

**HILLTOWN TOWNSHIP PLANNING COMMISSION
REGULAR SCHEDULED MEETING
MONDAY, FEBRUARY 15, 2021**

The regularly scheduled meeting of the Hilltown Township Planning Commission was called to order by Chairman David Christ at 7:00 PM and opened with the Pledge of Allegiance. Also present were Planning Commission members Brooke Rush, Jon Apple, Eric Nogami, Frank Henofer, and Township Engineer, Timothy Fulmer. Mr. Christ announced the Knox Property Preliminary Land Development Plan has been delayed and will be on the March 15, 2021 Planning Commission agenda.

1. APPROVAL OF MINUTES – Action on the minutes of the January 19, 2021 meeting – Motion was made by Mr. Henofer, seconded by Mr. Rush and carried unanimously to approve the January 19, 2021 meeting minutes as written. There was no public comment.

2. PUBLIC COMMENT ON AGENDA ITEMS ONLY: None.

3. CONFIRMED APPOINTMENTS:

a) 1223 Keystone Drive Minor Subdivision Plan – Mr. Jeremy Madaras, P.E. was in attendance to present the minor subdivision plan located at 1223 Keystone Drive on approximately 7 acres which proposes to be subdivided into two single-family detached dwellings. Lot 1 contains an existing single family detached dwelling, accessory structures, and driveway access along Keystone Drive. Lot 2 is proposed for construction of a single-family detached dwelling with driveway access along Keystone Drive. The project will be served by on-lot water and sewage disposal facilities. Mr. Madaras stated a prior sketch plan for this property proposed a subdivision into three single family detached dwelling lots, and after the meeting with the Planning Commission in the summer and discussion with the applicant, the plan was revised to a two-lot minor subdivision. Mr. Madaras reviewed Wynn Associates, Inc. review letter dated February 3, 2021 and discussed the following:

- In regard to Stormwater, the site has shallow limiting zones, mottling at approximately 12". On lot 2, the applicant is proposing an under-drain rain garden which will effectively act to filter the water before it is released into the proposed discharge point in the swale along Keystone Drive. The applicant will come up with a fully compliant stormwater management system.
- In regard to the woodland disturbance, the applicant is confident that they are under the 20% threshold. They need to catalog the trees that they are potentially impacting, put them on the plan and come up with the percentage. The applicant will install a replacement septic system for the existing lot and a new septic system for the proposed lot.
- In regard to water service, the applicant is proposing a new well for the proposed lot. Lot 1 has an existing well.
- In regard to the waivers, Mr. Fulmer stated a waiver request, on behalf of the applicant, needs to be submitted in writing that outlines the hardship and itemized sections of what is being requested. Mr. Fulmer continued to state he will review the waiver request letter and

advise the Township of any recommendations relative to what is being requested. The Planning Commission will then have the waiver letter to consider. There may also be additional waivers that may be looked at for consideration such as the stormwater requirement for existing impervious that is remaining on lot 1 not counting all of it toward the meadow, etc.

- Mr. Madaras stated they still need to coordinate with the Bucks County Conservation District for the NPDES permit.
- It was noted the new septic system for the existing house can be put in now as that can be done at any time.
- Mr. Madaras stated the applicant wishes to get all of the approvals, including full land development approval and NPDES, and then the property will be put up for sale.
- Mr. Madaras stated a submission will be sent to the Bucks County Planning Commission.
- Mr. Madaras stated any structures to the left of the existing house will be removed along with any structure that is non-conforming. He continued to state everything will conform to the lot line.

After discussion, the Planning Commission recommended Mr. Madaras clean up some items, re-submit the plan, submit the waiver letter, submit the plan to the Bucks County Planning Commission, submit the Planning Module, and then there will be a clean plan for them to review and recommend to the Board of Supervisors.

Motion was made by Mr. Apple, seconded by Mr. Rush, and carried unanimously to table the 1223 Keystone Drive Minor Subdivision Plan. There was no public comment.

b) Weidner Tract Subdivision Preliminary Plan – Mr. Ben Goldthorp, Select Properties, was in attendance to present the Weidner Tract Subdivision preliminary plan located on 29.066 acres comprised of three parcels located between Seven Corner Road and South Perkasio Road and is proposed to be subdivided into 17 single family detached dwelling lots (including one existing lot) in Hilltown Township and 4 lots in East Rockhill Township. Mr. Goldthorp stated this preliminary plan derived from a joint staff meeting between both municipalities. Mr. Goldthorp reviewed Wynn Associates Inc. review letter dated January 20, 2021, stating most of the comments in the letter are “will comply” and discussed the following:

- Mr. Goldthorp stated the applicant requests a waiver of the length of the cul-de-sac road. There are woodlands and steep slopes on the property that would make it difficult to build a through street down to South Perkasio Road. A future connection to a neighboring piece of ground is shown on the plan between lots 15 and 16.
- Comments concerning the waiver request for a 1,650-foot cul-de-sac road as opposed to the ordinance limiting the length of a cul-de-sac road to 500 feet included:
 - a. Mr. Christ stated a cul-de-sac is needed because the road cannot go through to South Perkasio Road.

- b. Mr. Fulmer stated the regulation is from a public safety standpoint; if there is a dead-end road with a number of occupants living on the road and there are emergency issues, the longer the road then there is more potential for problems that could occur. That is one of the reasons why Hilltown Township has the requirement of the 500-foot cul-de-sac road.
- c. Mr. Fulmer stated another consideration is which municipality is going to take care of the road. A concern for East Rockhill Township is that they do not want to maintain a road having a length in excess of their requirement, which is 500 feet also. Likewise, Hilltown Township might not want to maintain the road either.
- d. Mr. Fulmer stated a decision has to be made if (1) The road is going to be maintained jointly by both Townships, (2) One Township will maintain the road, or (3) Is there another option or solution, such as private ownership of the road?
- e. Mr. Fulmer stated as far as the length of the road and emergency services, even if the Township is willing to see an increased length, they will need to find out what the threshold is on the length of the road, in regard to emergency services, because it is more than double the requirement.
- f. Mr. Rush clarified the number of lots is 21, including one existing lot on South Perkasia Road, and questioned if Hilltown had a longer length allowed for cul-de-sac roads at one previous time. Mr. Fulmer clarified Hilltown Ridge has a fairly lengthy cul-de-sac because it was approved as part of a stipulation and settlement agreement with the developer.
- g. Mr. Rush questioned, if the development were built now, would the cul-de-sac length be measured from the future right-of-way to the adjoining parcel? Mr. Fulmer stated that if the future right of way were extended thru the adjoining parcel to intersect Seven Corner Road, cul-de-sac length would be measured from the right-of-way intersection. Otherwise, the cul-de-sac length is measured from the proposed intersection with Seven Corner Road shown on the current plan.
- h. Mr. Rush questioned the Liquid Fuel Tax funds and who would receive the funds. Mr. Fulmer stated Hilltown would get the funds for the portion of the road in Hilltown and East Rockhill would receive the funds for their portion, or, if an agreement is made as far as maintenance of the road, the funds would go to the Township that maintains the road.
- i. Mr. Goldthorp stated if neither Township wants to take ownership of the road, the Homeowner's Association would maintain it.
- j. Mr. Rush questioned who would maintain the basin. Mr. Goldthorp stated they would create a Homeowner's Association regardless of the road and they would maintain the basin instead of the lot owner.

- k. Mr. Fulmer stated if the ultimate solution would be a private road maintained by the Homeowner's Association, they would have to ask for a waiver. The road would still have to be built by the required standards of the Subdivision Ordinance.
 - l. Mr. Goldthorp stated the applicant has not spoken to the property owner of where the future right-of-way is proposed.
 - m. Mr. Rush stated, based on the fact that they are trying to plan for the future, if someone else develops a piece of ground, the land becomes more valuable with this proposed piece sitting next to it.
 - n. Mr. Fulmer stated that in order for the road intersect with South Perkasia Road, there would be significant grading involved and a variance would be needed from the Zoning Hearing Board for steep slope disturbance.
 - o. Mr. Goldthorp stated the building envelope on lot 20 is in East Rockhill Township with roughly 15' in Hilltown Township and two tax bills would be generated.
 - p. Mr. Fulmer stated another waiver that is not listed in the request is the requirement that roads cannot cross municipal boundaries.
 - q. Mr. Christ clarified the proposed development is in RR and CR-2 and both require 50,000 sq. ft. lots for public water and sewer.
- Mr. Nogami stated the ordinance limits cul-de-sac roads to twelve houses or 500', whichever is less, and this road would be three times as much. He is not in favor of granting the waiver. He does not know how they could consider the right-of-way as an option until there is an agreement with the neighbor, otherwise, it is just something in a drawing. He continued to state maybe the applicant would consider, for the time being, a cul-de-sac where the right-of-way is located. If, at some point, the right-of-way is acquired, then they could continue with the rest of the houses. He stated he cannot support the current plan but would consider a little over the 500' requirement.
 - Mr. Henofer stated he is concerned with the length of the cul-de-sac and he opposes the plan as well.
 - Mr. Goldthorp stated, in regard to the road going to South Perkasia Road, sixty-eight vertical feet is the distance of grade change that would have to be made up.
 - Mr. Fulmer stated additional stormwater management would have to be done on that side of the site because they are not just building a road down a hill, but they are also increasing runoff to a different watershed that they would have to control by the ordinance, which cannot be waived.
 - Mr. Apple stated the Township should not have 500' cul-de-sacs if they are not going to stick close to it. He suggested to put the bulb of the cul-de-sac at the future right-of-way and build ten houses with a potential future development of six to eight lots in the back, if it ever gets connected over to the adjoining lot.

Public Comment:

Sheri Herman, 530 S. Perkasio Road, questioned the requirements of preservation land on a development of this size. There is not any preservation land in this plan and would like to know what the guidelines are.

Mr. Fulmer stated the use that is being selected by the applicant is a single family detached dwelling use and there are certain requirements for single family developments. One of the requirements allows larger lot areas, and Open Space is not required for that type of development. Cluster Subdivisions allow smaller lot sizes and a mandatory dedication for Open Space. The Township cannot force the applicant to utilize one development type over another if both types are permitted by right.

Dave Leopold, 1406 Seven Corner Road and 1203 Seven Corner Road, questioned the Homeowner's Association maintaining the road. East Rockhill Township does not allow HOA's so how would that be handled between the two Townships.

Mr. Fulmer stated East Rockhill does not encourage HOA's. It can become very cost prohibitive for an HOA to take care of a road in terms of cost with snow plowing, the basin, etc. A HOA is more effective when there are more people sharing the cost.

Dave Leopold questioned the public water and sewer.

Mr. Fulmer stated there is not an agreement on the water and sewer yet. Hilltown Township Water and Sewer Authority has the rights to serve this area of the Township with water and sewer. But, if HTWSA, East Rockhill, and Perkasio Regional Authority are willing to cooperate, there would potentially be an Intermunicipal Agreement that would have one entity provide the service.

Dave Leopold stated he would like to see some type of tree line where the basin is going to be placed and make sure it is maintained by the HOA. Mr. Leopold questioned where the right-of-way would go. Mr. Christ stated it is just a proposed right-of-way. The neighboring property owner never has to do anything, and it is not like it is going to be a definite right-of-way, but maybe it will be 100 years down the road.

Mr. Fulmer stated the right-of-way area of the neighboring property is a planning tool for the future and there is not a guarantee that the homeowner would ever exercise their right to connect to the proposed development.

Sandra Corrado, 1309 Seven Corner Road, the adjoining property owner that could utilize the future right of way for development of their property, stated they are not selling their property.

Jeff Herman, 530 S. Perkasio Road, stated he is concerned with the length of the cul-de-sac extending up to the edge of the cliff.

Mr. Nogami asked if the woodland disturbance was looked at and if the plan complies. Mr. Goldthorp stated the majority of the trees are dead ash trees and they will perform a tree survey for the replacement trees. He will comply with the Zoning Ordinance and the Subdivision/Land Development Ordinance in regard to the trees.

Sheri Herman, 530 S. Perkasio Road, questioned the requirements regarding privacy berms and replacing tree lines and continued to state it would be something for the applicant to consider.

Mr. Fulmer stated buffer yard requirements are not required when there is a residential use next to another residential use. If it was going to be a commercial use next to a residential use, Hilltown Township does require buffer yards. There is no provision in the Hilltown ordinance that requires the property being developed to buffer single family homes that they are going to build against other single family home properties.

Mr. Goldthorp stated the applicant did try to preserve any tree line that is along the property line and keep grading outside of the existing tree line so they would not be disturbing the neighbors as much as possible. Any of the replacement trees that need to be provided can be placed strategically as to the location along with the species.

Mr. Fulmer stated this is a preliminary plan application, and as discussed at the staff meeting, the applicant will prepare a more detailed plan that is much more engineered than a sketch plan. The plan was intended to open up more discussion on some of the big issues. Mr. Fulmer continued to state he recommends the Planning Commission table the plan and allow the applicant to go back and make further tweaks and revisions.

After further discussion, the Planning Commission stated they would consider the plan if the cul-de-sac is placed where the future right-of-way is located on the plan. It could have two or three lots on the back end and they would be more inclined to allow for the approximate 1,000-foot cul-de-sac than the 1,650-foot cul-de-sac. They do not want to set a precedent by allowing a 1,650-foot cul-de-sac or they will happen everywhere.

Mr. Fulmer stated the maintenance of the road is going to be a big issue, but if Hilltown Township does not want to split the maintenance of the road or take ownership/maintenance of the whole road, and it falls to East Rockhill Township, they can come back and say it cannot be more than 500'. The Planning Commission has to keep in mind the globalness of the discussion. The caveat is the Planning Commission is not making a definitive statement on the length of the road because it is going to depend on a few things including both Townships and the applicant coming to an agreement. Mr. Fulmer stated he will get more feedback from Hilltown Township's staff as far as

what they would like to see from Hilltown Township's standpoint. East Rockhill Township's staff are not enamored with the idea of taking care of a road that is beyond their length requirement.

Public Comment:

Mike Corrado, 1309 Seven Corner Road, stated if the Planning Commission is making the proposal that the cul-de-sac can be 1,000 feet with the provision that it will tie into their property, they are setting a precedent that cul-de-sacs can be 1,000 feet. He continued to state they have no appetite to ever sell.

Mr. Apple stated the Planning Commission looks at it as long-term planning; 100 years down the road.

Mr. Goldthorp stated he appreciates everyone's feed back and they will be in touch with the staff at Hilltown Township and East Rockhill Township, revise the proposal, and continue the conversation.

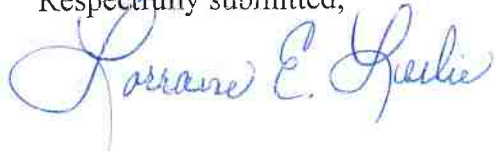
Motion was made by Mr. Apple, seconded by Mr. Nogami, and carried unanimously to table the Weidner Tract Subdivision Preliminary Plan. There was no public comment.

5. PLANNING: None.
6. ORDINANCES: None.
7. OLD BUSINESS: None.
8. NEW BUSINESS: None.
9. PLANS TO ACCEPT FOR REVIEW ONLY: None.
10. PUBLIC COMMENT: None.
11. PLANNING COMMISSION COMMENTS: Mr. Rush stated they had a good discussion and did what the Planning Commission is supposed to do and share opinions. Mr. Henofer asked if there is any documentation of why ordinances were put in place so they have a reference point. Mr. Fulmer stated it is hard to say because he has not been around since some of the ordinances were put in place.
12. PRESS CONFERENCE: None.

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13. ADJOURNMENT: Upon motion by Mr. Henofer, seconded by Mr. Rush, and carried unanimously, the February 15, 2021 Hilltown Township Planning Commission meeting was adjourned at 8:27 PM.

Respectfully submitted,



Lorraine E. Leslie
Township Manager/Treasurer

(*NOTE: These minutes were transcribed from notes and recordings and should not be considered official until approved by the Planning Commission at a public meeting).