

**HILLTOWN TOWNSHIP BOARD OF SUPERVISORS
REGULARLY SCHEDULED MEETING
MONDAY, NOVEMBER 22, 2021**

The regularly scheduled meeting of the Hilltown Township Board of Supervisors was called to order by Chairman John McIlhinney at 7:02 PM and opened with the Pledge of Allegiance. Also, in attendance were Vice Chairman James Groff, Supervisor Caleb Torrice, Township Manager Lorraine Leslie, Township Solicitor Jack Wuerstle, Township Engineer Tim Fulmer, Chief of Police Christopher Engelhart, and Finance Director Marianne Egan.

1. ANNOUNCEMENTS: None.
2. PUBLIC COMMENT ON AGENDA ITEMS ONLY: None.
3. CONSENT AGENDA:
 - a) Minutes of the October 19, 2021, Board of Supervisors Budget Worksession Meeting
 - b) Minutes of the October 25, 2021, Board of Supervisors Meeting
 - c) Bills List – November 9, 2021
 - d) Bills List – November 23, 2021
 - e) Financial Report – October 31, 2021
 - f) 2022 Fire Protection Agreement – Dublin Fire Co. Station 23
 - g) 2022 Fire Protection Agreement – Sellersville Fire Co. Station 27
 - h) 2022 Fire Protection Agreement – Telford Fire Co. Station 75

Motion was made by Supervisor Torrice, seconded by Vice Chairman Groff, and carried unanimously to accept and approve items 3(a) thru 3(h) on the Consent Agenda as written. There was no public comment.

4. CONFIRMED APPOINTMENT:
 - a) Pennridge Community Center Annual Report: Carol Shultz, representing Pennridge Community Center, stated she would like the Board of Supervisors to consider the center for a donation. They have been closed for a year and a half and just opened on September 7, 2021, three days a week. She continued to state during the time they were closed, they still delivered all of the meals that they needed to do, along with continuing the maintenance of the building. They lost over \$100,000.00 of rental revenue. Chairman McIlhinney stated, in the past, they have contributed on an annual basis, and they will contribute the amount in the budget for next year. Ms. Shultz thanked the Board of Supervisors.

5. LEGAL:

a) Bernadette & Daniel Attinger – 214 Route 152 – Zoning Hearing Board – Variance Request: Solicitor Wuerstle stated Bernadette & Daniel Attinger is requesting a variance in regard to impervious coverage in order to build a pool. Currently, the existing nonconforming impervious coverage is at 17.2% and they would like to increase it to 22.8%. Chairman McIlhinney stated the Township has been having some problems with pool companies, especially with electrical items with proper groundings and such. They have also had problems with pool companies building monuments on property lines to the chagrin of their neighbors. Chairman McIlhinney questioned who the pool company is, as there is nothing noted on the zoning hearing board paperwork. Solicitor Wuerstle stated the notice of the application is October 29, 2021, so it will probably come up in December for a hearing. Supervisor Torrice asked if there were previous variances to get to the 17.2% impervious coverage. Solicitor Wuerstle stated the application was completed by the homeowners and it is really hard to tell if there was a prior variance granted. Chairman McIlhinney stated the most recent problem with a pool contractor is the application was filled out by the homeowner and when the pool company got called on the fact that they did not have proper grounding, they said it was the homeowner's problem because they do not call for permits and inspections. After discussion, Solicitor Wuerstle stated he will reach out to the Zoning Hearing Board tomorrow, find out when the hearing date it, and will attend the hearing unless sufficient information is received.

b) Mark & Teresa Foster – 617 Upper Stump Road - Zoning Hearing Board – Variance Request: Solicitor Wuerstle stated Mark & Teresa Foster requests a variance for the placement of a residential swimming pool in the front yard. Their residence is in New Britain Township and the garage is in Hilltown Township which is where they would like to place the pool. Chairman McIlhinney questioned the location of the pool, which seems like it is too close to the neighbor even though they wrote a letter stating it is okay, and it could possibly affect their development rights. Chairman McIlhinney also stated it looks like the designer is from New Jersey and questioned if they are licensed in Pennsylvania. Solicitor Wuerstle stated he will attend the hearing unless sufficient information is received.

c) Paul Jonathan Stemler – 205 Green Street – Zoning Hearing Board – Variance Request: Solicitor Wuerstle stated Paul Jonathan Stemler requests a variance for non-permitted uses in the CR-2 zoning district. This property was subject to an earlier Zoning Hearing Board decision years ago that was not acted on. The applicant is back requesting similar or if not, identical relief from the earlier application. Mr. Stemler handed out a list of names of the adjacent property owners stating no one has a problem with moving the machine shop to the farm. The Board of Supervisors suggested Solicitor Wuerstle attend the hearing to ask appropriate questions to clarify the records and not to object or be in opposition of the application.

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d) Conditional Use 2021-004 – Sycamore Equities, LLC – 819 Blooming Glen Road: Solicitor Wuerstle stated there is a Conditional Use on December 14, 2021, at 6:00 PM, in the matter of Sycamore Equities, LLC located at 819 Blooming Glen Road.

6. PLANNING:

a) Johnson Tract Subdivision Amended Final Plan: Mr. Tim Fulmer stated the Johnson Tract is a subdivision that was approved for five lots many years ago. Of the five lots, one has been constructed which fronts on Diamond Street. One of the other lots contain an existing house which is owned by the original subdivider of the properties. The three remaining lots are vacant building lots that front on Shultz Road. Mr. Fulmer stated there are a few changes to the plan which would be mainly dealing with Stormwater Management. Because of the amount of time that has passed from the original approval, it is necessary for the applicant to get another NPDES permit from the Department of Environmental Protection which pertains to Stormwater Management which means they have to bring the design up to compliance with the current DEP requirements as well as the current Township requirements. Mr. Fulmer continued to state, originally, the building lots were going to be served by on lot sewage disposal facilities and the O&M Agreements were executed for the three systems. Subsequently, the applicant has requested the lots be allowed to be tied into the public sewer which exists on the opposite side of Schultz Road which is within Hilltown Township Water & Sewer Authority service area. Mr. Fulmer stated originally the plan required a number of improvements along Schultz Road within the frontage of the site including a sidewalk. The applicant is requesting the Township reconsider that requirement and waive the sidewalk while doing all of the other improvements along with a fee in lieu. Mr. Leon McGuire, Van Cleef Engineering Associates, along with James DeAngelo, Prestige Properties Partners, were in attendance to discuss the project. Mr. McGuire stated they have submitted plans to the Conservation District that has been approved conditional with the sewer improvements that are still outstanding, so the permit has not been issued yet. They would like to extend laterals across Schultz Road, across a five-foot private property and tie into the public sewer system located at Brinkley Drive in the Hilltown Walk/Bricks Villa Subdivision. Mr. McGuire stated they designed a MRC raingarden in place of the original basin that was there which has been approved. Mr. McGuire stated they will comply with all of the items contained in Wynn Associates, Inc. review letter dated October 13, 2021. Mr. Fulmer stated, in the development agreement, \$13,875.00 had been earmarked for sidewalks and driveway aprons if they were to be constructed along Shultz Road.

Motion was made by Vice Chairman Groff, seconded by Supervisor Torrice, and carried unanimously to approve the Amended Final Plan Approval for the Johnson Tract Subdivision (Prestige Property Partners, LLC) which shows no sidewalk and with the fee in lieu in the amount of \$13,875.00, public sewer connections in lieu of on-lot septic for the three building lots, and to amend the design for the stormwater subject to compliance with the Township Stormwater Management Ordinance, and contingent upon Wynn Associates, Inc. review letter dated October 13, 2021. There was no public comment.

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b) Krager Land Development Waiver Request: Mr. Alex Johnson, Mr. Krager's nephew, was in attendance on behalf of the applicant, Edward Krager. Mr. Fulmer stated the Krager property involves an accessory trades business use which received conditional use approval from the Board of Supervisors in the Summer to construct a building to house his vehicles. The Planning Commission recommended a Waiver of Land Development subject to compliance with Wynn Associates, Inc. review letter dated October 29, 2021. At the Planning Commission meeting, Mr. Krager indicated all of the items contained in the review letter are all will comply. Mr. Krager stated he is not installing a new bathroom facility in the pole barn as he has an existing bathroom in his existing garage.

Motion was made by Supervisor Torrice, seconded by Vice Chairman Groff, and carried unanimously to grant a Waiver of Land Development for the Krager Land Development project contingent upon Wynn Associates, Inc. review letter dated October 29, 2021. There was no public comment.

c) Buccafuri Land Development Waiver Request: Mr. Fulmer stated this property is located abutting the Johnson Subdivision on the Diamond Street side. This property is proposed for the A-2 Nursery Use which is permitted by right in the RR Zoning District. There is an existing single-family home on the property and the applicant wishes to develop the property by putting up a pole barn to house his nursery equipment along with planting trees and shrubs on the property for his business. John Keifel, Esq., along with Scott Mill, Van Cleef Engineering, were in attendance to present the plan. Mr. Keifel stated the property is a 10.23-acre site with a single-family house and barn. The applicant, for many years, has owned Montgomery Gardening located in Chalfont and they are looking to move it to this location but with no retail component at all. There is a provision in the ordinance that allows small retail but that is not going to be utilized. Also, a small addition is proposed for the existing house. The existing dwelling and proposed pole building will be served by public water and sewer facilities by Hilltown Township Water & Sewer Authority. The pole barn will have kitchen and bathroom facilities for the workers. Mr. Keifel stated the applicant will comply with the items contained in the Wynn Associates, Inc. review letter dated November 3, 2021. Mr. Mill stated the water and sewer is at the intersection at Brinkley Drive and within the right-of-way. Mr. Fulmer stated the Planning Commission recommended a Waiver of Land Development subject to the compliance of the engineer review letter dated November 3, 2021. The Planning Commission questioned whether or not there will be any large stockpiles of material. Mr. Keifel stated there will be small material piles for the operations. There will be nursery stock grown on the property for them to use on their jobs. Mr. Buccafuri stated they will have five vehicles parked at the location. Mr. Buccafuri stated he can still water the plant material with his well, but once in the ground for a year, they will need minimal water.

Motion was made by Supervisor Torrice, seconded by Vice Chairman Groff, and carried unanimously to grant a Waiver of Land Development for the Buccafuri Land Development project contingent upon Wynn Associates, Inc. review letter dated November 3, 2021. There was no public comment.

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d) RG, LLC Land Development: Mr. Fulmer stated the RG, LLC Land Development is a parcel located on County Line Road and was in front of the Planning Commission at which time they recommended preliminary plan approval subject to compliance with the engineer review letter dated October 29, 2021. Mr. Scott Meese, Meese Engineering, was in attendance to present the proposed project stating the property currently contains a small house/lawn/driveway/garage area located in the PC-1 Zoning District and the applicant is proposing an E-1 Retail Store. Everything currently located on the property will be removed. The driveway entrance will stay in the same location and be widened to the parking lot in the back with a few parking spaces on the side and front of the building. Mr. Meese discussed Wynn Associates Inc., review letter dated October 29, 2021. There is a requirement for a buffer yard when there is a non-residential property next to a residential property. There is a residential property at the back corner that has a small ranch house, a smaller house which is located at the rear of the property, and a shed that is located three feet off of the property line. The small house located at the rear of the property is also located three feet off of the property line. The applicant proposes to place a six-foot privacy fence along the property line along with in informal arrangement of buffer plantings at the back of the property near the location of the house. It was noted an email was sent to the Township from the neighbor in regard to the buffer area. Mr. Fulmer stated, there is a section in the buffer yard provisions in the Zoning Ordinance, that states there is a thirty-five-foot buffer that is required along the property line and no structures, building, storage materials, or parking shall be permitted in a buffer yard unless specifically approved by the Board of Supervisors. Mr. Fulmer stated the Board of Supervisors have some discretion to determine if they are allowed to encroach in the required buffer yard. Mr. Meese clarified they have the full thirty-five-foot buffer yard along the driveway but do not have the full thirty-five-foot buffer behind the shed in the neighbor's property. Mr. Fulmer stated, further in the ordinance with respect to the planting requirements, for this classification of buffer, there must be a planted area minimum width of twenty-five feet. Obviously, they are not going to have a planted area of twenty-five feet in the area of the shed because they really only have six feet of grass or vegetative area between the property line and the access driveway. Further back, they will have the area to plant. Mr. Fulmer stated the Board may have discretion to relieve the applicant from the twenty-five-foot planting area or the applicant may need a variance. Mr. Fulmer stated there is another section that states buffers may be reduced or eliminated at the discretion of the Board of Supervisors where buffering would adversely affect the mix of uses and activities. Chairman McIlhinney stated it is commercial to commercial, even though one is a non-conforming residential use, and the residential use person does not particularly want to see the buffer. If the Township can get that in writing so there are not any repercussions, he does not think it should be a problem. Discussion continued in regard to residential/commercial buffer requirements per the Ordinance. Supervisor Torrice stated he is impressed with the concessions the applicant is making for the neighbors. Mr. Fulmer stated, since the plan is a preliminary plan, the Board of Supervisor can defer the decision until Mr. Meese can get with the neighbor again and verify the buffer proposal. Mr. Fulmer stated, in regard to the waiver for the road improvements, because it is a PennDOT road and they are not certain what PennDOT is going to want to see with the proposed access and use there, the Planning Commission suggested this waiver be deferred to final plan approval and consider a fee in lieu. In addition, in

regard to street trees, the owner would like to keep the frontage open, and plant the four required street trees somewhere else. Also, in regard to replacement trees, forty-seven are required and they are already going to be planting forty trees on the site. Mr. Fulmer discussed the concern with the driveway entrance and the front parking lot with additional traffic control with stop bars and stop signs.

Motion was made by Vice Chairman Groff, seconded by Supervisor Torrice, and carried unanimously to grant Preliminary Plan Approval for the RG, LLC Land Development contingent upon Wynn Associates, Inc. review letter dated October 29, 2021, and deferring the buffer yard consideration and the waiver of street improvements until the final plan review. There was no public comment.

7. ENGINEERING:

a) NOVA Land Development: Mr. Fulmer stated NOVA, located at Broad Street and Route 313, has been completed for several years, however, replacement of dead landscaping was recently accomplished. Mr. Fulmer requests the Township approve a motion accepting completion of the project and authorize release of remaining financial security subject to the reimbursement to the Township for all professional and administrative costs. Chairman McIlhinney stated there is a pole with a streetlight that has a guide wire that goes right down to the corner location so if a right-hand turn is made off of Route 313, the guide wire might be hit. Mr. Fulmer stated PPL put the light in.

Motion was made by Vice Chairman Groff, seconded by Supervisor Torrice, and carried unanimously to accept completion of the NOVA Land Development project and authorizes release of the remaining financial security subject to the reimbursement to the Township for all professional and administrative costs.

There was no public comment.

8. UNFINISHED BUSINESS:

a) Adoption of 2022 Budget: Ms. Leslie stated the proposed 2022 Budget has been advertised for more than twenty days and has been unchanged since the discussion at the Work Session meeting. Ms. Leslie continued to state it is important to note there has not been a tax increase for eleven years in a row.

Motion was made by Supervisor Torrice, seconded by Vice Chairman Groff, and carried unanimously to adopt the 2022 Budget. There was no public comment.

9. NEW BUSINESS:

a) Community Block Party Event Request: Mr. Joseph Calabretti was in attendance to request permission to hold a Christmas Party on December 23, 2021, from 3:30 PM to 10:00 PM at 212-213 Beech Lane. It was noted Police Chief, Chris Engelhart, will discuss the details with Mr. Calabretti.

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Motion was made by Vice Chairman Groff, seconded by Supervisor Torrice, and carried unanimously to grant permission to Joseph Calabretti to hold a Christmas Party on December 23, 2021, from 3:30 PM to 10:00 PM at 212-213 Beech Lane and discuss the details with Chief Engelhart. There was no public comment.

b) Scott Drumbore – H&K – Requesting for extension of hours for December for the Concrete and Asphalt Plant at the Skunkhollow Quarry: Township Manager, Lorraine Leslie, stated H&K has requested to operate the concrete batch plant, asphalt batch plant, and the crushing plant between the hours of 6:30 pm to 6:30 am, Monday through Saturday, between December 1, 2021, and December 31, 2021, excluding holidays, for the PennDOT projects per their letter dated November 16, 2021. H & K provided the daily reports off of the equipment that runs in excess hours for October. Motion was made by Vice Chairman Groff, seconded by Supervisor Torrice, and carried unanimously to grant the extension of hours between December 1, 2021, and December 31, 2021, for the Concrete and Asphalt Plant at the Skunkhollow Quarry per their letter dated November 16, 2021, with the exception of striking the part in the letter in regard to "and/or private customers." There was no public comment.

10. SUPERVISOR'S COMMENTS: Vice Chairman Groff thanked Ms. Leslie for her work on the 2022 Budget and everyone involved for keeping the tax rates unchanged for the last eleven years.

Supervisor Torrice stated, at the last Planning Commission meeting, there was a lot of discussion as to the Township's Zoning Ordinance as far as holes and discrepancies in different parts of it. He proposes to possibly get together after the holidays, with the Planning Commission, the Zoning Hearing Board, and Tim Fulmer to put their heads together and fix it. He continued to state there are a lot of holes in the Ordinance and it is probably about time they patch it up. Chairman McIlhinney stated he does not think there are holes in the Ordinance, and it is a very good ordinance that has kept the Township rural for the last thirty years or so. He does not think it is necessary to have a meeting of any such sort because they have their professionals to bring it up at a meeting and it will be talked about. Supervisor Torrice stated it is not necessarily that things have changed but there are things that do not align in the Ordinance such as the graphs and the text that goes with the graph. It would be cleaning up that kind of stuff. Chairman McIlhinney stated he thinks that is something the Township Engineer should be telling them about. Vice Chairman Groff asked Mr. Fulmer if that is something he can look at. Mr. Fulmer stated he can go through the Ordinance and ask for input from the Zoning Officer as well, because there are sections that the Zoning Officer looks at more frequently than he does and vice versa. He would like to get a list of things that the Zoning Department may be seeing. He went on stating there may be things that should be added, as far as different uses that may come in, and not just the inconsistencies to clear up. He concluded stating he can certainly get together a list of items to be discussed and then look to the Board of Supervisors for direction. Supervisor Torrice stated, when the Zoning Hearing Board sits up there and they roll their eyes when something does not make sense, that is what he is referring to. Vice Chairman Groff stated he would like Mr. Fulmer to be in charge along with

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Solicitor Wuerstle, and taking input from Township Manager Lorraine Leslie and the Zoning Officer, to clean up the Ordinance first and then, if there is something that they need to add along the way, that would be different. He continued to state if there is something pressing that needs to be added, it should be brought up quickly and go from there. Chairman McIlhinney stated maybe some of the language might be confusing, but he would like to get away from the idea that everybody seems to think, not everybody but quite a few people, that the Zoning Code and the Building Code are suggestions rather than Ordinances and they proceed accordingly and not get permits. If people would bother to read the Codes and the Ordinances, then they would know that they have to comply with them and build according to those Codes. Supervisor Torrice stated if the Township makes it clear, then maybe the people would read it. Vice Chairman Groff stated he does not want this to snowball into something that they lose control of, which has happened in the past. He continued to state if Mr. Fulmer, Mr. Wuerstle, and Ms. Leslie are in control of it and list the items that need to be addressed quickly to be more consistent, then he would like to see those items brought to the Board's attention. Supervisor Torrice asked if they object to feedback from the Zoning Hearing Board and the Planning Commission. Chairman McIlhinney and Vice Chairman Groff stated they are always welcomed to do that. Vice Chairman Groff stated he does not want any rift caused amongst anybody and he thinks our Township Engineer and Township Solicitor have the ultimate say and control. If anybody wants to make any suggestions, he is open to that. Chairman McIlhinney stated they can make their suggestions directly to the Township Engineer. Mr. Fulmer stated if there are sections of the Ordinance that might have a lack of clarity or if there is a perception of conflict between sections, he will concentrate on those things first to clean those up and at least give the Supervisors that information to make sure those items are cleared up. Other items that potentially that could come up as suggestions are policy decisions that the Supervisors would have full discretion on, and he will not make those changes without their say so. He continued to state he will give them a list of things that could be cleaned up, or items defined in the Zoning Ordinance that they currently do not have definitions for, and then he will put those items in a draft amendment. It was noted Wynn Associates has done this in the past for all of their clients. Mr. Fulmer stated eventually the draft amendment will go before the Planning Commission for recommendation and then to the Board of Supervisors for consideration. Ms. Leslie suggested Mr. Fulmer talk to Theresa Spehar because she is already working on a list.

11. PUBLIC COMMENT: Diane Telly, Tax Collector for Hilltown Township, expressed her appreciation to the Board of Supervisors for providing office space in the Township building for the Real Estate Tax Office for the past twenty-eight years, sixteen of which she has been the collector, and thanked them for providing the space for the public service over the years. Ms. Telly stated, following their decision to close the Tax Office in the Township building, she will be moving the office to her home. She continued to state she will make an announcement for public collections on the future tax bills that are sent out to the residents. She stated, if future circumstances are allowed, she welcomes the opportunity to be able to return the Tax Office to the

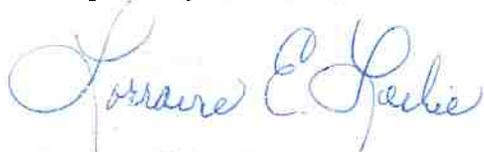
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Township building. Ms. Telly thanked the Board of Supervisors again. The Board of Supervisors thanked Ms. Telly.

12. PRESS CONFERENCE: None.

13. ADJOURNMENT: Upon motion by Vice Chairman Groff, seconded by Supervisor Torrice, and carried unanimously, the November 22, 2021, Hilltown Township Board of Supervisors meeting was adjourned at 8:20 PM.

Respectfully submitted,



Lorraine E. Leslie
Township Manager

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