

**HILLTOWN TOWNSHIP BOARD OF SUPERVISORS
REGULARLY SCHEDULED MEETING
MONDAY, MARCH 28, 2022**

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: Chairman McIlhinney stated the Board of Supervisors met in Executive Session prior to the meeting to discuss legal matters.

2. PUBLIC COMMENT ON AGENDA ITEMS ONLY: Dale Ott, 246 Mill Road, stated given the proceedings regarding the Venue at Hilltown presentation, there are concerned citizens that would like the opportunity to ask questions or to provide comment based on what is presented prior to a ruling. Chairman McIlhinney stated there was not going to be a ruling for the project this evening as the applicant is just making the submission.

3. CONSENT AGENDA:

- a) Minutes of the March 14, 2022, Board of Supervisors Work Session Meeting
- b) Bills List – March 29, 2022

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

4. CONFIRMED APPOINTMENT: None.

5. LEGAL:

a) Zoning Hearing Board Appeal 2022-005 – Heidi & Nicholas Daley – 109 Carlton Place – Variance Request: Solicitor Wuerstle stated Heidi & Nicholas Daley are requesting a variance to increase their impervious surface by 240 sq ft to place a shed at the rear of their property located at 109 Carlton Place. After discussion, the Board of Supervisors stated they do not wish Solicitor Wuerstle to attend the Zoning Hearing for Heidi & Nicholas Daley.

6. PLANNING:

a) Popeyes (Walmart Shopping Center) Land Development: Tim Fulmer stated the Popeyes Land Development is located at the Hilltown Crossings Shopping Center and was before the Planning Commission last week as a revised final plan. The Walmart Expansion land development that happened several years ago always provided for a pad site next to the McDonald's along Route 309 and has never been built. The plan has been changed and the

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applicant is coming back to the Township for revised approval. Roger Vanderklok, Wolfson Group, along with Chris Dinoulis, Bohler Engineering, were in attendance to present the revised plan consisting of a 2,449-sf fast food restaurant, Popeyes, on the vacant pad site. Mr. Dinoulis discussed the March 3, 2022, Wynn Associates review letter stating all items in the review letter are "will comply" and reviewed the access drives noting the main entrance is from the back end of the Walmart parking field along with two drive thru lanes, with two menu boards, and provide eleven or twelve queuing spaces. Mr. Dinoulis continued to state there is a right in, right out, from McDonald's and the bank pad site. Mr. Fulmer stated additional changes were done to the signage, striping, and the design of the concrete islands to prevent people from making an illegal turn into the McDonald's. Mr. Fulmer continued to state the servicing Fire Company reviewed the application and did not have any issues. The applicant is working with the Hatfield Township Sewer Authority and North Penn Water Authority to confirm capacity. There will be restrictions on the hours of use, the lighting extinguished after a certain time, and deliveries will be after hours. Mr. Vanderklok clarified the lighting will go off an hour after the restaurant is closed and they will do the Knox Box requested by the Fire Company.

Public Comment: Neil Barilla, 505 Swartley Road, asked for clarification on who looks at the plan for the Fire Department and does everything that is submitted for approval go to the Fire Department. Mr. Fulmer stated the plan was submitted to the Fire Chief of the servicing fire company, Hilltown Fire Company, and they provided feedback to the applicant. Mr. Fulmer stated it is the normal recommendation from his office, in these types of situations in regard to fire access and safety, the Fire Company look at these types of proposals and provide input.

Motion was made by Supervisor Torrice, seconded by Vice-Chairman Groff, and carried unanimously to grant Amended Preliminary/Final approval for the Popeyes Land Development (Walmart Shopping Center) contingent upon the items contained in Wynn Associates review letter dated March 3, 2022. There was no additional public comment.

b) Venue at Hilltown Zoning Petition: Tim Fulmer stated Lennar submitted a revised sketch plan at the last Board of Supervisors meeting and they have provided an updated proposed draft amendment to the Zoning Ordinance to allow the retirement community use to be permitted, under certain circumstances, in the RR Zoning District. Solicitor Wuerstle gave an overview of the project, stating an application for a zoning change had come through the Township once before and failed to obtain approval and a new application has started. At a prior meeting, Ms. Nase presented a revised sketch plan and would like to receive authorization from the Board of Supervisors for the advertisement of a potential hearing date to reconsider the Zoning Petition. Solicitor Wuerstle continued to state, because of the scope of the revisions to the plan, it is recommended that the Zoning Petition be resubmitted so that it may proceed through the normal review process, including review by the Township Planning Commission and Bucks County Planning Commission; and which includes updating the various studies such as the traffic impact study, fiscal impact study, and market analysis. A tentative hearing date can be scheduled for the future. Mr. Fulmer added that having the proposed Zoning Petition documents updated based on the current proposal, and submitted for further review by the two Planning Commissions would

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give the Planning Commissions and interested public the opportunity to provide feedback/input and would be the appropriate process that the Township should follow.

Ms. Nase stated the revisions are not substantial and highlighted the following:

- Two primary access points provided to an arterial street
- Density in the B4 Rural Residential Zoning District was reduced to 3.5 dwelling units per acre
- Clarification of the dimensional regulations for the specific dwelling types that would apply for the B3/B4
- 100' setback from the rear of each home around the perimeter of the property that is adjacent to any residential use or residentially zoned property
- Unless a buffer requiring a greater dimension is required, they would need to comply with a greater buffer which would allow for the 100'
- A 35' buffer is being provided around the entire perimeter of the property and allow this buffer to be included within the Open Space but only if it is adjacent to a wider, larger area of Open Space
- Maximum impervious surface was reduced to 40%
- Table of Performance Standards, 160-26, addresses the bulk and area requirements for a B7 Retirement Village in the RR Zoning District

Ms. Nase stated the revisions were primarily to address the revisions that were made to the sketch plan as well as comments that were included in the Township Engineer review letter dated March 22, 2022. It was determined that the applicant would come back to the next Board of Supervisors meeting on April 11th to discuss the revisions with the Board of Supervisors after they have time to review the material more thoroughly.

After discussion, June 7, 2022, at 6:00 PM, was selected for a tentative hearing date.

c) Lohin Subdivision Sewage Facilities Planning Module – Resolution 2022-011: Mr. Fulmer stated the Lohin Subdivision is being proposed in New Britain Township for seven lots and the sewage disposal, in part, is using the lines and facilities of Hilltown Township Water and Sewer Authority for the Berry Brow Treatment Plant on Township Line Road. DEP requires the Planning Module be reviewed by Hilltown Township and Mr. Fulmer requested the adoption and execution of Resolution 2022-011 for the Lohin Subdivision Sewage Facilities Planning Module and then be forwarded to PA DEP.

Motion was made by Chairman McIlhinney and seconded by Supervisor Torrice to authorize the adoption and execution of Resolution 2022-011 for the Lohin Subdivision Sewage Facilities Planning Module. The motion passed 2-0-1 with Vice Chairman Groff abstaining from the vote. There was no public comment.

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7. ENGINEERING:

a) Route 113/Route 309 On/Off Ramps Traffic Signal: Mr. Brian Grant, Select Properties, was in attendance to discuss the required traffic signal at the existing intersection of Route 113/Route 309 southbound on/off ramps. Mr. Grant stated he researched the cost of insurance for the proposed signal improvements and was quoted \$1,663 for the annual coverage for insurance. After further reflection and further feedback from the Board of Supervisors, Select Properties offers a maintenance contribution to the Township in the amount of \$20,000.00. Mr. Grant asked for the Township's approval to authorize execution of the Pa DOT signal documents. The Board of Supervisor's agreed to the maintenance contribution in the amount of \$20,000.00. Motion was made by Vice Chairman Groff, seconded by Supervisor Torrice, and carried unanimously to authorize the Township Administrative Staff to execute the Traffic Signal Permit plans for the traffic signal at Route 113/Route 309 subject to the agreement that the applicant would provide a capital contribution in the amount of \$20,000.00 to offset the Township expenses related to maintenance of the traffic light. There was no public comment.

8. UNFINISHED BUSINESS: None.

9. NEW BUSINESS: None.

10. SUPERVISOR'S COMMENTS: None.

11. PUBLIC COMMENT:

Neil Barilla, 505 Swartley Road, questioned if there are any tax incentives or tax breaks when a development is proposed to the Township. Chairman McIlhinney stated there are no tax breaks or tax incentives from the Township and he does not know if there are any from the State.

Donna Smith, 3 Highpoint Road, questioned, in regard to Linke, if there are any modifications since the appeal has been put forward in the hours of operation that are beyond the hours of 8:00 – 6:00, the mountains of dirt continue to grow, there is no fencing; items that are beyond what is being brought forth to Bucks County.

Solicitor Wuerstle stated the matter is in litigation and there is a petition to intervene that is pending for the court. Once the petition has been ruled on, they can proceed to a Rule 27 Conference. He suggested she discusses the procedure with her council.

Chuck Smith, 3 Highpoint Road, asked when the Linke's lost the appeal, didn't the Township have the right to shut them down until they got a stay from the County.

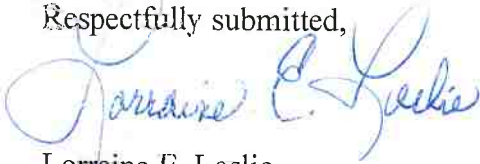
Solicitor Wuerstle suggested to contact their council who can address their issues at the Rule 27 Conference, he will check the docket, and speak to their attorney.

12. PRESS CONFERENCE: None.

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13. ADJOURNMENT: Upon motion by Vice-Chairman Groff, seconded by Supervisor Torrice, and carried unanimously, the March 28, 2022, Hilltown Township Board of Supervisors Work Session meeting was adjourned at 8:00 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).