

**HILLTOWN TOWNSHIP PLANNING COMMISSION  
REGULAR SCHEDULED MEETING  
MONDAY, AUGUST 16, 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.

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

2. PUBLIC COMMENT ON AGENDA ITEMS ONLY: None.

3. CONFIRMED APPOINTMENTS:

a) Knox Winery Land Development – Michael Meginnis, Esq. – Agricultural Retail – 720 Upper Stump Road: Solicitor Michael Meginnis, along with Wayne Kiefer, P.E., Showalter & Associates, Inc., were in attendance to give an overview of the Knox Winery Land Development. After attending a staff meeting with the Township, Mr. Meginnis stated he drafted a Declaration of Restrictions and Covenants which has since been circulated and was deemed conceptually okay by the Board of Supervisors. He would like to secure a recommendation for approval from the Planning Commission with the suggestion that Planning Commission take into consideration any comments the neighbors have, along with their own comments, so that his client may come to an agreement with the Board of Supervisors in regard to the document. Mr. Meginnis continued to state he has informed his client that the document will be a formal document that will be recorded, even though the Subdivision and Land Development Ordinance does not require the applicant to enter into this document, but they are interested in being good neighbors and providing a show of good faith. Mr. Meginnis discussed the waiver requests consisting of:

A. SLDO Section 140-45.F & G which contains requirements for parking lot design.

B. SLDO Section 140-28.P, 140-29.D(1), 140-35, 140-36, and 140-37 which require drainage improvements, cartway reconstruction/overlay, cartway widening, curb, sidewalk, and street trees within the frontage of the site.

C. SLDO Section 140-22.B.(3) which requires a water resources impact study to be submitted with the land development plan for review relative to the possible impact of groundwater withdrawal on existing water supplies in the vicinity of the site. Mr. Meginnis stated the applicant provided an estimated winery water usage document which has allocated a maximum of 560 gallons per day of water usage at this site, which is premised by a maximum usage of 108 customers. The 560 gallons per day is essentially the equivalent of a two-lot subdivision. He continued to state, if this was a residential use, it would be permitted by-right. The only reason the water resources impact study is required is because this is a non-residential use. Mr. Meginnis stated, in regard to the additional water usage of 14.4 gallons per an 8-hour day in the event that irrigation for newly planted vines is required, Mr. Knox has stated this would be under extreme circumstances.

Discussion ensued in regard to the calculation of the water usage for irrigation of the grape vines for new plantings or extreme drought. Mr. Knox stated he uses zero water to irrigate as the grape vine roots are ten feet deep, so they never really need to be watered. Additional discussion included the 10-space parking area if there is an event on a Saturday. Mr. Meginnis stated they are proposing more parking spaces than is required by the Zoning Ordinance for the use, and people are not permitted to park elsewhere on the property besides the proposed parking spaces shown on the plan. In the event the Township discovers that parking is occurring outside of the required parking lot, he suspects the Township would call the Knox's and/or issue a notice of violation immediately. There will be no parking in the rain garden area or in the rear of the site. The applicants cannot control where people park off of the property. The Declaration of Restrictions and Covenant was reviewed with the following comments:

- Mr. Fulmer stated the Planning Commission normally does not get into the nuts and bolts of the document. The only thing, in this case, that would be helpful to the Township and the applicants is if the Planning Commission sees something that is not covered in the document that may be helpful to be recommended. Mr. Meginnis stated they welcome the Planning Commission's recommendations to the Board of Supervisors.
- Nothing is going to take place in the back yard.
- No tents or temporary structures are anticipated and may possibly be added to the covenant.
- The residential (personal) aspect of the property and the commercial aspect of the property will be split out; example: a tent for personal use may be put up on the property.
- Definition of a small special event should be explained.
- Very small-scale music is allowed, not heavy rock bands.
- It is not going to turn into a restaurant.
- The scale of the winery is going to be small and stay small.
- This document will be binding and run with the land as it is a deed restriction.

Public Comment:

Dave Sherman, 181 Winterberry Lane, concerns include influx of parking, hours of operation, occupancy limit, and maximum occupancy. Mr. Meginnis stated the hours can be trimmed to 11:00 to 9:00.

Cristina Bettine, 237 Winterberry Lane, concerns include overflow parking and possible installation of signage.

Rachel Fassbender, 17 Skunk Hollow Road, concerns include the zoning in the RR district, the waiver of the water study, the definition of agricultural retail, the selling of clothing and gift items, the prepackaged cracker plates, they are proposing a commercial operation in a rural residential area, the entertainment, the operation of machinery until 10:00 in the evening, a possible tourist attraction, and the use of pesticides.

Tim Fulmer read the definition of Agricultural Retail.

Ed Mulvehill, 208 Winterberry Lane, concerns include the calculation of the amount of wastewater needed to make a gallon of wine, music until 10:00, parking, food trucks, intoxicated people by their homes, sound carries, gallons per day of water and suspicious of not using an irrigation system.

Mr. Meginnis stated the applicant will comply with the noise ordinance. The Bucks County Department of Health analyzed the water usage and were comfortable issuing a permit, along with a review by DEP.

Charlotte Bettine, 237 Winterberry Lane, speaking for the children of the neighborhood, concerns include kids riding bikes, taking walks, and stress on parents.

Tim Gresham, 25 Skunk Hollow Road, concerns include the vague language in the document that needs to include more information, noise, food trucks, events, the open space tax.

Rick Tempestini, 229 Winterberry Lane, concerns include drinking at 11:00 am, the kids in the neighborhood, Bishop Winery, this is the decision the Township will have to live with and deal with for years to come.

Chris Lear, 236 Winterberry Lane, concerns include intoxicated people in the neighborhood, water table, hours of operation differ in the introductory literature that was distributed which is not in the covenant, chemicals in the water, and the remedy if the wells go dry and the water gets contaminated.

Mr. Meginnis clarified the building occupancy is 18. Mr. Meginnis further explained that there is a legal recourse called "dram shop actions" where the actual owner that served the person is liable for harmful acts of its intoxicated customers. Regarding the comments, the draft of the document was circulated on June 10<sup>th</sup> and they did not receive any feedback other than it was conceptually agreeable to the Supervisors. There was not a red-lined document returned from the attorney. Mr. Knox stated he can provide a full list of pesticides being used at a future date.

Amy Gresham, 25 Skunk Hollow Road, concerns include the occupancy only including guests, Agricultural Retail is a farm stand not food trucks, music, weddings, events every weekend.

Motion was made by Mr. Rush, seconded by Mr. Henofer, and carried unanimously to recommend Preliminary/Final approval for the Knox Winery Land Development contingent upon the items contained in Wynn Associates Inc. review letter dated August 6, 2021, including the limited waivers, and conditioned upon approval of the final version of the Declaration of Restrictions and Covenants by the two parties. Mr. Rush stated he commends the applicant for all of the work, money, energy, and engineering/legal put forth to try and do something and try to be good neighbors as he also hears the concerns from the neighbors and knows where they are coming from. Mr. Nogami stated in general, he supports the idea. He is not totally on board with the Covenants as they are currently stated, keeping to one food truck, stopping at 9:00 and industrial activities stopping at 8:00, no overnight parking and no rv's. Mr. Christ stated the Planning Commission understands their concerns and the Township understands their concerns. There is a document that is going to protect their interest in making sure that their way of life is not disrupted. The final version is between the applicant and the Board of Supervisors. There was no additional public comment.

b) Bogotuk Lot Line Adjustment – Wayne Kiefer, P.E. – Lot Line Change – 1618 & 1630 Mill Road: Wayne Kiefer, P.E., Showalter & Associates, was in attendance to present the Bogotuk Lot Line Adjustment, which is three existing lots, each just over an acre in the RR Zoning District. The two end lots are occupied with existing dwellings and the center lot is vacant, unoccupied, and currently wooded. The applicant proposes to subdivide the center lot and give ½ to each end lot with no development, no improvements, and no other changes to the property. Mr.

Kiefer reviewed Wynn Associates Inc. review letter dated August 4, 2021, requesting a waiver from Sections 140-28.P, 140-29.d.(1), 140-35, and 140-36 for street improvements, and stating everything else in the letter is a will comply. Mr. Fulmer stated the lot line adjustment will add net area to each lot. One of the lots is currently non-conforming with respect to impervious surface coverage and, by adding more area, it will now become conforming.

Motion was made by Mr. Rush, seconded by Mr. Nogami, to recommend the Bogotuik Lot Line Adjustment contingent upon Wynn Associates letter dated August 4, 2021, including the waiver of street improvements with no fee in lieu. There was no public comment.

c) Heritage Environmental Services Conditional Use – 10-day Transfer Facility – 330 Progress Drive: Gina Gerber, Esq., Riley Riper Hollin & Colagreco, and Joe Finan, Heritage Environmental Services, were in attendance to present the Conditional Use application for a 10-day transfer station facility (Resource Recovery Facility) located at 330 Progress Drive which is the existing Building B (approximately 13,500 sf) as shown on the Coleman Investment Properties Land Development plan. Referencing Wynn Associates, Inc. review letter dated July 28, 2021, Ms. Gerber stated they can comply with everything with the exception of the setback and evergreen buffering requirements. In regard to the setback for the Resource Recovery Facility use, Ms. Gerber stated the building is an existing building. She continued to state the applicant will be putting up a fence along the rear of the property where most of the activity is going to occur. In regard to the evergreen buffering requirement, the property already has existing screening and landscaping. Joe Finan, Heritage Environmental Services, gave an overview of the business stating they pick up pre-packaged containers at business sites that primarily contain hazardous materials, bring them back, unopened, they stay for up to 10 days, and then sent out to their end disposable facilities. The containers are cardboard, steel drums, poly drums and are rated per the DOT/EPA/DEP requirements. John Coleman, Coleman Investment Properties, stated the building follows the latest BOCA Codes, and it is a new metal building. Mr. Fulmer stated the Conditional Use Hearing is tomorrow evening in front of the Board of Supervisors. He continued to state that there is a concern in regard to requesting variances for the 100' setback and the evergreen buffering. Ms. Gerber stated, if it is determined that they need to do so, they will request a variance from these items from the Zoning Hearing Board.

Motion was made by Mr. Apple, seconded by Mr. Henofer, and carried unanimously to recommend Heritage Environmental Services Conditional Use request. There was no public comment.

d) Sensinger Subdivision – Nate Fox, Esq. – 7 Residential Lots – 1411 Route 113: Mr. Nate Fox was in attendance, along with Wayne Kiefer, P.E, Showalter & Associates, to present the Sensinger Subdivision plan and the Final Phase 1 plan (3 lots). Mr. Fox stated they are all will comply per Wynn Associates, Inc. review letter dated August 4, 2021. Items for discussion included giving the right-of-way to the Township if Phase 2 never occurs. Mr. Fox stated, if Phase 2 comes to fruition, the applicant requests the right-of-way be established at that time for a future development. Mr. Fulmer clarified a separate approval process will be needed for Phase 2 to be considered a buildable lot. Mr. Fox stated the Board of Supervisors will review the installed plantings consisting of a higher percentage of evergreen plantings as opposed to deciduous trees,

and a lower number of shrubs as in The Hilltown Walk Subdivision berm along Green Street. Mr. Fox requested Preliminary/Final recommendation for Phase 1. Mr. Fox clarified the capital contribution in-lieu-of recreation land dedication will be based on the three homes in Phase 1. Motion was made by Mr. Henofer, seconded by Mr. Rush, and carried unanimously to recommend Preliminary approval for the Sensinger Subdivision and Final approval for Phase 1 of the Sensinger Subdivision contingent upon Wynn Associates Inc. review letter dated August 4, 2021, except for not establishing the right-of-way until Phase 2 is developed and the capital contribution in-lieu-of recreation land dedication will be based on the three lots in Phase 1. There was no public comment.

e) Weidner Tract Subdivision – Tim Woodrow, P.E. – 17 Residential Lots – 100 South Perkasia Road: Mr. Tim Woodrow, Woodrow & Associates, Inc., was in attendance to discuss the Weidner Tract Subdivision located at 100 South Perkasia Road. Discussion ensued in regard to the length of the cul-de-sac, water/sewer service to the property, maintenance of the road by East Rockhill Township or possibly being taken care of by the HOA, a plan with less lots, the servicing Fire Department input, and school district input. Main issues of importance included maintenance of the road, sewer/water service, and the length of the cul-de-sac. Mr. Fulmer stated Mr. Woodrow should come back to the Planning Commission with more information. No action was taken by the Planning Commission.

4. PLANNING: None.

5. ORDINANCES/RESOLUTIONS: None.

6. OLD BUSINESS: None.

7. NEW BUSINESS: None.

8. PLANS TO ACCEPT FOR REVIEW ONLY: 221 Keystone Drive Self Storage Land Development and Pennridge Full Gospel Tabernacle & John S. Good Lot Line Adjustment Subdivision.

9. PUBLIC COMMENT: None.

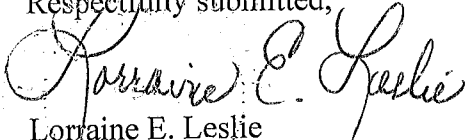
10. PLANNING COMMISSION COMMENTS: Mr. Christ stated he will miss the September Planning Commission meeting. Mr. Henofer questioned the process in changing Zoning and making an amendment to the Zoning Ordinance.

11. PRESS CONFERENCE: None.

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12. ADJOURNMENT: Upon motion by Mr. Rush, seconded by Mr. Nogami, and carried unanimously, the August 16, 2021, Hilltown Township Planning Commission meeting was adjourned at 9:52 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).