds us that we are in the country. Unfortunately, when she smells a dead skunk she says, oh! it is still country. This is the only sign lately that she has had that this is country. The more you start building places around the less country that you are going to have. This is not why we all moved out here.

Chairman Bennett said we have 17,000 acres in this Township and twenty seven square miles. Seventy five percent of it is still rural residential. We must provide for these other things such as PC1, PC2, and RR. He thinks we have a much higher percentage of RR area in this Township than many other Townships except those farther north such as Bedminster Township. We must provide for these other things. Mobile home parks is one. We have two of those and two Quarry areas. We have a very small area for light

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and heavy industrial. If you go through Hatfield and Franconia or any of those areas you will see a lot more industry than Hilltown has.

Mrs. Vassallo said she didn't move to Hatfield. She moved to Hilltown Township. We already have a mobile home center. We already have plenty of industrial places all around. You have Pennfield and the woodworking place. As Mr. Beck said this little plot of ground is our only buffer to Route 309. We need it.

Chairman Bennett said we understand and will take it into consideration.

Mr. Ernest Buzby of Township Line Road said he has lived in Hilltown Township for fifty years. Mr. Buzby said he thinks anything that is important like three acres to one acre should be on a ballot. He thinks everyone should have a vote. He is worried about the water level for Hilltown if we should get more people, more houses, and more industry. His well is down 600 feet now and he is afraid to go any deeper.

Supervisor Fox asked what area of Township Line Road Mr. Buzby lived on.

Mr. Buzby replied between Route 152 and Line Lexington.

Supervisor Fox said the reason for what we have done is because of people just like yourself especially in the area of Chalfont Road, up around the quarries, and in other areas are running out of water. Their wells are going deeper and deeper. Eventually they can only go so deep. Because of the people, and there are many like you, who may not be here tonight but who have run out of water. They have dug extra wells and have dug them deeper. Supervisor Fox said we are saying we are keeping the 50,000 sq. ft. If they have public water they have parts of this township that are CR and maybe RR. We want to see some recharge. You don't need studies to know people are running out of water especially in this area. We are asking that a lot be sold with 80,000 sq. ft. of recharge area until public water gets there, or you get an Authority to take over that well. This would guarantee that anyone in this area would have water. If the Authority runs out of water, they have to find water somewhere. What you are getting is less recharge because you have your house, and your driveway. The water is not going into the ground. You may not know this, but we are in agreement with you.

Supervisor Bennington said he happens to live in the CR1 district, which happens to be in one of those densely populated districts in the Township. He said he is the first Supervisor that has ever been elected from that district. So, anything can go in that

district. If anyone should not be running out of water he should not be running out of water. People in his district are running out of water. Supervisor Bennington said his concern and his sympathies are with people who are running out of water. However, and this is one thing Supervisor Fox did not say, you can't make a blanket statement that 75% of the residents of this Township are going to have to have a three acre minimum because as you saw in the paper Sunday from Warrington a developer like Cutler is going to come in here and get a curative amendment and put in less than 50,000 sq. ft. lots in the RR districts. Supervisor Bennington said this is a problem and he has a concern about this, and it will be addressed.

Chairman Bennett said to further elaborate on this you could not build a house today if this passes as proposed unless you had three acres and no public water. He said it is going to be a long time before we have public water. Ten years ago he said we would have public water within ten years. Ten years have gone by and we are not even close to it.

Supervisor Fox said do you think if a developer came in and would want to put thirty, or forty, or fifty houses in he wouldn't run the water line.

Chairman Bennett said it depends where he is and how close he is to the water line. This has been done.

Mr. Ralph Powers of Keystone Drive has lived there since 1950. Mr. Powers said he has seen a lot of changes up and down Keystone Drive. For the past fifteen years or better he has had to contend with the junk yard next to him. Mr. Powers said if you can't control the junk yard how are you going to control what is going on up the street, and at the corner. He is concerned. According to Mr. Powers the residents up and down the street all have wells. There is no public water. He has already had to extend his well.

Keystone Drive and Orchard Drive are both no truck areas. What is going to keep this from turning into a truck area. Have you giving any thought to this. Keystone Drive is a raceway every day. Someone is going to get killed on that little S turn. He is waiting for it every morning. Mr. Powers said you have signs up and down the street that say no trucks. Forget it, we have moving trucks go up and down there. They can't even get around the bin. They have to stop and try three or four times before they can even get around. We are going to add more traffic up at the front of the street. Give us a break. We don't need this here.

Chairman Bennett said traffic is a problem. This has been discussed very frequently in our meetings. He pointed out the

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cross streets such as Callowhill, Route 152, Diamond, Green, and Keystone. He said he was well aware of the traffic on Keystone because he lives on the next street over on Fairhill School Road. You can't believe the traffic on that road as well. Chairman Bennett said his analysis of the situation is that the high percentage of the traffic tickets issued on these streets mentioned 80% of them are non-residents. Some of the police studies have indicated this and Chief Egly agreed. Chairman Bennett said he has asked Chief Egly in the past as to how these tickets break down between these young hot rod girls and boys. The answer was equal. He then asked how about young people vs old people. He replied the same. How about residents vs non residents. The answer was 80% non residents. Chairman Bennett said he thinks everyone is trying to avoid the build up on Route 309 from Unionville Pike all the way back. It starts at 7:30am in the morning where you can't even get off the Route 309 expressway. We have talked about it for a couple of years now but haven't come up with an answer except to issue more tickets. Chairman Bennett said we will address this whole situation.

Mr. John Snyder, Chairman, Zoning Hearing Board, of 2018 Mill Road said his comments he is making are his own personal comments of his review of the ordinance. Although, some of the comments are the results of some of the decisions that did come out of the Zoning Hearing Board. One of the concerns Mr. Snyder has coming out of a decision from the Zoning Hearing Board was the group home. When you have five unrelated people which also meet the definition of family, he would urge the Board to adopt something simply on the five unrelated people living together provided they are capable of independently living and maintaining their own personal and financial affairs. In the first portion of definitions he thinks the ordinance has done a very good job as far as updating a lot of the definitions. Mr. Snyder has a few minor ones written up as far as relocations which he will provide a copy of for the Board. He would recommend adding two definitions being manufactured homes and modular homes. Mobile homes today for the most part are no longer marketed as mobile homes. They are marketed as manufactured homes or modular homes. Mr. Snyder will give two definitions that will cover those two topics. Mr. Snyder said whether the Board knows it or not they have two mobile homes right at the end of West Creamery Road in the RR district which is part of a recent subdivision.

Getting into the districts Mr. Snyder said he notices the new ordinance has some special hazard districts such as airport zones and that sort of thing and also there is a definition of historic area. He sees no mention of these on the map and if he is reading section 302 correctly if there is such a zone they should be designated on the map.

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Mr. Snyder said getting into the tables of use E19 is shown on the tables of use but not in the text. G6 fuel storage and distribution is listed in LI but not an allowed use in that district. Mr. Snyder asked why not move it to heavy industrial where it is a permitted use under special exceptions.

Mr. Snyder said on page 44 I16 residential accessory apartment does not exist in the text. He believes this is now part of I2-2.

Section 406 which is your use type regulations. In agriculture and again this comes out of a possible previous zoning decision, greenhouses has been totally eliminated from anywhere in the regulation. It also removes in agriculture, any retail sales, the second usage there and any landscaping that is secondary use at a nursery. If you get into this you are going to force the people to buy or rent a separate location. One thing that should be clarified is the thirty five foot height requirement as to a specific point on a building. Are we talking the bottom of the window, the midline of the roof, or the peak of the A. Mr. Snyder is strongly for this thirty five foot limitation being a volunteer firemen. Another recent decision regarding a religious center to require them to have an arterial street very similar type setup such as educational, recreational, libraries, which can draw the same amount of traffic should be put in that same regulation.

Mr. Snyder also questioned the front building setbacks. Your offices and things would have to enter from the back which makes it poor security not only for the property owner but additional work for the police department. The only other major thing Mr. Snyder has is that towards the end of the ordinance it incorporates a lot of what had been stand alone ordinances which is now part of this updated ordinance. If any of those change Mr. Snyder feels we will have to look at re-advertising this ordinance to change this to keep it current. When you refer to specific laws that are now on the books or standards, EPA standards that sort of thing, if you list this specifically every time this changes or amended you will have to update this unless you put in as amended afterwards. Mr. Snyder supplied this written information to the Board of Supervisor's.

Mr. Joe Miketta of Hilltown Pike spoke concerning the three acre requirement without public water. (Mr. Miketta's comments were not audible on the recording tape.)

Mr. Jack Hetherington of Hilltown Pike, complimented the Board of Supervisor's on a difficult job but something that was needed by the Township.

Mr. Sid Smith of 126 Pheasant Hill Road, commented on the rezoning from PC1 to LI.

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Mr. Bill Godek of 206 Broad Street had a question concerning the zoning ordinance notification. From what Mr. Godek saw along the Township roads there was a small sign that is down on the ground that seems it was barely readable from the road.

Solicitor Rice asked Mr. Godek if he did see the sign.

Mr. Godek said he saw a yellow sign with very small print which is appearing to be posted close to private property. For example, Hilltown Pike and Route 152 for Mr. Godek to see this he would have to stop and park on someone's private property or choose to stop in the middle of the road at that intersection to be able to read this. He feels this is a rather danger place as well as a very tiny sign.

Mr. Horrocks said aside of the twenty five signs that were posted throughout the Township, an additional eighteen were posted inside different stores, post offices, or banks.

Mr. Godek said he was talking about Route 152 and Hilltown Pike for someone driving pass there with quarry trucks and what ever else. There might be a better way of notifying the public from the safety point of view.

Solicitor Rice said the Township is just required to make a judgement call concerning how many signs, where to post them, and he feels the judgement call Mr. Horrocks made, and they discussed it, was to put them at the main intersections and places where people would go in the Township, businesses in the Township in the areas where the zoning map was being changed. A lot of the areas were not changed at all in the terms of the zoning map. There were only certain portions that were being changed. This is where the signs had to be posted.

Mr. Godek said you don't have the ability to make larger signs like the people do for voting. From Mr. Godek's personal point of view you can't read this from the street unless you have a pair of binoculars.

Solicitor Rice said somehow you did find out what it said, so it accomplished its purpose.

Mr. Godek asked when the road on Broad Street was to be paved.

Chairman Bennett said they were paving this morning when he went by.

Mr. Horrocks said they paved the east end of Broad Street today and he believes the west end will be done tomorrow.

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east end.

Mr. Godek asked if the operations at the quarry were permitted to start at 6:30am. If they start prior to that time what kind of sanctions are there on the part of the township to enforce the operating hours.

Chairman Bennett said he doesn't believe we have any to his knowledge. He feels we have had pretty good cooperation from the quarry.

Mr. Godek wanted to know if there were any teeth to enforcing this on the part of the Township.

Solicitor Rice said he is not aware of any sanctions we would have to control the quarry's hours of operation.

Mr. Godek says the reason he brings this up is because this past week a neighbor of his told him that they were in operation at 5:30am. He wants to know if they can get away with this and do as they please and the Township do nothing.

Chairman Bennett said he would have Mr. Horrocks follow this up and contact Mr. Harry Budenz to see if this is a fact and what his intentions are.

Mr. Godek said he would rather know what the Township's response would be if they fail to abide by what it is they are suppose to do.

Supervisor Bennington said it is about a question, Mr. Chairman.

Chairman Bennett said he is not saying it isn't. He doesn't think there is anything on the books at the moment but if they continue to violate it, we will make sure that there is something.

Mr. Horrocks said the asphalt plant and the cement plant are non conforming uses to a quarry district. It goes back to the agreement and it goes back to the agreement that addresses certain sub paragraphs in the zoning ordinance from a previous time he believes.

Supervisor Bennington said he is asking if the quarry starts at 5:30am and one of his neighbors calls the Township up at 8:00am when we start operations the least we can do is to contact the Quarry. If the contract says 6:30, then they can't start before that time.

Mr. Bill Gartner of Green Street asked about the small games of chance permit. Mr. Horrocks replied yes, this was adopted by

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Hilltown Township.

Mr. William Hallman of 4117 Old Bethlehem Pike asked if any adjoining properties that are being rezoned, if the parties that own the properties next to them have to be notified in writing.

Solicitor Rice said legally no. The Township has to post areas that are being rezoned at points being specific by the Township as discussed earlier and has to appear in the newspapers twice.

Mr. Bill Godek returned for one minute. His question was just what he heard in response about not having to notify in written fashion adjoining property owners. This is only because this is being done as a change of zoning now not as if the zoning were being changed individually for a particular property at some time in the future. His understanding was that then the adjacent property owners do have to be notified by mail.

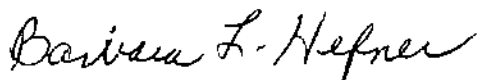
Solicitor Rice said if an individual comes in and requests that their own property be rezoned, then this is called a private citizen petition. The zoning ordinance has this requirement in it.

Chairman Bennett recommended a continuance of this hearing until 6:00pm November 14, 1994.

Mr. Horrocks suggested the Solicitor and the Township Engineer be present. The Board was in agreement.

Supervisor Fox and Supervisor Bennington agreed to the Public Hearing being continued until 6:00pm on November 14, 1994.

Respectively submitted,



Barbara L. Hefner
Administrative Assistant